



FOREIGN WORKERS IN ISRAEL

GLOBAL PERSPECTIVES

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Foreign Workers in Israel

SUNY SERIES IN ISRAELI STUDIES

Russell Stone, editor

Foreign Workers in Israel

Global Perspectives



ISRAEL DRORI

SUNY
P R E S S

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Foreword

This book addresses labor immigration in Israel and its dialectic relations with state policies informed by Jewish Zionist national ideologies. The immigrant workers' life circumstances in Israel, as "Aliens in a Homeland," form a core paradox in Israel's identity, as a state that was established as a refuge ground for millions of Jews. When it comes to its "others," "the Gentiles," one finds an utterly different attitude.

I will unravel here a kind of "collective myth" of Israeli policy makers as well as citizens and argue that contrary to their "production line" image of foreign workers coming and going according to the flow of demand and procedure, in fact, these workers are here to stay, and in spite of setbacks, they gradually have embedded themselves in the host society, especially within large urban centers.

Historical experience has shown that the presence of labor migrants has an enduring impact on their host society and its economic, social, and political structures. In Israel, the change they bring manifests itself in the transformation of Israel's concepts about work and challenges the thinking about citizenship and national identity. This book attempts to unfold this complex process. It is by essence an ethnographic study of policy. It unfolds the everyday life and career cycle of foreign workers in Israel. The aim of this book is in a sense holding the rope on both sides—to depict the large, macro-evolution of working immigration policies, on the one hand, and, on the other, zooming in, seeking to understand differences between industrial sectors employing foreign workers and how on the micro-level of existence different cultural patterns appear.

In the last few decades an abundance of research has been conducted regarding the phenomena of working immigrants as part of globalization. Although immigration of populations across lands and continents is ancient, a successful method of human survival, a practice of satisfying economic needs in the face of scarcity, the occurrence of immigration in modern times has unique characteristics—it is embedded within a highly technological, mass communication and more than all a bureaucratized world. Within these

digital, transparent, and lucid landscapes, humans try to improve and mold their destinies—struggling through appealing to court, child bearing, overt and hidden political pressures on decision makers, ideological claims, and public opinion and mass communication, and many times through running away and hiding in the wake of night.

On the other side is the state, and its regulative policies, which seeks “immigration criminals” in the wake of night, deporting them at sunrise. Behind this highly dynamic and restless world seethes the immigrants’ great passion for personal welfare, identity, belonging, and survival, manipulated and consumed by opponents such as employers who are motivated by greed. This book tells the story of people who are not satisfied with what their local subsistence economy offers them. They travel far from home, many times getting caught up in, addicted to, the flow of money, sometimes preferring to settle in the host societies.

I invite the reader to join me in this tale, based on nine years of collecting data of all forms and sizes by observations, interviews, court decisions, in newspapers, and more. It is an exploration within the deep, dark waters of Israel policy making, and implementation operates in the shadow of the seemingly pure, elitist ideology of Zionism. It also is a story of the dynamics of struggle of those foreign workers who dare to seek a better life for themselves and their families by heading toward the stormy waters of a small immigrant society, Israel, a country with huge geopolitical troubles.

This book evolved out of my engagement with many—endless encounters with foreign workers from all walks of employment, documented and undocumented; government and municipal officials at the top and at the “street level”; employers, small and large, and those who devoted themselves to all forms of advocacy work. During the writing of this book I witnessed how the presence of foreign workers in Israel appeared to have ramped up their life and work embedded in every aspect of the Israeli existence, its economic and political realities as well as its culture and identity.

Writing this book entails the cooperation and support of many people. In particular, I am indebted to generations of students in my seminar on foreign workers in Israel, to the faculty of the Social Science, the Department of Public Policy, Tel-Aviv University. Their enthusiasm, commitment and natural sense of social justice are infused within the pages of this book. Professor Niel Gandal, head of the Public Policy Department, also gave me much support, as did Dr. Dan Ben David, who provided me insight and advice. I also am indebted to Ilana Ullis, the department secretary, for much support.

I acknowledge a profound debt to two special colleagues with a unique “social conscious”: Dr. Sally Nhomi and Dr. Ayelet Abraham, who provided tremendous help during various stages of this writing. Adi Sapir and Shiri Ben Ari also provided much-needed assistance in compiling and sorting the

empirical data as well as the theoretical literature. Warm thanks to Tsibi Geva, who provided one of his paintings for the cover of the book (the second time!). I also wish to express my deep gratitude to the Research Authority of the College of Management, Israel, for financial support, and its school of business for providing endless support.

This book is dedicated to all foreign workers, those who are still here and those who have already left. Like it or not, they are shaping the life and existence in Israel.

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ONE

Introduction

The Challenge of Labor Migration Policies

International labor migration is one of the distinctive characteristics of globalization. The blessings of globalization are disseminating an advanced infrastructure, technological modernization, and patterns of consumption, together with social ideas and standards, also accompanied by economic gaps and income disparities created between the global north and the global south (ILO 2004a, 2004b). Universal patterns of labor migration and vast opportunities for migrants are responses to these and others outcomes of globalization, especially the increasing trade liberalization. Roughly, this translates to job loss and less secure work arrangements in the global south, together with a growing need for cheap labor to replace local workers who shy away from menial low-paid jobs in the global north (Castles 2004a; Hollifield 2004; Massey, Durand, and Malone 2002). The flow of migrant workers is therefore steadily increasing. In 2000, the International Labor Office (ILO) estimated that there were about 86 million economically active migrants the world over seeking to improve their life chances in times of heightened global instability and international security concerns (ILO 2004b).

Moreover, various ethnic, racial, and citizenship dilemmas stem from the presence and residence of southern labor migrants and their multicultural societies in northern states. Among the ensuing problems we can count racial tensions, economic and social competition, difficulties in social integration and absorption of minority populations, and a spate of cultural, evaluative, and identity issues (see, e.g., Favell 2001; Triandafyllidou 2002). Ethnic riots in France in November 2005 present a vivid testimony to the “social time bomb,” its imminent explosion and its threat to the social and economic fabric of Western societies. The riots instigated by youth mainly from North African migrant communities spread across urban France and brought with them human casualties and substantial damages to property. The government, under an emergency law, sent thousands of policemen to

confront the youth and had to physically engage the protesters and impose curfews to contain the violence.

The reasons behind the riots are many and complex, however, their essence is immediately associated with France's legacy of blunt discrimination against minority communities in terms of employment opportunities, pay, housing (immigrants communities are based in the urban peripheral suburbs, *les banlieues*), health and education, and the stigmatization, stereotyping, and prejudice of immigrants in every aspect of the social and economic realm. President Chirac has illustrated such discrimination in the labor market by addressing the "problem of the CVs that finish up in the wastepaper basket because of the name or the address of the candidate."¹ It seems that poverty and despair combine and call disfranchised youth to the streets. The misery associated with deadlock in opportunities, and the failure of the state and society to integrate immigrants, is the common plight of labor migrant communities in Europe, the United States, Asia, and the Middle East. Labor migration has marked the dark side of globalization; societies and nations become xenophobic and racist, living by the rule of "us and them," guided by principles of cruel capitalism that may be described metaphorically as a "binary mirror": my wealth is your poverty, my dignity is your humiliation, my rights are your disenfranchisement.

Globalization also has shaped the nature of the south-north migratory process. For example, the sustained transnational linkages developed between immigrants' communities and their countries of origin have acted as levers for economic activity, either through remittances or entrepreneurship, and toward the creation of social and political opportunities (Levitt and Glick Schiller 2004; Portes et al. 2002; Vertovec 2004; Waldinger 2004; Zhou 2004). The characteristics of settlement arrangements in the receiving countries, reflected in structural factors such as home-country dependence on emigration remittances, family strategies, and migrant networks, constitute additional aspects of the lives of active social actors whose movements and settlement dynamics have become self-sustaining social processes (Massey 2004; Massey et al. 2002; Portes and DeWind 2004).

The presence of migrant labor in nations around the globe has come to challenge international organizations, national governments, and local agendas. According to the ILO report *Towards a Fair Deal for Migrant Workers in the Global Economy* (ILO 2004b), the need has emerged for better governance, embodied in a multilateral framework for management of the cross-border movement of workers. Associated with this issue is a recognition of the fundamental right of each country to determine who should pass across its borders, a right to be balanced with the need to direct migration in a way that protects workers' economic well-being and norms of social justice.

However, an examination of labor migration policies in the global north has shown that by and large, the enlightened, tolerant, and culturally open

approach to labor migration advocated by international organizations such as the ILO and many liberal democratic governments has not lived up to their proponents' high expectations (Castles 2004a, 2004b). Examples ranging from Australia's postwar policy to Germany's "guest worker" recruitment from 1955 to 1973 and "Operation Gatekeeper," adopted by the Clinton administration in 1994, all demonstrate that failed migration policies are not necessarily linked to "evil" policies or weak political systems. In fact, failures often become evident only after many years. The key challenges of contemporary international migration policies encompass issues ranging from an inadequate grasp of the transnational logic of migration, its dynamics and consequences (e.g., prolonged residence of illegal migrants and the fate of the second generation), and north-south cooperation, to the necessity of considering the role of conflicting interests, hidden agendas, and nonmigration policies shaping migration processes (Castles 2004a, 2004b; Hollifield 2004; Portes and DeWind 2004). In both the north and the south, declared policy objectives toward migrant workers can be quite misleading. Often they are driven by an unwillingness to admit to past policy failures, as well as the need to maintain legitimacy and alleviate domestic pressures stemming from scarcity or the promotion of migration as a source of remittances (Castles 2004a, Guarnizo, Portes, and Haller 2003; Zolberg 1999).

These phenomena have proven to be the driving forces behind policy formulation and implementation and often have invoked heated public debate over the need, viability, rights, and regulations associated with migrants' movements. Due to its complexity, labor migration inherently draws diverse stakeholders to become involved, leading policy makers to defend sometimes conflicting economic, social, and cultural interests and Israel's national identity. Furthermore, the legacy of democracy and civil society, mainly its association with human rights issues, has spurred the creation of social movements and groups actively pursuing a Western-style neoliberal agenda. Intervention in policy making by these groups has tended to blur the process, a fact that frequently contributes to the creation of an unbridgeable gap between intent and outcome (Castles 2004b; Portes and DeWind 2004). These actions also have constricted governments' ability to implement tough control policies (Hollifield 2004).

The interplay of competing social and economic forces in the receiving and sending countries (Faist 2000b, 2004) constitutes the global labor migration project. This project entails the development of a migration "industry" that generates substantial economic gains for many, at the same time encouraging settlement and the "pull" of families,² kith and kin. These relations are guarded by social and economic interests that hold substantial stakes in perpetuating the labor migration industry (Castles 2004a). Does this imply that regulatory policies are doomed to fail in their goal of curtailing illegal labor migration? Can regulatory policies aimed at controlling labor migration while

promoting normative employment practices (e.g., appropriate and fair recruitment and labor contracting, protection of migrant workers' human and labor rights) take into account ethnic and citizenship issues?

This book has the following three aims: first, to argue that the impact of migrant workers' entry to Israel goes beyond the labor market (it affects several communities in Israel, challenging Israel's self-image of a state of refuge), second, to show how the entry of migrant workers forced Israel to implement discriminatory employment policies; and third, to show how migrant workers have influenced the debate on national identity.

I explore these issues by a journey through regulatory policies and their consequences—the dilemmas of national identity and citizenship, but also their solutions. I follow the harsh realities stemming from policies that attempt to reconcile diverse stakeholders and that, even if unintentionally, derail policy, subvert its aims, and sometimes harm the workers themselves. This book, therefore, analyzes policy making and those governance practices that, contingent as they are upon contradictions and constraints, remain embedded in an ideological stance. Its position reflects the stand suggested by Adrian Favell (1998):

Immigration, and the citizenship questions it invites, is a political issue that can, if it unsettles any of the other social, class, or regional divisions that characterize these societies, rapidly throw into doubt much broader assumptions about the bases of social and political integration in a nation: its moral and cultural identity, in short. This suggests why mainstream politicians have often been preoccupied with finding constructive political solutions to the problems immigration raises; and secondly, why responses to this issue are so revealing of the essential contrasts in the general "political culture" or "national identity" of distinct western nation-states. (22)

This book thus examines the trajectory of labor migration policies through a review of the origin and evolution of policy practices within a seamless web of cultural and ethnic threads. That web has transformed labor migration from an essentially economic issue—specifically as one solution to labor shortages—into a major political concern and ideological test. Various Israeli governments have been unable to monitor or manage the entries and exits of foreign workers through comprehensive and coordinated policies. Policies have been formulated in ad hoc and reactive ways that have not upheld a consistent or rational plan for protecting (or restricting) noncitizens to work and reside in Israel. The resulting emergence of a large population of undocumented (and therefore illegal) residents in Israel has been blamed for bringing overcrowding, crime, and degeneration to certain communities. Municipal leaders report that because foreign workers are officially unaccounted for, local institutions must meet the demands

of increasingly large populations with little support from the central government, which has not allocated funds and resources to serve individuals who are not citizens.

The widely reported “crisis” of the “population explosion” of illegal aliens in Israel might thus be presented as the outcome of a series of institutional and administrative failures. The shortcomings of labor migration policies, which I elaborate on later, are due in large part to the Israeli government’s inability to establish basic conditions to enable the entry and employment of noncitizens, reflecting the nation’s inability to acknowledge without embarrassment the now-unfashionable exclusionary stance of Zionism, which established the nation as a refuge for Jews in the aftermath of the Holocaust and British colonization. Rivalry among Jews and non-Jews shaped Israeli notions of citizenship to be inextricably tied to hard-won and fiercely defended rights to entry into the territory, as well as rights to jobs, themselves associated with the capacity to settle and remain in the region.

Israel: Its Major Dilemmas and Recent Labor Migration

Critical understanding of the Israeli government’s continued failure to regulate the entry and activities of foreign workers requires an in-depth exploration of the influences of two sets of policy constructs, namely, those governing citizenship and those regulating issues of employment. Israel was formed as an ethnic state to serve, first and foremost, its majority population of Jews, as it fended off competing claims of its territories from regional rivals. It initially did not attract large groups of immigrants other than Jews. Then, following the Six Day War (1967), Palestinians were incorporated into Israeli businesses and industries as low-wage workers who held a national identity at odds with Israeli national identity but also were tied to the region.

Following Palestinian uprisings, foreign workers were recruited to replace the Palestinians to fill local needs for cheap labor in a variety of industries, offering Israelis the comfort that these outsiders would not pose territorial claims or political burdens the way the Palestinians had. Israelis did not foresee the long-term stays of any of the foreign workers, assuming that they would provide a convenient source of cheap labor for predetermined, controllable and, above all, *temporary* periods of time.

On May 14, 1948, the Declaration of the Establishment of the State of Israel decreed that: “The state of Israel will be open for Jewish immigration and for [an] ingathering of the exiles.” This statement ensured that every immigrant to Israel who met the criteria associated with being Jewish would be granted citizenship immediately upon entry. The Law of Return, adopted by the Knesset (Israel’s parliament) on July 5, 1950, confirmed that: “[E]very Jew has the right to immigrate to Israel.” In 1970, an amendment to the law

extended rights of Israeli citizenship to all non-Jews of Jewish ancestry and to non-Jews married to Jews, upon their immigration to Israel.³

Desire for the return of the Jewish Diaspora to the homeland has been fundamental to both the formation and continuation of Israel's existence as a nation and refuge for the Jews. Yet no concrete definition of *Jewishness* has ever enjoyed full agreement, with controversy surrounding various implications for the citizenry that the state claims as the reason for its existence.⁴ Israel required mass immigration of Diaspora Jews in order to construct a national heritage and living culture shared by all Israelis. This goal found expression in the revival and transformation of sacred Hebrew into a language that could function in a modern world, in addition to the unification of religious ritual and practice that had become diversified consequent to the dispersion of Jews throughout the world.⁵

Together with the Jewishness of the people that Israel shelters, Yaar-Yuchtman and Shavit (2001) have identified a series of fundamental elements that characterizes the Israeli state. National identity is driven by the rivalry between the Israelis and the Palestinians (that is, Arabs who are Israeli citizens as well as those residing in what were called the "Occupied Territories"): anyone claiming a Palestinian national identity carries an identity directly at odds with Israel's national identity and must therefore be excluded from membership in the Israeli collective. Furthermore, the initial cultural hegemony following the establishment of the state has been replaced by competition between groups over social, cultural, political, and economic stakes in an increasingly factious society. Israel has been widely described as an "ethnic democracy" (Smootha 2000), a democratic regime in which civil rights are awarded to all citizens, but with preferential status and privileges granted to members of the preferred majority group.

An inherent contradiction thus exists between its two governance principles: representative democracy with universal civil and political rights, on the one hand, and structural subordination of the minority, on the other. In turn, the majority is able to influence the state to promote its own interests, whereas the minority sees its interests as compromised or neglected. Considerable debate continues over the outcome of such governance, which exhibits the main themes that follow.

Israeli society as characterized by a dominant local culture. The ideal sought by the original Zionist vision was the creation of a common culture unifying all Jews who immigrated to Israel. The dominant culture was to penetrate Jewish identity by a revived Hebrew language and secular, universalistic norms and ethical codes, originating in "enlightened" modern socialist theory, which guided its emerging political and sociocultural structures (Ben-Rafael 1998; Yaar-Yuchtman and Shavit 2001). This vision, referred to variously as "the ingathering of the exiles" or the "cultural melting pot," represents the basis of

all policies aimed at fostering or sustaining a unified national identity through the application of hegemonic mechanisms (Eisenstadt 1966; Horowitz and Lissak 1977, 1989; Kimmerling 2001, 2004).

Israel as an idiosyncratic multicultural state. This image refers to the idiosyncratic nature of the sociopolitical hegemony observed during Israel's formative years. Contradictions and inconsistencies that crossed the dominant ideologies and social structures would eventually challenge and then erode the legitimacy of Israel's political institutions. For example, the state's unequal treatment of Jews and Arabs has been perceived as consistent for those who see Israel as a "Jewish state" free from any responsibility to uphold the principles of a state serving "all its citizens" (Shafir and Peled 2002). The multiculturalism of Israeli society is thought to have led to an ad hoc mixture of paradoxical compromises, accompanied by institutional arrangements under continued assault by different competing groups (Mountner, Sagi, and Shamir 1998).

Israel as a sectarian society. This refers to the view of Israel as a state dominated by sectarian divisions, the most severe of which is between its Jewish majority and Arab minority (Yaar-Yuchtman and Shavit 2001). Flaws in the hegemonic Jewish identity are blamed as the root causes of social and structural inequalities. Additional rifts within the Jewish majority community are said to be hierarchical and demarcated along ideological lines, socioeconomic status, political agency, religious and ethnic identity, and length of residence. For example, Mizrachim (Jews of Oriental descent) are unfavorably distinguished from Ashkenazim (Jews of European descent), while newcomers (including the Russians and Ethiopians) are discriminated against by Israelis belonging to the country's long-established previous waves of immigrants.

At the heart of all three perspectives is the undeniable reality of Israel's internal diversity, the state's efforts to unify a multiplicity of constituents and the complexities of group divisions.

The aforementioned factors should be stressed when explaining the country's exclusionary policies against non-Israeli and non-Jewish "others," such as labor migrants. Conflicts with non-Jews inside and outside its borders have galvanized Israel's national identity as one of a nation defying the odds against survival as a religious and an ethnic minority, outnumbered by its Arab rivals in the region. In the aftermath of the 1967 Six Day War, Israeli government policies regarding annexation of the West Bank and Gaza Strip had two main purposes: to expand and strengthen Jewish settlement in the new territories, and to integrate Palestinian workers into the Israeli labor market in order to emphasize Israel's military domination and contain Palestinian threats (Peled 1992). Palestinians were subjugated into replacing Arab and Jewish workers in low-wage and menial jobs in construction, agriculture, and other service sectors. By capitalizing on its military success, Israeli society

profitably exploited, for the first time, one distinct type of foreign labor—cheap and drawn from a labor force lacking Israeli citizenship.

Despite the considerable economic gains derived from the employment of Palestinian workers, Israelis were always ambivalent about the presence of Palestinians in their midst. Though comprising a sizable population—roughly 8 percent—of the entire Israeli labor force throughout the 1980s (CBS 1990), most Palestinians working in Israel made efforts to be as inconspicuous as possible by day and returned to their homes in the Occupied Territories each night. Although most Israelis outwardly accepted and justified the exploitation of Palestinian workers in Israel, many others felt anxious in recognition of the latent tensions that were mounting under this arrangement.

The situation reached a crisis point during the 1990s in response to the confluence of separate developments. During that period, the Israeli economy was experiencing the effects of a changing global economy. The Israeli-Arab peace process had accelerated Israel's integration into the world economy by opening world markets for Israeli goods and encouraging heavy foreign investment. Furthermore, the end of the Cold War and collapse of the Soviet Empire stimulated a huge wave of immigration to Israel from the former Soviet Union; in the brief space between 1990 and 1993, approximately 700,000 new immigrants arrived. Established absorption practices—government responsibility for the integration of new immigrants and the provision of their basic material needs—led to massive public spending on housing and services. As a result, the Israeli economy experienced unprecedented growth. At the same time, however, growing Palestinian dissatisfaction with the peace process fueled extremist sentiments. With the outbreak of the first intifada (the Palestinian uprising) in the Occupied Territories in 1987, waves of violence shook Israel. Suicide bombings and terrorist attacks resounded in the streets of its cities. Reactions included border closings, which prevented Palestinian workers from reaching their places of employment in Israel for extended periods of time. As Israeli industries faced collapse due to the sudden and acute labor shortages, the Israeli government promptly responded by permitting the import of foreign workers to replace Palestinian workers unable to cross the border. The percentage of Palestinians comprising the Israeli labor force subsequently dropped from 8 percent in the 1990s to less than 1 percent by 2000, as the share of foreign workers in Israel's labor force rose from less than 1 percent to 12 percent during that same period (CBS 2001).⁶

Booming industries built on cheap Palestinian labor—notably construction and agriculture—quickly found themselves threatened by labor shortages. A similar pattern was observed in service industries, where rapid growth was fueled by rising demand from increasingly affluent Israelis. Local workers, however, were unwilling to replace absent Palestinians in the vacated low-paying jobs, and employers were unwilling to raise wages sufficiently to lure them (Kundor 1997).

In 2001, according to official estimates, there were more than a quarter of a million foreign workers in Israel. The Central Bureau of Statistics (CBS) (2003) reported that the rate of non-Israelis employed in the Israeli economy reached a record high estimated between 12 percent and 15 percent of the labor force.⁷ These are among the highest percentages of foreign workers in the developed world, second only to Switzerland (Ben-David 2002:13). Between 1994 and 1999, the percentage of foreign workers within the total labor force was approximately three times greater in Israel than in Belgium, England, France, Germany, or Holland, even though each of these countries saw a doubling in the percentage of foreign workers in their respective labor pools during this five-year span (Ben-David 2002). The foreign worker population in Israel currently includes large numbers of Chinese, Romanian, and Turkish workers in construction, Thais in agriculture, and Filipinos in caregiving. Workers from Bolivia, Colombia, Egypt, Ghana, Jordan, Nigeria, Poland, Russia, the Ukraine, and Uruguay are also employed in a variety of other industries.

According to the CBS (2003), almost 60 percent of all foreign workers in Israel are illegal residents. These are workers who entered Israel with a tourist visa or stayed in the country after their work permits had expired. Others gained entry with legal work permits and subsequently took jobs with firms other than those sponsoring their original entry. Many illegal workers, as well as their families, live under constant fear of deportation. They do not want to be forcibly sent home; they seek only economic opportunities or perhaps temporary shelter from the more intense insecurity found elsewhere.

Meanwhile, the presence of *zarim*—the Hebrew term for foreigners or strangers—is keenly felt by Israelis and has received considerable attention in the media.⁸ Most Israelis encounter foreign workers in their daily lives. They populate entire quarters of Tel Aviv, caring for Israeli children and their grandparents while their own children attend Israeli schools. Foreign workers help build houses and then clean them. Nonetheless, while many Israelis have grown dependent on the labor of foreign workers, the apparently uncontrolled growth in their numbers is thought to have contributed to expanded illegal activities and to the steadily rising pressure felt in the limited public infrastructure. For these reasons, the presence of foreign workers has been repeatedly referred to as a “ticking social time bomb” by the Israeli press.⁹

The phenomenon of foreign workers within Israel’s borders is likewise an indication of Israel’s recent affluence, especially when considering the country’s origins as a refuge for immigrants seeking shelter and social heritage within new beginnings in their historical homeland. Criticism has been directed at the government for failing to encourage the industrial modernization that feeds on skilled labor, and charges have been made that many obsolete industrial practices have been sustained through the importation of cheap labor. Other critics have blamed private industries, primarily building

contractors, who have refused to improve working conditions or raise wages while ruthlessly pressuring the government to permit the import of additional foreign workers (Eckstein 2000; Amir 2002).

During the intifada, the government blamed Israel's generous social welfare system for contributing to unemployment. Described by politicians as too liberal and too tolerant with respect to the criteria for awarding unemployment allowances and other benefits that comprised labor's security net, the system seemingly encouraged chronic unemployment by providing extensive income support benefits. These benefits, so argued the government, nurtured a "mentality of idleness," whereby unemployed workers preferred to receive benefits than to seek low-status, menial jobs. After a short period of dislocation, the new Russian immigrants, who initially filled the job gaps, rapidly adopted the employment patterns and aspirations of other Israelis.

During this accelerated growth, Israel's economy was therefore forced to cope with the reluctance of its own workers to fill needed jobs, on the one hand, and violent separation from the Palestinians (its traditional source of cheap labor), on the other. The hunger for labor led to the appearance of workers from numerous foreign countries on the Israeli scene. The Israeli government was clearly unprepared for the influx. While the number of foreign workers rose dramatically and rapidly, only piecemeal attempts were made to put into place appropriate mechanisms to monitor and control immigration flows and placement. Government agencies mandated to manage immigration and address the needs of foreign workers were inefficiently organized and woefully understaffed. For example, in 1995, the Ministry of Labor established a labor law enforcement unit. Out of a total of fifty inspectors, only thirteen were assigned to monitor the flow of foreign workers and to investigate illegal activities.

With a government reticent to regulate the market for foreign labor, employers and employment agencies found themselves well positioned to assume self-interested control over the import and placement of foreign workers. In the process, the legal and administrative framework for the management of foreign labor was effectively privatized in the form of an organized monopoly whose members comprised a close-knit clique of local employment agencies and employers. These both conspired with overseas agents to profitably extract mediation fees from workers desiring employment in Israel. They were further able to construct and control a black market for work permits, in which access to foreign workers was traded.

Numerous studies (see, e.g., Bartram 1998; Nathanson and Achdut 1999; Rosenhek 2000) have documented the sociopolitical and economic impacts of the presence of so many foreign workers in Israel. Various others (see, e.g., Peled and Shafir 1987; Lewin-Epstein and Semyonov 1993; Shafir and Peled 2002) have suggested that the structural characteristics and ethnic

inequalities marking the presence of foreign workers are symptomatic of Israel's subordination of Israeli Arabs in the labor market, itself rooted in the ethnic tensions embedded in the structure of Israel's labor market (Semyonov and Lewin-Epstein 1987). Hence, the position of foreigners workers in Israel cannot be fully understood in isolation from the prior complex relationships maintained between local ethnic groups.

This mosaic of the social, economic, political, and cultural forces that informed the arrival, en masse, of foreign workers to Israel, is the subject of this book. It will be pieced together with the help of individual stories. My aim is to draw on empirical and historical details to construct the book's central argument, specifically that the entry of foreign workers has not only transformed the Israeli labor market but altered the character of several Israeli communities, and in so doing posed a fundamental challenge to the very identity of Israel as a refuge for the Jewish people.

For these reasons, this study of Israel's labor market pays special attention to the emergence of the sizable population of non-Jewish immigrants, an event that has inspired new ways of thinking about *klita*—immigrant “absorption” or “assimilation.” Until recently, *klita* was a matter discussed only with reference to the Jews dispersed throughout foreign lands who returned to the Homeland, prepared to adopt an Israeli identity. The Law of Return was instituted to encourage this process as long as the subjects were Jews; it neglected to address the appropriate Israeli response to non-Jews from abroad who might want to become residents of the state. Israel's policies regarding foreign workers also will be critically discussed in this book in connection to the recurring debate over Israel's national identity.

Participating in the debate are groups eager to safeguard citizenship as a right strictly reserved for Jews—though as previously mentioned, Jewishness has yet to be decisively defined. Overshadowing the Israeli national identity debate is the rivalry between Israelis and the Palestinians (including both those who are Israeli citizens and those belonging to the Occupied Territories). Anyone with a Palestinian national identity has an identity directly at odds with an Israeli national identity and must therefore be excluded from membership within Israel. Such a stance also spurs concerns about Palestinian population growth rates, which are surpassing Israeli growth rates, as Israel is likely to be jeopardized if those who desire a Palestinian state in the region outnumber those who remain loyal to an Israeli state (Yaar-Yuchtman and Shavit 2001). Challenging this stance are others who believe that as a historically persecuted people, Jews have the moral obligation to abstain from the persecution of others and must therefore extend citizenship rights to all of its residents, Palestinians as well as foreign workers.¹⁰ Aspects of these questions are explored in their relation to the Zionist ideals that inspired Israel's founding and that have historically been constrained by more practical political, economic, and cultural issues.

A Note on the Objectives of This Book

This book chronicles the history of foreign workers in Israel, accompanied by representative ethnographic accounts that depict, firsthand, the experiences of foreign workers from various countries who have found employment in Israel. In doing so, it does not ignore the negative social and political sentiments that have awakened problems impinging on local equations of identity, class conflict, and inequality (Sanders 2002). It also evaluates the responses of policy stakeholders to initial government policy, and the consequences of the interactions between policy stakeholders and government. It shows how this interdependence has distorted policy aims without, however, undermining the basic institutional framework. In such an environment, the outcome of policy evolution deepens bifurcation between government and the various institutional and private stakeholders. For example, how is responsibility split between the contractor and the temporary employment agency within the employment system? In such a structure, governmental attempts to enforce its regulations and policies inherently contradict employers' interests, hence, it is ignored.

The other influence on policy is spillage, the movement between the legal and illegal labor markets. Government's recognition of the problem of slippage brought about one major policy revision: the attempt to reduce the number of migrant labor workers through regulation and deportation. This solution nonetheless focused on the weakest link in the chain—the workers themselves—instead of on the employers, those directly responsible for policy distortions.

In Israel, policy outcomes are influenced by the degree of marginality of the relevant population, a situation induced by policy failures, even if unintentionally so. The current policy framework has aggravated the already-difficult conditions of foreign workers and has destined them to fall between the gaps subdividing the institutional framework. In addition, the fragmentation of governmental institutions has resulted from the complexity of joint action on the interministerial and interagency levels. Ministries' and agencies' authority and responsibility to deal with the foreign workers remain ethnocentric in perspective and protective of their own sphere of influence and mandate. The strict bureaucratic division of labor has aggravated inefficiency, with institutional interfaces ignored in an act of self-preservation.

This book also addresses questions related to the failures inherent in the migration policies plaguing other national democracies (Castles 2004a, 2004b). These include the dynamics of policy making and institutional functioning. How did policy emerge from the sociopolitical realities of national and ethnic identity? Which processes, practices, and factors have diverted policy from its original intent? How did such diversions influence both legal and unauthorized migration? These issues are viewed from polar

perspectives, from that of the policy process and that of the labor migrants. By giving voice to both, this book presents a unified conceptual framework for the critical assessment of labor migration as a distinct social phenomenon created by globalization.

Organization of This Book

Chapter 2 reviews the context of labor migration in a comparative perspective, followed by the theoretical context of the questions raised by the book. I construct a conceptual framework that synthesizes the research on Israel's labor migrants and the respective government policies as a prelude to the formulation of my own theoretical approach. I first present two lines of argument to explain labor migration policies and their implications. These arguments will serve as guides to the book's theoretical approach, which views policy formation and implementation, with their consequences for the life and work of labor migrants, as corollaries of a deterministic national identity. From this perspective, Israel's rigid definition of its national identity as well as its citizenship criteria construct the conceptual environment for determining the effectiveness of the respective policies. Chapter 3 reviews the evolution and consequences of Israeli public policies. In this chapter I analyze two sets of governmental policies, namely, (1) policies related to the legal entry of labor migrants and (2) practices that stem from the policy, mainly the binding system of labor migrants. The chapter illustrates how each set of policies and practices lacks authoritative leadership and administrative capacity and is corrupted by undue influence from private employers and employment agencies. How these policies combine to exacerbate problems also is critically discussed. Chapter 4 reviews the dynamics of employer-worker interactions, and while analyzing the employment practices, it presents an ethnographic narrative that illustrates how employers articulate exploitation.

Later chapters expose the mechanism of exploitation institutionalized in the labor market and its impact on those who employed them. Chapters 5, 6, and 7 document and analyze the life and work of foreign workers in Israel. Personalized accounts of the experiences of individual foreign workers are interwoven to illustrate the everyday realities of their work and lives. The three industrial sectors that employ the largest numbers of foreign workers, and the largest ethnic groups represented in these industries, are included, specifically: (1) Filipino caregivers, (2) Thai agricultural workers, and (3) Romanian construction workers. The processes by which workers are recruited, positioned to take up particular posts, and managed as employees are detailed. The common ways in which foreign workers' wages, accommodations, and other welfare provisions are provided or neglected by various employers also are described. In addition, I present the personal and

professional forms of support that workers find within their respective ethnic community networks.

Altogether the chapters present various facets of diverse cross-cultural interactions and negotiations between foreign workers and their Israeli employers, which are influenced by particular work demands and environments.

Subsequent chapters then deal with more specific questions such as illegal immigrants, urban policies toward migrant workers and their families, the role of social stakeholders, and the consequences of migration on Israeli society. Chapter 8 describes Israel's illegal labor migrants, focusing on the lives and work of those in Tel Aviv, where the largest community of illegal immigrants in Israel (an estimated 80,000 in 2002) resides. The various processes by which workers enter into Israel and become illegal residents also are presented. I describe as well some of the ways in which illegal workers are served by and rely upon ethnic community networks within Israel. This is followed by an analysis of the absurd circumstances by which children born in Israel to non-Israeli parents may be statusless and denied rights to legally reside in any nation. Chapter 9 investigates the policies and practices that expel illegal labor migrants from Israel through deportations.

Finally, chapters 10 and 11 include a reevaluation of the influences of Israeli policy institutions and the national realm on labor migrants. It is argued there that Israel has evolved into a nation established as a refuge for Jews, with exceptionally liberal policies for welcoming Jewish immigrants, in stark contrast to regulations for keeping out non-Jews. The chapter critiques such citizenship principles on the basis of the denial of rights to foreign workers and their families in Israel today.

TWO

Labor Migration in Israel

Theoretical Context

This chapter addresses the ensuing debate over labor migration in Israel, first expressed in definitions of “legal” and “illegal” migration and later transformed into an issue of citizenship and national identity. My fundamental argument can be stated as follows: The policies and practices regarding foreign workers in Israel do not necessarily reflect any desired economic or social reality but rather the fundamental issues tackled by Israeli society—its national identity and citizenship model. Labor migration policies have focused mainly on the regulatory aspects associated with controlling the cycle of entry to exit of contract workers. These policies have allocated a crucial implementation role to the employers, which diverted the initial intention of the policies and used them as an exploitative mechanism at the workers’ expense.

Hence, the respective theoretical lines of argument must consider the structural forces that brought about the labor migration as well as the local context, the policy, social, and economic structures within which various actors (the state and its institutions, employers, or nongovernmental organizations [NGOs] are shaping the life of labor migrants in Israel. In turn, the realities of labor migrants and their presence in Israel are countermolding both policy and social and economic structures through diverse forces stemming from different sources—high court, human rights organizations, as well as resistance at the micro-level.

This chapter first presents a general theoretical context for labor migration, mainly referring to those theories involved with the role of the migrants, various actors, and institutions that influence the migrants’ integration into host societies (see Massey et al. 1998). Then it covers the major streams of research conducted on labor migrants in Israel while engaging in dialogue with the various streams of studies. Lastly, the theoretical context is presented as a synthesis between the general theories on labor migration and the contextual studies conducted on the Israeli case.

Theoretical Discussion of Labor Migration

An understanding of international labor migration must consider the cause and consequences of migration as part of globalization and transnationalism. A key issue in understanding the international labor migration process is associated with the various factors that promote and sustain such migration. These factors include both the sending and receiving societies and their social and economic structures, as well as the actions of various actors that influence the labor migrant's phenomenon (Massey et al. 1998; Massey 1990; Brettell and Hollifield 2000; Foner, Rumbaut, and Gold 2000).

Transnationalism

The flow of globalization has been connected to the emergence of transnational spaces and communities. A growing and important field of research is transnational study, which explores migrants' attachments to people and places across the borders of nation-states, and their simultaneous membership in sending and receiving countries. Transnationalism, defined as the "sustained ties of persons, networks and organizations across the borders across multiple nation-states, ranging from little to highly institutionalized forms" (Faist 2000a, 189), came to be understood as a new, yet controversial, conceptual model for interpreting contemporary migration (Faist 1998, 2000b; Massey and Donato 1993; Castles 2000). Early theories of transnationalism maintained that the recent flow of immigrants should be seen as a new and different phenomenon, of transmigrants which are "immigrants whose daily lives depend on multiple and constant interconnections across international borders and whose public identities are configured in relationship to more than one nation-state" (Glick-Schiller 1995, 48). This new type of migrant experience is manifested in social, economic and cultural relations, and in the multiple and fluid identities of "transmigrates." All contemporary immigrants are considered transnational.

More recent scholarship has questioned some of the early assumptions of transnational migration studies: notwithstanding the processes of globalization, states continue to influence transnational migration, and migration policies remain a crucial factor in international migration. Moreover, it appears that incorporation in receiving country and transnational practices can occur simultaneously. Migrants' everyday strategies combine different mixtures of transnational activities and assimilation. In addition, not all migrants can be defined as transnational, and those who do engage in transnational practices do so in varying levels and degrees.

While some are occupied in cross-border economic interests, others maintain religious or social ties with their places of origin, and some will occasionally participate in related activities. It also has been acknowledged that

although transnational ties are not new, but also were a factor in the earlier flow of migration, new and improved modes of transportation and communication and the spread of a global culture have created new social spaces and cultures of migration (Portes et al. 1999; Kivisto 2001).

Alejandro Portes et al. (1999) distinguished three different types of transnationalism: economic, political, and sociocultural. Economic transnationalism involves mobile entrepreneurs whose network of suppliers, capital and markets crosses nation-state borders. Political Transnationalism involves official and unofficial political actors trying to achieve political power and influence in receiving or sending countries. Sociocultural transnationalism is composed of activities meant to reinforce national identity and cultural heritage abroad. A spatial perspective on transnationalism (Faist 2000b) offers a discussion on “transnational social spaces” stretching across nation-state boundaries and emerging through labor migrants’ ties to their country of origin and their positions in the receiving societies.

Transnational social spaces are cross-border combinations of social ties, network links, and positions in organizations, with social capital as the main explanatory factor in their evolution and dynamics. Although it is primarily a local and communal asset, social capital acts to facilitate the transnationalization of immigrants once immigration starts. Working through the mechanisms of obligations, reciprocity, and solidarity, social capital contributes to the creation of enterprises spanning national borders to the syncretism of cultural forms and to political ties in sending and receiving countries through dual citizenship or nationality.

Substantial volumes of transnational literature are devoted to the role of states, corporations, and what has been called a “migration industry” (Cohen 1997). For example, Itzigsohn (2000) argues that political parties in the Dominican Republic, Haiti, and El Salvador and migrant organizations in the countries of reception are the mechanisms that manage migration, assuring the needs of the states of origin to guarantee the reception and organization of immigrants in the receiving country.

Beyond the relation between politics, economics, and immigration, the patterns of immigration have been seen as a consequence of individuals’ rational calculation, as they seek to improve their economic lot (Oncu 1990, 177). The flow of immigration according to this perspective is an accumulation of numerous individual choices, based on their evaluation of the benefits rewarded in relation to the “price” they would have to pay. The push-pull model assumes that there are different agents—social, economic, and political—that “push” a person to emigrate from his or her “sending country,” while certain aspects “pull” him or her toward the immigration country. A wider, macro, historical-structural explanation to immigration focuses on revealing the preliminary conditions that create a certain current of immigration as well as the responses to it.

Immigration as a corollary of potential economic incentives stems from opportunity at the labor market as well as cultural and historical linkage between origin and host countries (Oncu 1990, 176). Two mechanisms that have been identified in enabling the current of immigration are social networks and previous immigration. Social networks create social channels for incorporating nonworking, dependent individuals into the receiving society. Previous immigrants give new immigrants guidance regarding the benefits and weaknesses of the receiving society, empowering them to deal with feelings such as alienation (Portes 1998). As a start, the “hosting societies” and “the sending societies” have similar interests. The host society perceives the worker as a solution to its shortage and sometimes an aging workforce. The sending country finds great benefits in its workers overseas—a solution to unemployment, improving payment balance, and growing foreign currency reserves through remittances. This stage is described by Castles as the passive immigration phase (Castles 2000).

The second phase is the one along which families unite (Castles 2000). For example, as the immigrant realizes through time that his plans will not be fulfilled, and that the economic situation in his home country has worsened, he finds it difficult to return (Castles 1986, 768–69). As a result, he is less willing to continue his social isolation. He decides to bring his family to live with him, legally or not. As the new family needs accommodations and other household requirements, living expenses grow, and the ability to save money diminishes. The moment children are born and they begin to attend school, the likelihood of returning to the sending country is very small (Castles 1986, 771). Thus a temporary host system eventually leads to settlement.

Another idea that evolved was that a network society was soon to replace an earlier form of capitalism (Castles 1996; Boltanski and Chiapello 2005). Ong (2006) went further in depicting the problems of new “transnational” identities of “flexible citizenship” and what she calls “mutations in citizenship”. These theoretical perspectives focus mainly on the consequences of the “flow” of globalization. It perceives the world as becoming open, with boundaries dissolving, as great currents of goods, knowledge, and human capital move across national boundaries, hard to restrain or control. The consequences of globalization soon realized as alien to many attributes of an ethnocentric nation, which reacted by instituting hostility and harsh state policies, intended to minimize immigration or control it. Turner (2007) argues that societies, on the national level, are gradually building methods of limiting free mobility and access. Communities in different locations of the world are creating new forms of boundaries, either symbolic, concrete, or legislative, to prevent the free movement of immigration. Turner’s argument is that states and their bureaucracies are going through a counteractive process of becoming more rigid in attempting to defend the principles of sovereignty overarching and controlling the flow of immigrants and the changes they bring with

them (Turner 2007). Hostility is developing on religious, ethnic, and economic grounds, and ideologies of “threat” fuel further draconian anti-immigration policy formation.

I agree with Turner that the immigration of workers is a reflection not only of creative positive growth but that it also has “a shadow,” a backlash of segregation and closure that is basically a dialectic relation between the national and the global. I suggest the reason is that foreign migration interferes with key aspects of national economy and society. It changes the labor market by filling positions that locals would not fill and, on the other hand, it poses a double threat—a threat to the labor market, and a social threat, because of religious and ethnic reasons. It disrupts delicate social balances and issues of citizenship and identity while creating new ones that are still evolving. The immigrants at the end of the day are not easily integrated, and they respectably occupy lower status in the host societies of the north. The combination of low social status and low economic status creates a social threat. Shamir (2005) further explores the impact of estrangement toward the immigrants. He describes how as a consequence of a growing “paradigm of suspicion,” a regime of “mobility” constraints is growing, intended to constrict and monitor the movement of people across spaces and borders through a series of systematic processes meant to create disclosure and containment. The manifestation of the paradigm of suspicion is a set of technologies of social screening designed to monitor and restrain the mobility of those social elements said to belong to suspect social categories. Further than that, Shamir contends that globalization is creating a new cultural/normative global principle that operates as a counterbalance to the normative principle of global human rights (Shamir 2005). The local, cultural manifestations of such a regime diversify along different national locations. I shall try to depict in the following chapters how national identity forms the basis of a unique “mobility regime” in Israel.

Turner (2007) uses a somewhat similar notion, an “enclave society,” to describe how societies, governments, and other agencies seek to regulate spaces, the flow of people, goods, and services. These sequestrations, exclusions, and closures are (1) military-political; (2) social and cultural; and³ biological, in the form of different methods of enclosure, bureaucratic barriers, legal exclusions, and registrations. Rather than a global flow, we are witnessing the emergence of an immobility regime of gated communities (for the elderly), ghettos (for migrants, legal and illegal), imprisonment and a range of related practices (tagging) for criminals and deviants, and, increasingly, the need for quarantine to ensure biological containment (against the resurgence of tuberculosis, the advance of Severe Acute Respiratory Syndrome (SARS) and HIV/AIDS, and the threat of a catastrophic, pandemic avian flu). At an everyday level, there are many illustrations of immobility through more subtle spatial closures—security zones, frequent-flyer lounges, prayer rooms and no-smoking areas in airports, women-only railway carriages in Japan, or private rooms in public hospitals.

Furthermore, the global flow is clashing with national structures of identity, law, and policy. It is in a sense a closure within an expanding flow, a field within a field. To further complicate things, within the national frame there is another field—the municipal one that creates a strong local force that sometimes corresponds to and cooperates with global interests. It empowers and helps foreign immigration, legal and illegal, allowing the city to thrive and develop. As a result, it enables working immigrants to gradually embed themselves in the social and cultural environment (Soysal 1997).

Beyond the sphere of the city and its institutional players, the individual actors play a critical role in building the “transnational identity.” Karen Fog Olli’s (2005) ethnographic work explores three large family networks of Caribbean origin and argues that patterns of migratory moves in varying scale and in different settings constitute an important framework within which transnational migration should be investigated. Migration is seen as movement through life, not just between places—an integral aspect of life that makes it possible for family members to pursue livelihoods.

Exploring the impact of migrants from India’s state of Kerala to the Gulf countries, Kurien (2003) contended that labor migration is not merely a phenomenon shaped simply through economic arrangement and motivated by the lure of remittances. Migration also is a trigger for social and economic transformation. Labor migration has provoked as well changes in perception, behavior, and status at both the individual and community level, in origin and host countries.

Factors Influencing Labor Migration in Sending and Receiving Countries

Studies in the tradition of the structural approach understand that labor migration is caused by an exploitative political-economic relationship between sending and receiving societies. The outcome of international migration is accordingly the intensification of inequalities and a prolongation of underdevelopment. The earliest version of this approach is the dependency theory that was popular in the 1960s and 1970s. It argues that migration is created as a result of colonial and neocolonial relationships between developed and underdeveloped countries and areas, and it also reinforces spatial inequality by transferring a productive workforce to exploit capitalist economies, often at the expense of the local proletariat in those host countries.

The structure of the world market, rather than individual national markets, is the focus of an influential approach in sociology and anthropology, the world systems theory. The theory is influenced by Immanuel Wallerstein’s concept of a “modern world system” of European hegemony, developed since the sixteenth century and consisting of three spheres: core states, semi-periphery areas, and peripheral areas (Wallerstein 1974). Emphasis on the structural demand for foreign labor is central also to the dual labor market theory (Piore

1979), which claims that permanent demand for foreign labor in highly developed economies creates international migration. Intrinsic characteristics of advanced capitalist markets create segmentation of their labor markets, in which local workers refuse to fill unattractive jobs—whether low paid, unskilled, unstable, and so on. The focus of the theory is on the receiving side of migration, and it explains the segmented labor market by dividing the economy into two sectors: a capital-intensive primary sector and a labor-intensive secondary sector; workers shun low-status jobs because of their low prestige and minimal chances of social and economic mobility. Foreign workers are willing to accept such jobs because they usually pay better than jobs in their home countries, and because they care less about prestige while working temporarily in a foreign country. Researchers of this approach argue that migration is the inevitable outcome of the extension of capitalist modes of production from core areas into peripheral states. This global expansion of capitalism creates “bridges” for migrants through the flow of commodities, investments, consumer culture, and capitalist ideology, from dominant economies to peripheral areas, and corresponding waves of laborers from the periphery, those who are unable to find employment in the local, traditional labor market, weakened by capitalist penetration. The connection between core and periphery countries that were linked in the past by colonial bonds is emphasized, as migration is most likely to occur between past colonial powers and their former colonies, due to long-standing cultural, linguistic, and administrative links (Portes and Walton 1981; Castells 1989).

Studies in the systems approach tradition combine an analysis of both economic-political relations between countries and areas (macro-level), and personal ties and relationships of individuals and households (micro-level) whose decisions about migration are being made in this context. Migration flow is seen as part of a larger system of exchange and interaction between groups of sending and receiving countries. Those international migration flows have acquired a degree of permanence that brings about the evolution of stable migration systems.

International migration systems reflect the political and economical relations between areas that may be of considerable geographic distance from one another and while stable are not fixed: political and economic changes can alter their structure, with countries joining or departing from the system (Fawcett and Arnold, 1987, Fawcett 1989; Kritz, Lim, and Zlotnik 1992).

Studies that review sending countries claim that labor migration is encouraged both by changes in geopolitical realities and by intentional policies. Changes in geopolitical arrangements have resulted in lifting traveling restrictions on migrants’ movement—notable examples being the end of the Cold War and the consolidation of the European Union (EU)—which in turn draws labor migrants from Eastern European countries (Joppke 1999). Intentional policies to encourage labor migration are exercised by many developing

countries. These policies aim to alleviate local unemployment and to generate foreign currency through remittances. Sometimes these policies are backed by institutional mechanisms that facilitate immigration, such as specialized state agencies acting as a liaison to the immigrants, providing basic professional skills, controlling and regulating recruitment, and providing vital information for prospective immigrants on different labor markets, employment conditions, and social and political situations in the country of destination (Abella 1993; Hugo 1995). Assistance also is provided by the immigrants' consular representative in various legal and social matters.

Receiving societies have to deal with various aspects and consequences of labor migration, namely, legal, economic, social, or political issues that must be addressed in their policy formulation. For instance, various sectors in the economy, usually those that are concentrated in low-skill, low-wage jobs, may bear the consequences of employers taking advantage of cheap paid immigrant labor (Forman 1992). Policies toward migrant labor also have to take into account various stakeholders who sometimes have conflicting interests and usually are in competition to influence policy makers and policy making. In Israel the employer association and the employment agencies employ influential political lobbies as well as NGOs, which petition against workers' exploitation and attempt to promote a civil agenda. In reviewing the role of the receiving societies Massey (1999) claims that (1) by and large, studies reveal that macro-economic "health" is a major factor in influencing government policies, where periods of affluence are associated with more hospitable policies toward labor migrants; (2) a higher level of international flow of migrants is associated with more restrictive policies; and (3) an ideological stance is associated with the nature of policies "tending towards restriction during periods of social conformity and towards expansion during periods of support for open trade and also periods of intense geopolitical conflict along ideological lines" (Massey 1999, 310).

Labor Migrants as Social Actors

Turning our attention to the role of stakeholders and how their actions shape the life of migrant laborers, we encounter theories that focus on the decisions and actions of individuals and groups who respond to macro-level structures and processes (for an extensive review, see Massey et al. 1993; Massey and Parrado 1994). Labor migration is seen as the result of the aggregate actions of individuals who wish to improve their conditions, based on their perceptions of economic conditions, inequalities, and chances. Two correlated approaches dominate this field of research: neoclassical theories from economics, and modernization theories. Neoclassical theories emanate from neo-classical economics and focus on differences in wages and employment between countries. Lee's push-and-pull model (1966) explores the factors that

attract or repel individuals to migrate. International labor migration is seen as a matter of supply and demand, with push factors (such as low wages and high population density) that draw migrants out of their countries of origin, against pull factors (high wages and work opportunities) that draw them into receiving countries. Harris and Todaro's (1970) theory examines the decision-making process of individuals who respond to spatial inequalities in capital and labor. In accordance with the principles of neoclassical economics, they are viewed as rational actors, expecting to better their chances by migrating to areas where they anticipate higher wages for their labor, which also will compensate for the costs of migrating, therefore increasing their net gain.

Theories under the umbrella of the new economics approach focus on the decision-making processes of households and families rather than of individuals. Households' actions are described as focused on the minimization of risks (such as unemployment) rather than the maximization of utility (through income). Diversifying its labor force and allocating certain members of the household for migration offer the household a chance to control economic risks in an unstable economy. A key concept here is "relative income," where future migrants compare their situation and income in relation to other households in their community or reference group, therefore operating in terms of relative deprivation rather than absolute terms. Therefore, even in cases where the absolute income of a household remains unchanged, while the income of neighboring households increases, the household's relative deprivation—and hence the incentive for migration—will increase. Probabilities of migration will be different for households with different income distributions.

Another course is suggested by Massey (1990), who employs Myrdal's (1957) concept of "cumulative causation," arguing that while individuals' decision-making and migration actions are made within a certain context, their cumulative effect may, over time, alter the social context within which subsequent decisions and actions will be made. Such social, economic, and cultural changes—in sending and receiving countries—will occur in ways that will facilitate further migration. For example, within receiving societies, jobs that are mostly held by immigrants become culturally labeled "immigrant jobs," and native workers refuse to fill them. Therefore, certain occupations—whatever their characteristics may be—acquire a social stigma that will deter natives and reinforce structural demand for labor migrants (Piore 1979). Similar effects were identified in the countries of origin in the distributions of income, land, and human capital, the organization of agrarian production, and the values and cultural perceptions associated with migration (Massey et al. 1993, 451–53).

Massey (1987), in his analysis of Mexican migration to the United States, showed that migration, which originated due to structural processes in sending and receiving countries, causes the evolvement of migrants' social networks, involving migrants, former migrants, and residents in the place of

origin, which subsequently will grow and develop. Migration networks help determine the nature of migration by influencing the selection of migrants' destinations and employment. In the receiving country, they provide resources for migrants in the form of information, job opportunities, and cultural background, thus facilitating the process of migration and mediating between the migrants and their new societies (Massey et al. 1993). Massey also addresses the importance of networks as self-perpetuating mechanisms of migration. The social networks of migrants have dynamics of expansion and can change and develop independently of the initiating circumstances (Massey 1987, 1990; Massey et al. 1993).

Faist (2000b) combines the concepts of social networks and social capital into a meso-level theory, linking macro- and micro-levels of research. The resources of social capital—social exchange, reciprocity, and solidarity—that are mobilized within social networks, and the benefits that derive from them, are of major importance to immigration. They operate both at the micro-level, as resources for individual actors, and at the macro-level, integrating groups through social and symbolic ties. Focusing on the structure and content of social and symbolic ties between people, Faist suggests a relational model that conceives of potential migrants as “embedded in and constituted by relationships and relationality” (59). Migration-related decision making derives from migrants' potential and actual positions in matrices of multiple social and symbolic ties, and from the contexts of those ties, and the social capital derived from them.

Migrant-supporting institutions also are a factor in the perpetuation of international migration. Whether private entrepreneurs, providing services to migrants for profit, or voluntary organizations, aiming to help and protect the rights of legal and illegal migrants, these institutions create conditions supporting and promoting migration. Governments' efforts to control migration, and the limited number of visas they offer, create a market for labor contracts, credit, lodging, and other forms of facilities, and also an “underground market” for smuggling across borderers, counterfeiting documents, and clandestine transport. Correspondingly, this situation gives rise to humanitarian organizations, providing social services, legal aid, and counseling to the migrants in need. Thus the international flow of migration becomes more and more institutionalized and self-sustaining, and governments' attempts to control it are met with new difficulties (Massey et al. 1993). The theoretical review presented so far depicts quite clearly that the human, political, economic, cultural landscape with which we are dealing in this book is complex, with numerous actors involved, on different levels of counterinfluence. I use this perspective to define the theoretical project of this book—to try to understand the complex, multidimensional arena of working immigration and the evolution of state policies in relation to it. I try to give voice to the multiple actors and stakeholders involved.

The Theoretical Context of the Israeli Case: The Threat Argument

Labor migration policy originated as a response to economic needs; as perceived by Israel's government, it represents the Israeli equivalent to Europe's guest worker system.¹ In general, the policy's social outcomes can be viewed along two different dimensions: first, as an opportunity to employ and control the flow of cheap labor, it led to skewed employment practices and thus raised the need for thorough enforcement;² second, the presence of foreign workers stirred racial tensions, primarily by providing easy objects of blame for unemployment and unfair competition over jobs, in addition to introducing "unsocial" behavior into neighborhood life. In this section I present two general conceptual frameworks: the threat argument and the national identity argument, and I then describe how they can enable us to understand the intricacies and consequences of labor migration policies in Israel in order to grasp that nation's identity dilemmas.

The threat argument represents the social and economic impact of various government labor migration policies. It also reflects a particular manner of appropriating economic benefits by those who take advantage of these policies. In general, the threat argument claims that anti-migrant sentiments stem from various sources, whether they are prejudices against the individual or the collective, actual or perceived, and reflect negative societal attitudes that in turn translate into politics of exclusion. There are two perspectives on the possible threat attributed to by the foreign workers in Israel. One focuses on their threat to the social and economic well-being on Israeli individuals (the competition model), while the other is mainly concerned with how they affect the national and Jewish identity of Israel (the cultural model).

Furthermore, research has shown that feelings of threat usually are held by individuals who are socially and economically vulnerable, hence, more threatened by the presence of minorities, and who are more likely to express discriminatory and exclusionary attitudes toward members of out-group populations (Semyonov, Rajman, and Gorodzeisky 2006). Another line of research also reveals that threat sentiments are influenced by the size of the minority population and economic conditions, which affect in turn discriminatory attitudes (Semyonov et al. 2006). Discrimination and hostility toward foreigners also is fueled by political mobilization. Research on anti-immigrant attitudes in West European countries is associated with voting for extreme Right parties. Populist and neofascist parties often blame immigrants and foreigners for growing crime and unemployment (Semyonov et al. 2006). The level of education also has been found to influence measures of hostility (Halperin et al. 2007; for further review, see Semyonov et al. 2002; Rajman and Semyonov 2003, 2004). In comprehensive threat situations, exclusionary practices encompass both the socioeconomic sphere and the cultural sphere. The former is associated with a threat of competition in the labor market and

for social amenities (Espenshade and Hempstead 1996), while the latter relates to threats to the ethnic homogeneity and national identity of the society (Fetzer 2000; Raijman and Semyonov 2004). It should be noted that the two are not mutually exclusive and can in fact be complementary; namely, economic competitiveness may stir anti-immigrant sentiments on national levels.

Threat sentiments tended to be more pronounced in places with a larger proportion of foreign population, and where economic conditions were less prosperous. Right-winged political support also heightened such sentiments (Semyonov et al. 2006). Further research reveals that anti-foreigner sentiments are imprinted also in much wider, structural spheres. State policies go through time changes that express changing, alienated attitudes toward the immigrant worker. For example, the Twenty-seventh Amendment of the Constitution of Ireland (2004) removed birthright citizenship from any future Irish-born children to immigrant parents. This was done through reconstructing citizenship as a moral regime and foreign nationals and their fetuses as “suspect patriots.” This was especially directed toward pregnant African women, and as a consequence, the presence of black migrant workers, refugees, and asylum seekers consequently comes to be experienced in Irish nation space as arousing a sense of cultural transgression by the mere color of their bodies.

In the context of Israel, one finds that changes in policy toward seeking and deporting illegal workers have transformed them from perceiving the migrants as human beings working in Israel into suspects of criminality who are suspected and searched for, arrested and locked within detention quarantines until they are deported (Willen 2007). These examples demonstrate the power of policy, as a form of social blueprint, in constructing identities, interactions, and human experience on the most immediate level.

Policy

Research on Israel's labor migration policies has documented inconsistencies in policy formulation and implementation that eventually led to skewed practices toward foreign workers (Amir 2002; Bartram 1998; Borowski and Yanay 1997; Nathanson and Achdut 1999; Rosenhek 2000). Bartram (1998) has investigated the labor migration flow to Israel since 1967, and especially since 1993, when foreign workers began to replace the Palestinian labor force. He claims that the Israeli case suggests a cumulative model in which structural factors create a predisposition toward the use of foreign labor, and political factors determine whether and how that predisposition will be actualized. Demands for foreign labor were already felt in the late 1980s and early 1990s, as access of Palestinian workers to the labor market became increasingly limited. But only in the period 1992–1993, following a series of Palestinian attacks, when the government's own interests of reducing the presence of

Palestinians coincided with those of employers, did the government decide to allow the importation of foreign workers in large numbers.

This key observation points to the government's tendency to implement restrictive policies toward labor migrants. The ground rules of these policies encompassed a quota regime embedded in a privatized employment system controlled by organized (private employment agencies) and institutional (public interest groups) employers. Amir (2002) shows how political pressures influenced the initiation of policies that contradicted the government's initial objectives (declared in 1996) of radically reducing the presence of foreign workers in Israel. Institutional employers added their own pressures, based on their wish to minimize labor costs; their active lobbying induced the Ministry of Labor and Social Affairs to enact regulations giving employers excessive powers.

To illustrate, legal foreign workers were legally subordinated to their original Israeli employers during their entire stay in Israel; if they attempted to seek employment elsewhere, their status would automatically change to that of illegal workers, meaning they would lose their work permits. In reality, the exclusivity granted to the institutional employers, primarily the Association of Builders and Constructors and the Moshavim (rural settlement) movement, increased the demand for foreign labor by those employers unable to arrange for quotas; because unorganized employers were willing to pay more than employers of legally employed foreign laborers, this situation encouraged legal workers to turn illegal. The original employers, denying their contribution—policy as well as practice—to the slippage of workers (dubbed “run-aways”), naturally requested legal replacements. Thus the number of foreign workers employed in Israel rapidly grew beyond initial government intentions.

The socioeconomic impact of this situation has been the formation of a dual foreign labor market (Drori and Kunda 1999), namely, the segmentation of Israel's foreign labor market into informal (illegal) and formal (legal) sectors. Workers in both sectors, however, represent substitutes for Palestinian workers banned from entry and for local workers refusing to fill what were considered unattractive jobs—whether low paid, unskilled, or unstable (Kundor 1997).³

The majority of studies on labor migration in Israel have documented implications of government policies through the lens of the gap hypothesis (Castles 2004a, 2004b; Cornelius, Martin, and Hollifield 1994). This approach focuses on the disparity between policies and outcomes, in this case, the persistence and growth of labor migration despite attempts to control the phenomenon and its socioeconomic impacts.

Borowski and Yanay (1997) argue that policy measures taken to reduce the number of legal labor migrants and address the problem of illegal migrants have been overwhelmingly ineffective, their implementation being prejudiced by interest group pressures. Strategies such as reducing the number of work permits, increasing the costs of employing foreign workers, replacing foreign

workers with Palestinian workers, and the deportation of illegal workers reflect such efforts. Nonetheless, policy formation in Israel appears to be “neither systematic nor rational” (Borowski and Yanay 1997, 504). These conclusions return us to the relevance of the gap hypothesis: gaps represent the hallmarks of several government reports and fact-finding commissions, as well as annual state comptroller reports.⁴ All of these works display a consensus regarding policy failures due mainly to governmental withdrawal from active regulation and control of the labor market. The privatization of employment exchanges, dressed as temporary employment agencies, is perhaps the best indication of the Israeli government’s retreat from direct confrontation with this issue.

The sources of governmental incapacity to enforce policy are numerous. Asiskovitch (2004) claims that multiple stakeholders—employers, the courts, NGOs, and the legislative branch (the Knesset)—have exerted considerable pressure on policy formation and implementation. These pressures have deterred the application of measures such as labor import arrangements, employment conditions, employment costs, and the legal status of labor migrants, to the detriment of declared policy goals.⁵ Other factors promoting this situation, especially in Israel, are labor market arrangements and regulations—also part of neoliberal, free-market competition. Labor market studies (e.g., Amir 2002; Asiskovitz 2004) have thus shown how governmental policy actually encouraged the growth of the illegal migrant sector and the foreign worker industry. This was accomplished mainly by offering employers latent incentives to manipulate the regulatory system and worsen foreign labor employment conditions. Other incentives included restrictive macroeconomic policies geared toward regulating the number of entries and the sectors in which labor migrants were allowed to work.

Active intervention by powerful stakeholders in the state regulatory system also stimulated the bifurcation of policy (Corneluis et al. 1994; Freeman 1995; Hollifield 1992; Joppke 1999). Numerous reports and studies (Asiskovitz 2004; Dahan 2001; Rosenhek 1999, 2000) conducted in Israel describe bifurcation from the perspective of the government and employers. For instance, the *binding system* represents the thrust of migrant labor policy in Israel. This concept refers to conditioning the granting of a work permit by permanently attaching a worker to a specific employer, a mechanism inviting aberrations in the management of the labor market. The system did indeed open up a Pandora’s box of injustices, especially the engagement in active and abusive trade in foreign workers, and it made a mockery of the government’s meager attempts at labor market regulation. Powerful political interests, embedded in blossoming economic gains, have worked to perpetuate this system, biased in favor of employers.

Considered from the perspective of the institutions that shape interactions between parties interested in affecting process and governance, the system

of binding foreign workers to a single employer has given rise to a polarized institutional environment. In response, various social actors have challenged the government on often contradictory, mutually exclusive grounds (Majone 1989). Both employers and NGOs have put governmental policy to the test. Whereas NGOs may push for tougher measures against employers, powerful employer lobbies continue to plague the government with demands for more workers.⁶ Given the factionalism and fractured condition of contemporary Israel's political sphere, these contradictory demands appear to have paralyzed government's ability to devise any effective policy here as in other arenas.

The removal of foreign workers, especially illegal workers, and the dispersal of their communities from the native Israeli scene, came to overshadow every other internal policy goal particularly during the period 2002–2005. To better understand how policy instruments such as the binding system failed to prevent the establishment of migrant communities, we must take into account the bifurcated nature of Israel's institutional environment. The central government, unwilling to confront the flaws in its policy, preferred to promote the privatization option. This approach allowed the government to shift responsibility for the legal-normative failures of its policy to the municipalities and the NGOs, while continuing to stream foreign workers into a labor market effectively controlled by the employers. The character of the various actors and their conflicting demands eventually led the government to adopt a single solution for all of the problems: deportation.

Efforts at deportation were ineffective for years, for two main reasons. The first was interministerial cooperation. The cumbersome state apparatus is living testimony to the complexities of joint action (Pressman and Wildavsky 1984). Second, the government, in effect, ignored the role of employers in perpetuating the illegal market. For close to a decade, the government refused to accept the binding system as anything other than a normative policy—a stance that precluded recognition of the employers' responsibility for its operative ineffectiveness. This approach eventually led to the structural conditions that enabled employers to shape the foreign labor market, making it impervious to governmental intervention.

Unable to alter the employment quota system or curtail the employers' influence, the government introduced another correlated policy weapon: tight regulation. Since 2003, the massive deportation of foreign workers completely demolished foreign worker urban communities and concentrations, whereas tight, centralized regulation kept the quota system alive, a policy that sustained task allocation between government and employers (see also Bohning 1996). In the same vein, the importation of foreign workers was confined to those industries where cheap labor fostered a competitive advantage. The foreign worker labor market, as now conceived, would be small, contained, and operating parallel to rather than incorporated into the Israeli labor market. This tact was assumed to circumvent any threat to the employment prospects

of Israelis. Furthermore, the key requirement of the policy was a stable, continuous, and orderly entry-and-exit cycle, a practice that ensured foreign worker subjugation to the guest worker system.

The relationship of foreign workers to the Palestinian-Israeli conflict is integral to the threat scenario. Israel's migrant labor policy was originally posited as one remedy for the dearth of Palestinian workers. From the late 1960s until the 1980s, about 120,000 Palestinian workers—or 8 percent of Israel's labor force—were employed in Israel. Since the 1990s, particularly during the two intifadas, border closures reduced that percentage to about 3 percent (Kundor 1997).

One may assume that any prospect for a peaceful resolution of the conflict between Israel and the Palestinians will restore the preexisting situation, where Palestinian workers filled most of the jobs currently occupied by foreign workers. As a token of goodwill, and given the appropriate security climate, Israel has occasionally allocated limited numbers of work permits to Palestinians. Allowing more Palestinians to work and earn a living in Israel may alleviate the intense economic pressure and despair created in the wake of both intifadas. Bartram (2000) suggests that Israel's recent acquisition of a sizable foreign labor force carries the potential to complicate negotiations between Israel and the Palestinians. His claim is that foreign workers in Israel, as in other countries, show signs of long-term settlement. As the Israeli government will attempt to manage the foreign worker's demands for proper treatment and respect for human and civil rights, it will likely hinder the extent to which the country will be willing to offer any meaningful membership to new populations of non-Jews. The foreign worker episode, then, may reinforce Israel's resistance to demands for the return of Palestinian refugees (Bartram 2000). One can further argue that the working immigrants' presence is allowing the dismantling of Palestinian-Israeli economic dependency, demanding both sides to form separate statehoods, pushing, especially the Palestinians, although through severe hardship, to find their economic independence, while at the same time allowing Israel to form clearer sovereign boundaries as its dependence on Palestinian work and presence diminishes.

Turning to the structural aspects of the issue, Israeli governmental policy regarding foreign workers is partially the product of repeated closures of the border with the Occupied Territories, acts that have regularly prevented the entry of Palestinian workers. Denied access to this previously ready source of workers, the construction and agricultural sectors in particular have sought other foreign sources of cheap labor. Israel's political relationship with the Palestinians thus represents the major structural factor influencing the Israeli labor market (Semyonov and Lewin-Epstein 1987). As a permanent issue on the local political agenda, the reduced availability of Palestinian labor has become the overriding justification for introducing quotas and foreign labor employment arrangements (Kundor 1997; Nathanson and Achdut 1999).

On the positive side, the government has viewed the employment of foreign workers as a major contribution to labor market stability and reliability, because, unlike Palestinians, the employment of foreign workers is not subject to security considerations. Moreover, employment of these workers facilitates urgent national needs of construction and building in the wake of the large immigration wave from the former Soviet republics in the early 1990s. On the negative side, the employment of foreign workers induces unemployment among unskilled and uneducated Israelis, stalls development by reducing incentives to introduce advanced technologies, shifts the pay scale downward (especially in the secondary labor markets employing unskilled and semiskilled workers), and intensifies competition between local low-income workers and new labor migrants (Amir 2002).⁷ One of the threat scenarios is that the employment of foreign workers is a barrier to modernization and a mechanism for perpetuating a social welfare system that encourages chronic unemployment (Asiskovitz 2004). The argument takes this form: Israel is an active participant in globalization; to maintain its competitive advantages, its labor force and industrial sector should be adjusted to focus more exclusively on export-oriented, high-tech, and professional services. The thrust of the argument is therefore negative, whether in terms of perpetual unemployment among low-skilled Israelis or stalled modernization and structural change.

Another stream of research has viewed the issue surrounding the employment of labor migrants as emanating from inherent contradictions embedded in Israel's welfare state. Rosenhek (2000) claims that Israel has been using its human services apparatus in an exclusionary fashion. Others (e.g., Kemp and Reijman 2005) have examined the effect of Israeli immigration policy on the establishment of voluntary associations among migrant workers, and the possible emergence of a politics of claim making. Paradoxically, while restrictive governmental policies have prevented documented (legal) migrants from organizing, highly vulnerable, marginal, undocumented (illegal) workers have formed their own associations. Undocumented migrants, free from legal constraints, have succeeded in establishing organizations to represent their interests and place their claims on the public agenda.

By analyzing patterns of collective action, the associations of undocumented African labor migrants have learned to use illegality as a resource. Positioned outside of the sphere of direct state control, they enjoy sufficient social space to develop a unique community life and social organizations (Raijman and Kemp 2003; Schnell 2002).

Strategies of the African Workers' Union—the organization that represents the community vis-à-vis the host society—employ the media and Israeli NGOs as the means of reaching public opinion and state agencies. The organization's deep understanding of local sociopolitical conditions also is evident in the nonconfrontational nature of its claims—emphasizing the temporary nature of its stay in the country—and in its pleas for mercy, especially “Jewish mercy” and “Jewish tradition.”

Community

The integration of labor migrants into the societies of the receiving countries was, in a sense, a surprise to policy makers who viewed temporary migration schemes, such as the “guest worker” scheme adopted in post-1945 Europe, as a partial integration, mainly into the labor market. Permanent stay and family reunion were prohibited, and workers in such schemes were attached to a binding contract that specified their employment condition within an entry through exit-regulated policy. However, receiving countries (in Europe and the United States) found it difficult to prevent some of this temporarily invited labor force from staying, albeit in a marginal social and legal position. The challenge to incorporate labor migrants’ communities remains the biggest dilemma of the receiving countries. Various models of incorporation were developed, such as “multiple melting pots” (Schmitter Heisler 2000, 80) or “ethnic communities” (Light 1979), and they emphasize the use of ethnic identity, social networks, and social capital as resources of incorporation. For example, the ethnic enclave model, developed by Portes and colleagues (Portes and Bach 1985; Portes and Manning 1986), is based on the dual labor market theory and explains immigrants’ incorporation in the context of their confinement into the secondary labor market of unskilled jobs. For some migrant groups, however, the ethnic enclave economy provides a chance of escaping secondary market exploitation. Networks of ethnic businesses, owned by group members, economically diversified and concentrated in certain areas, begin by serving the needs of the group and develop to serve the larger community.

One of the most influential hypotheses in this approach is Sassen’s (1988) examination of the relations between the internationalization of production and international labor migration and her notion of “global cities.” Sassen argues that foreign investments are one factor that acts to uproot people in receiving countries through the disruption of the traditional work structure and the creation of linkages to the investing country. Immigrants tend to flock to a new kind of economic center, global cities such as New York and Los Angeles, which are not only the centers of world economy and financial services but also the producers of low-wage jobs and sweatshops. The same processes that promote emigration from developing countries also promote immigration into global cities. In a series of studies (Kemp and Raijman 2001, 2004, 2005; Raijman and Kemp 2003; Raijman, Schammah-Gesser, and Kemp 2003), the absorption problems of the labor migrants living in the city of Tel-Aviv have been addressed. These works claim that the reaction to “foreign worker” problems is inherent to the renegotiation of urban and national policies. The workers’ presence is, in fact, creating “a post-national definition of membership and entitlement that is in blatant conflict with the ethno-national definitions that underline the incorporation regime in Israel” (Kemp and Raijman 2004, 46–47). Kemp and Raijman (2001) discuss the signifi-

cance of migrant voluntary associations as a vehicle for political participation while focusing on black African and Latin American migrants—two groups that comprise one third of the undocumented migrant population, the majority of whom are undocumented. They show how the very formation and programming of such associations are linked to making claims for rights and social amenities. Contrary to the prevailing assumption that labor migrants tend to be politically passive, migrant workers engage in participatory practices through autonomous associations in order to protect their interests. The fact that migrants find a way to organize and raise their claims despite their problematic situation is politically significant regardless of their success. The challenges they make on the limits of membership and participation are mainly felt at the local level, as municipal authorities are confronted with issues of education, health, or security.

In a study on the spatial and social distribution of illegal labor migrants in Tel Aviv, Schnell (2000) and Schnell and Alexander (2002) argue that municipal policy can no longer disregard migrant workers, whose presence has lost its temporary character. Local government has had to reconcile nationalistic and pluralistic models of citizenship when challenging the state's exclusionary policies with other social policies that will inevitably encourage multiculturalism.

This form of political mobilization is supported by advocacy groups and NGOs (Jacobson 1996; Miller 1989; Ong 1996; Soysal 1997). Although the Latino and black African communities have developed a wide array of socio-cultural associations, they differ significantly in their organizational and political capacities.

The most interesting feature differentiating the two communities politically is the black African migrants' ability to organize at the pan-African level. This ability has enabled them to open their own platform for articulating their claims and to gain greater exposure in the Israeli media. Roer-Strier and Olsh-tain-Mann (1999), who describe the community of illegal Latin American workers in Jerusalem, apply an ecological model that examines human behavior in various social and cultural environments. For example, although many migrants had no special interest in religion in their homeland, their religious inclinations tended to intensify upon arriving in Jerusalem, a city having special spiritual meaning for them. The church and other religious organizations are prominent factors in everyday social life, operating on many levels as agents in educational, health, charity, and social interactions with the local community. The unique ecological attributes of Jerusalem—with its numerous religious sites and institutions—have proven to be highly influential for community formation. Comparisons to the parallel community in Tel-Aviv are striking. The absence of religious institutions in Tel-Aviv has forced members of the community to develop independent self-help systems and religious organizations. Football teams and bands, considered alternative communal institutions, have likewise developed in the city.

Religion also is at the center of Raijman and Kemp's (2003) study of Latin American undocumented migrants in Israel. By establishing Evangelical churches, labor migrants create spaces that operate as an alternative extended family. These transnational religious spaces also become channels for the advancement of claims to inclusion, by translating Christian Zionist theology into a touchstone for incorporation. Stating their demands to the state in the language of Christian Zionist solidarity enables Evangelical migrants to present claims that avoid conflict with hegemonic Jewish definitions of belonging. Still another perspective on the issue of migrant workers is provided by gender. Taking undocumented Latina migrants in Israel as a case of female labor migration, Raijman, Schammah-Gesser, and Kemp (2003) discuss the dilemmas these women face in their daily lives, and the coping strategies that they have woven. Compelled by labor market gender segregation to enter the low-prestige domestic service and care work sector, migrant Latina women experience a decline in social status, because many would never have taken such jobs in their home countries. In addition, their status as undocumented migrants confines them to marginal, vulnerable positions in a society whose labor migration regime and deportation policy are embedded in particular citizenship laws (see pages that follow) that are much stricter also for women than those prevailing in Western countries.⁸ The position papers mentioned delineate the negative social implications of the formation of foreign worker enclaves and neighborhoods, sites where a distinct culture (or subculture) can develop. Many official documents stress that a complicating factor in Israel is the tension created with residents in the poorer neighborhoods where foreign workers are concentrated—there is often an out-migration of more affluent residents to other neighborhoods (Schnell 2001). Foreign workers soon become burdens on the municipal level with respect to the provision of all public services, but especially education. After thorough consideration of these findings, it appears that the integration of labor migrants in Israel is following a global pattern. This pattern combines networks of self-reliant immigrants' intent on developing their social and economic capital (Light and Gold 2000; Nee and Sanders 2001; Parkin 1974; Portes 1998) via a policy of claim making that transcends the particularity of the nation-state. In the process, social actors and resources associated with the global discourse on human rights, equal opportunities, and equitable employment rights are mobilized (Soysal 1997).

The foreign workers sector exhibits its own mechanisms, rules, and niches, with internal solidarity serving as a primary resource for socioeconomic survival.⁹ Illegal workers concentrate in small-scale industries, such as small contractors, workshops, restaurants, cleaning services, and caretaking. The illegal foreign workers market also is heterogeneous. It includes members of all of the foreign ethnic and racial groups residing in Israel, as well as all categories of illegal workers: those who came as tourists, those who ran away

from their original, official employers, and those who have remained beyond the period of their work permit. This market differs from the legal foreign workers market in one fundamental aspect—it is, to all intents and purposes, an open market in which workers are free to choose employers, negotiate the terms of employment, and leave at will. Average wages are consequently thought to be higher than in the legal market. However, it is a highly volatile market, with workers enjoying practically no rights. Workers are ostensibly helpless, dependent solely on their employers' sense of fairness and goodwill. Exploitation or misconduct regarding working conditions or wages places these workers at a disadvantage. Employers also can report illegal workers to the authorities, an event that generally ends in expulsion (see also chapters 3 and 4). Yet although we can conclude that in Israel, as elsewhere, the presence of foreign workers has impacted several of the fundamental cultural, demographic, and citizenship issues, the responsibility for coping with these results is associated with the urban space and its relation to the state.¹⁰

The Context of the Israeli Case: The Ethnic Identity Argument

The special context of labor migrants in Israel provides further complications regarding the integration prospects of non-Jewish migrants. The Jewish ethno-national nature of the state and the double standard regarding immigration and citizenship (exclusive for non-Jewish and inclusive for Jews) make the Israeli case more problematic than that of other Western countries. In older assimilation models, migrants were expected to move permanently to their receiving country, fully adopt the social and cultural practices, and cut off ties with their place of origin. Full assimilation meant the adoption of a new national identity and, ultimately, the acceptance of full citizenship (Gordon 1964). More recent theories of assimilation suggest a tendency toward “segmented assimilation” (Portes 1995) into different existing cultures. Portes and Rumbaut (1996) claim that the advent of postindustrial society, which ascribes great importance to education and human capital, makes it hard for immigrants—especially the second generation, which was formerly conceived of as the bridge for assimilation—to find adequate employment. Suffering from poverty and social stigmas, excluded from the mainstream of social and economic life, they retreat to ethnic identities and ghettos.

Perceptions of migrants' incorporation and identity have gained new perspective in the last two decades, as international migration experienced significant changes, shaped by the emerging global economy and other transformations in social, economic, and political structures. The impact of globalization, such as the global expansion of capital and corporations, the blurring of national borders, and the flow of products, services, ideas, and cultural practices, has brought the issue of ethnic identity into the foreground.

Generally, the domestic barriers against the acceptance of migrants in a host country include the following: a perceived threat to civil and labor standards and rights, fears of change to a national identity in terms of the racial and ethnic makeup of the resident community, and concerns about the overburdening of local resources and infrastructures. Liberal democracies face the challenge of reconciling the need to control the movement of people with the desire to promote open borders, free markets, and liberal standards. Thus ideological position and national identity-related issues such as citizenship and ethnicity may account for important differences in immigration preferences that may impede labor migration policy making.

National identity is operatively defined in relation to “others” outside of a country’s borders (Connor 1978). A collective identity cannot be constructed without the identification of the characteristics distinguishing group members from nonmembers residing in close proximity (Triandafyllidou 2002).¹¹ The correlation of labor migration policies to identity and citizenship is a recent phenomenon; its place on the public agenda is due primarily to its association with economic and moral issues (Favell 1998, 23–24). Within the popular discourse, political issues related to the nature of the state and citizenship often take second place to ideological confrontations over nationality, citizen versus human rights, and multiculturalism (Brubaker 1989; Soysal 1994).¹²

Recent studies on contemporary Israeli society (see, e.g., Kimmerling 2002, 2004; Shafir and Peled 2002) argue that the demographic, cultural, and political changes intensifying the pluralistic character of Israeli society will eventually erode religion and ethnicity as hegemonic societal principles. Further evidence of Israel’s changing internal environment is the level of internal friction—economic, religious, political, and ethnic—that reflects shifts in the size, composition, and political power of the social actors pursuing legitimate-sect oral claims. These claims for greater cultural and political autonomy—presented in greatest force by Israeli Arabs and immigrant communities such as the Russians—not only reflect the merits of social pluralism but also the political and institutional transformations observed as new contested groups become active. Some argue (see Kemp and Rajzman 2004; Schnell 2002) that such social processes are affecting the presentation of labor migrants’ claims for specific citizenship rights by increasing the acceptance of the principles of civil equality. The implications are clear: the ascription of such rights to additional groups, such as foreign workers, may eventually weaken the Jewish and territorial attributes of Israel’s national identity.

These trends, much more than Israel’s incorporation into the global economy or even international political pressures, constitute the relevant environment for the construction of a revised national identity and ideology. In the new social context, the heterogeneity of Israeli society will offer more than one nucleus for the construction of national identity. Each group or community will be able to choose a different yardstick for measuring its legitimate

rights and gaining public support for its plight. An unanticipated exogenous factor—global transnational labor migration—has had a major impact on the local allocation of economic, cultural, and social resources, including human and civil rights. Furthermore, because transnational labor migration is closely associated with interdependence, global, and/or regional regulation, in addition to institutional arrangements, it influences the formulation of new citizenship rights (Faist 2001).

In his analysis of immigration policies in France and Britain, Favell (1998) contends that “once a dominant institutional framework of public policy has been identified, it is possible to trace over time the evolution of politics and policies within this framework, and thereby to address the question of institutional performance” (26).

However, my point of departure lies in my conclusion that while the composition and structure of Israel’s labor market and economy provide weighty contributions to the problems associated with foreign workers, the heart of the matter rests in Israel’s definition of its national identity. In procedural as well as substantive terms, Israel’s citizenship laws strictly demarcate those entitled to membership in the community.

The Law of Return and the associated Law of Nationality (see chapter 3) thus provide the legal, institutional foundations for the transmission of Israeli national identity and the allocation of citizenship rights. These complementary laws serve gatekeeping functions by distinguishing between categories of civic membership on grounds of ethnicity. Ideologically and institutionally, the Jewish, ethnonational character of Israel as a nation-state (Smootha 1990) is targeted at absorbing only Jews. The laws confer on Jews both the right to immigrate to Israel and to enjoy comprehensive national and civil rights. By definition, they favor Jews (including those who are not Israeli citizens) over non-Jews living in the same territory, especially the Arab citizens who constitute about 17 percent of Israel’s total population. As Kimmerling (1983, 2004) and Smootha (1990) argue, Arabs are kept socially and politically subordinate in order to sustain Jewish dominance with the state of Israel. Another aim of those citizenship laws is to deter citizenship (and thus membership in the larger Jewish community) to non-Jews who have not complied with the designated religious conversion demands.

Absorption of non-Jews into Israel is further discouraged by the isolation of naturalization from *de facto* birth in the country (*jus soli*) or prolonged residence. Entitlement to membership in Israel’s civil society has thus become highly restrictive for those who do not belong to the Jewish faith, yet quite (some would say excessively) open to those who are affiliated solely on the grounds of ethnic and family ties.

As it emerged in Israel, national identity is irrevocably tied to the history of Jewish persecution and the creation of the state as a refuge exclusively for Jews. In the course of Israel’s history, national identity has been galvanized

through cycles of violence with Palestinians and neighboring Arab states as well as the nation-building efforts of “immigrants and pioneers” (Eisenstadt 1969, 1985; Horowitz and Lissak 1978, 1989; Soen 2003). Hence, exclusivity as the cornerstone of citizenship was not determined in sociohistorical isolation. Yet despite the exclusionary thrust of Israeli citizenship, multiple conceptions of citizenship and national identity have arisen. For example, Shafir and Peled (2002) contend that the Israeli conception of community membership consists of three discourses of citizenship, stemming from Jewish ethnonationalism, democratic liberalism, and colonial versions of civic republicanism (335). Israel consequently employs an incorporation regime differentiating various ethnic or citizen groups through the allocation of exclusive rights, privileges, and obligations. Institutional discrimination is most blatant with respect to Arab citizens (Smootha 1990, 1992, 2000; Kimmerling 2000, 2004), a community that suffers from a remarkably lopsided distribution of resources and few labor market opportunities. As Lewin-Epstein and Semyonov (1989) state:

On one hand, Israel was established as a democracy committed to equality of all citizens irrespective of race, religion or ethnicity. This commitment is manifested in the Israeli declaration of independence, in its democratic voting system and in the legal system. On the other hand, Israel was established as a state for the Jewish people committed to the goals of Zionism. As such it provides Jews with preferential treatment, while all other citizens are treated according to “what justice permits.” The Israeli dilemma, then, stems from the view that the aforementioned principles are essentially incompatible. (154)

Israel, although considered an ethnic democracy, nonetheless employs discretionary criteria with respect to the citizenship and related rights granted to its two main communal groups, the Jews and the Arabs (Shafir and Peled 2002). This robust linkage between primordial ties and modern citizenship laws has led to ethnic differentiations that reflect the Jewish majority’s preferences. The state discourages assimilation and actively tries to preserve the ethnic character through measures that include the monopolistic recognition of orthodox conversion (Kimmerling 2004), or insurmountable barriers to mixed marriage. Ethnonationalism represents, then, the key organizing principle of Israeli citizenship as well. Any attempts to change ethnic affiliation—Jewishness—as the principle for citizenship seem doomed to failure within every political and societal context, including the labor market.

In Israel’s ethnic democracy, where only members of a distinctive ethnic group comprise the nation’s moral community, the government apparatus provides mechanisms for promoting that group’s interests (Kimmerling 2004). Citizens who are not members of the dominant ethnic group are therefore

awarded only selective individual and collective rights. Feelings of solidarity, reflecting a clear demarcation between “us” and “them,” come to reflect a common destiny, with intracommunal relations defining its members’ concepts of well-being. Still, at least in theory, differentiated rights and identity principles need not be regarded as contradicting group multiculturalism.

Demographic, cultural, and political assessments indicate that it is unrealistic for Israel, as a democracy, to retain religious or ethnic markers as the basis for ascribing membership in its civil community (see, e.g., Kimmerling 2002, 2004; Shafir and Peled 2002; Yaar-Yuchtman and Shavit 2001). Citizenship in Israel makes a practical difference in two fundamental arenas: regarding “rights,” we find that the right to full political participation on the national level does not necessarily include basic protection or receipt of services. Regarding “obligations,” the focal duty in Israel is military service. However, beyond idealistic calls for justice or an end to global inequality, the Israeli government, through a mixture of ineptitude and complacency, has effectively allowed illegal actions to be committed by Israeli citizens against non-Israelis within its national boundaries. Despite these practices, the majority of the civil, economic, and social entitlements guaranteed to Israeli citizens by law are equally applicable to permanent residents (according to the 1992 Basic Law: Human Dignity and Liberty). Because the Israeli government appears uncommitted to universally upholding any of its own mandated rights, it denies basic protections (e.g., a fair wage, medical care coverage) to undocumented workers upon their entry into an employment situation motivated by internal events.

Clearly, given the presence of this democratic institutional framework, the lack of protection for foreign workers cannot be explained solely by the “illegal” status of so many among them. The extreme and extenuating circumstances under which many foreign workers come to be “illegal” hardly seem comparable to those that provoked such criminal activity by Israeli employers. The scope of the imbalance often is repugnant, with the punishment grossly unfit to the crime. Foreign workers who simply lack a work permit or the ability to produce documentation of their legal entry into Israel (often caused by the illegal confiscation of documents by their employers) are quickly detained and deported, judged guilty not of any criminal act but only of the *condition* of being statusless, a noncitizen.

Shachar views citizenship as “a complex type of property right that plays an important role in maintaining an unequal distribution of wealth and opportunity according to national affiliation” (2003, 46). Such a definition rests on the perception of the legal concept of *property* referring to “relations between people and things” (47). She continues:

What each citizen holds is not a private entitlement to a tangible thing but a relationship to other members and to a particular (usually a national)

government that creates enforceable rights and duties. . . . [Citizenship distinctions also enable the state to] *exclude* others from access to the entitlement [of citizenship and thereby] structurally *restrict[s]* access to commonly held resources by excluding non-rights holders from enjoyment of the goods of membership. . . . [B]y limiting the number of persons who can qualify as full members, the government can make the status of citizenship extremely remunerative for those who hold it. In a similar way, if citizens are the only ones guaranteed access to resources administered by the state, they gain a tremendous competitive advantage. (Shachar 2003, 47–48)

In Israel, restrictions on the permissible entry of foreign workers have certainly highlighted one “competitive advantage” held by Israelis—the ability to take advantage of a loophole, and of weak law enforcement regarding the creation of a market in which profits are the product of fees extracted from noncitizens eager to enter the country. Such an exacerbation of political and economic inequalities supports the argument that the selective granting of citizenship rights reflects as well as perpetuates that inequality, locally and globally in every sphere of contemporary migrant life.

Conclusion

As mentioned earlier, proponents of the normative-universalistic approach to citizenship and immigration (see, e.g., Faist 2002; Jacobson 1997) have argued that transnational migration is inextricably linked to global interdependence. Such an approach poses challenges to national governments, with the coordination of global or even regional regulations aimed at establishing transnational standards of citizenship rights and definitions across borders high among them. Moral and legal notions of human rights, which increasingly overlap with those of citizenship rights, support this position. Such an approach also challenges the ethical and economic criteria framing prospects for immigrants to claim citizenship at all. Advocates of this approach insist that all those who permanently reside in a country, regardless of their ethnicity, birthplace, or status upon entry, are entitled to enjoy local citizenship. It is worth stressing that in Israeli’s policy framework, which is institutionally based on laws of return, nationality, and central/local criteria of delegation of responsibility for the delivery of services, massive labor migration (more than 250,000 labor migrants have entered Israel since the 1990s) has intensified the bifurcation along state-municipal lines.

The bifurcation of policy reflects the inherent contradiction between its institutional framework (based on the legal and ideological assumptions) and the reality (which calls for pragmatic and practical policy solutions to the emerging new labor migrants’ communities). The courts have also, albeit unintentionally, conspired with the state’s incompetence in this area. Israel’s

legal institutions, despite activism in other areas, have been held captive by their own strict interpretation of basic laws (Israel has yet to inaugurate a constitution or an equivalent to the U.S. Bill of Rights), designed to maintain a hegemonic Jewish national identity. Advocacy groups are consequently limited to dealing with symptoms that, however sensational and emotional, are incapable of rallying sufficient public or legal support to modify citizenship laws. The result has been excessive privatization, with the withdrawal of government from executive responsibility to control the foreign worker labor market keeping with its other socioeconomic policies, and the severe deterioration of the legal and ethical foundations of public policy, which has put the government on the defensive with respect to Israeli and international public opinion, and even international law.

Kemp and Reijman (2001) present interesting evidence of how the local-municipal level is gradually forming a new social political sphere in relation to the immigrants' interests. They theorize that there is a gradual infusion of subnational definitions of citizenship and participation that opens up new possibilities for the work immigrants. In Israel, so they suggest, it is a discourse that allows non-Jews to find legitimacy to belong and a frame for social status as a result of a growing national debate over civil rights and identity beyond Zionist ideologies, empowered by the struggle of Israeli Palestinians to be incorporated into Israeli society as an "all-civilian" democratic state that does not define its citizenship and belonging along religious categories. This slow but evident process also is the result of the workings of several nonstate actors who hold secular, universalistic ideals. The first is the high court of justice in Israel as well as NGOs of human rights.

The appearance of the nonstate space that struggles toward gaining recognition for working immigrants and their rights is not necessarily contradictory to the nation-state but stems mainly from a lack of formal national recognition of working immigrants. This opens the door for numerous nonstate actors to enter the arena and fill the void, creating in their turn a basis for further governmental negligence. The concentration of many of the foreign workers within certain neighborhoods in big cities turned inevitably the city or the "polity" into a major agent in the political game. In Israel, Tel Aviv-Jafo is a key actor in the political arena of foreign immigration and politics of rights and recognition in their presence in Israel as more than temporary, fleeting working hands (Kemp and Reijman 2001).

It seems that in Israel the tenacity of ethnonationalistic characteristics continues to influence the citizenship criteria and identity and ultimately is part of the policy's institutional framework. In this regard, the boundaries and criteria for citizenship in Israel as well as social and civil rights are overwhelmingly biased in favor of a particular ethnic group—the Jews.

Rapid industrialization in the Western world has stimulated a surging demand for workers in numbers beyond local availability and has prompted

workers in less-developed regions to migrate in order to take what seem like lucrative, desirable jobs. Scholars of transnational labor migration (see, e.g., Foner 2000; Guarnizo, Portes, and Haller 2003; Levitt 2001; Waldinger and Fitzgerald 2004) have focused on analyzing the linkages between source and destination countries, in addition to global trends as reflected in regulatory policies and political trends across northern host countries. In this book, I focus on a unique aspect of labor migration, observed in one specific receiving country. By examining the evolution of government policies toward labor migration in Israel, I explore the mechanisms of a series of anomalies that have displaced policy objectives and resources. For example, the reduction of quotas, meant to lower the numbers of entries, which has direct impact on the employers and their associations, who perceived this policy as directly threatening their business interests. The formation of stakeholders' pressure groups, ready to intervene in the policy process, stimulated negotiation, the creation of arbitrage mechanisms, and trade-offs ruled by economic interest from one side and an ideology denying those citizenship rights on the other. The compromise that was reached involved moderately lowered quotes, while forcing employers to change the rules of the game, primarily in the area of administrative actions and incentives for employing Palestinians. Although these negotiations enabled the government to promote policies meant to alter the legal market's structure, the basic policy framework remained intact. From the perspective of foreign workers, the robustness of the institutional aspects of policy, particularly the centrality of Israel's citizenship laws, remains unimpaired and continues to influence prospects of workers' integration into Israeli society.

In the pages that follow I discuss the various problems associated with labor migrants' employment and integration from the perspective of Israel's policy framework, the focal arena for stakeholder negotiations. Israel's policy toward labor migrants has suffered from inherent contradictions and weaknesses, especially in the areas of regulation and control over the entry-exit cycle. Some anomalies are associated with the relationship of the quota to the binding system, a link that allows direct involvement of employers in policy formation to the detriment of the labor migrants (Asiskovitch 2004; Nathanson and Achdut 1999; Rosenhek and Cohen 2000). Others stem from the subjugation of policy to an ideology of ethnic democracy, a relationship permitting the exposure of national identity and citizenship laws to the influence of stakeholders interested in maintaining an almost theocratic rather than a normative-universalistic or citizenship regime. Still others emerge from the bifurcated delegation of responsibilities between central and local or municipal government, with the vacuums filled by NGOs. My thesis in exploring labor migration in Israel is therefore based on the juxtaposition of an institutional policy framework with the impact of stakeholders' strategies on the living subjects of the analysis.

Within the Israeli policy framework, I describe how initial policy conditions, considered valid under the circumstances characterizing the 1990s, were altered by various stakeholders. These stakeholders operated to sustain the salience of an institutional framework—namely, the criteria of citizenship—that preempted any reasonable possibility for labor migrants to integrate into Israeli society, or in order to sustain those economic sectors striving for cheap labor.

The threats posed by immigrants to a state's citizens can be defined as a collision of rights if the state has declared its duties toward noncitizens as well as citizens. When no clear dichotomy exists, when states are obligated only to their recognized citizens, the presence of labor migrants raises dilemmas regarding the scope and essence of rights along the continuum of citizens to noncitizens. Conceptually and practically, the universalistic approach calls for the expansion of citizenship and citizenship rights to labor migrants, that is, an extension of the rights continuum on moral and ideological grounds. This implies the removal of immigration restrictions. On the other hand, an exclusionary approach advocates strict measures and criteria for immigration; granting of citizenship would thus be based primarily on ideological rather than practical considerations.

Turning to economic considerations, the arguments in favor of labor migration are formulated primarily in terms of limited resources and distributive mechanisms. One can argue that the presence of labor migrants increases economic productivity, because they are willing to work in financially less-rewarding jobs, are mobile, and demand no social benefits, even in periods of unemployment. Hence, economic arguments for labor migration cannot stand alone; they can only be brought to strengthen other arguments in favor of or against immigration.

Favell (1998) argues that the inability of policies to confront conflicting political demands, a failure resulting in "pathologies," stems from the disjuncture between reality and the policy institutional framework:

There are elements that have been left out of policy formulation, others that are distorted to fit within it, and still others [that] will emerge as problem[s] over time: because they either represent new information, or are unforeseen side effects that can be traced to the original solution. (29)

In the chapters that follow I demonstrate how in Israel, as elsewhere, the policy response to the new reality created by labor migrants has been inadequate and out of line with its policy intentions.

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THREE

The Evolution of Government Policies and the Migrant Labor Employment System

It's a system of revolving doors, you deport, and at the same time you allow employers to bring in new workers. In many cases it is not for the sake of employment but for the sake of trade [in employment permits].

—Ran Cohen, chair, Knesset Foreign Workers Committee

“The flow of labor migration,” writes Douglas Massey, has created a “post-modern paradox,” stemming from the nature of globalization: “While the global economy unleashes powerful forces that produce larger and more diverse flows of migrants from developing to developed countries, it simultaneously creates conditions within developed countries that promote the implementation of restrictive immigration policies” (Massey 1999, 312). Particularly in the wake of September 11, and the general climate of global economic and political polarization, Western governments are reconsidering their immigration policies. Recently, in Europe and the United States, more stringent immigration policies have stirred the public into a debate over the establishment of tighter national border control, tougher naturalization criteria, and more stringent measures against illegal migration. In addition, these restrictive migration policies brought to the foreground the role of migrants in receiving societies, and the policies instated to reconcile the needs of the state and the opportunities of migrants.

This chapter reviews the labor migration policies in Israel and their subsequent evolution. It documents the various ways in which Israeli governmental bodies have attempted to regulate the entry and employment of labor migrants: a quota system, the *binding system*,¹ an arrangement wherein a visa and work permit are issued on behalf of a worker but attached exclusively to a designated employer. It also depicts current attempts to turn working immigration

into global-institutionalized human trafficking through high court jurisdiction and international state agreements. This process is gradually empowering international semineutral nodes of power such as the United Nations (UN) or ministries sending countries that work on global levels to balance and modulate local politics. Each of these regulatory spheres has been plagued by similar problems: multiple interests have acted to fragment government policy formation and implementation as well as regulate human trafficking all over the globe. Inconsistent and conflicting administrative actions have become even more vulnerable to the corrupting influences of private employers and employment agencies that are working together to sustain illegal and exploitive employment practices.

In this chapter the institutional framework of labor migration is delineated. Also traced is the evolution of a policy that constrains political action and administrative intervention with respect to the operation of quotas and the binding system. The chapter thus shows how policy has created a series of anomalies that eventually stripped the government of its ability to control practice and goal achievement instead of transferring those responsibilities to nongovernmental stakeholders, particularly employers. Quite unexpectedly, the government's regulatory mechanisms have led to contradictory results (Asiskovitz 2004; Rosenhek 2000).² These interactions—between the institutional framework, policy mechanisms, and stakeholders—may well represent an example of Pressman and Wildavsky's notion of the *complexity of joint action* (1984), namely, the process of policy coordination among various stakeholders. As a result of this complexity, government has been unable to effectively challenge or even mediate among vested interests, nor has it been able to protect the basic rights of the migrant laborers (Freeman 1995).

The chapter begins with an outline of the legal institutional framework that guides the policy process. It then moves to a description of the evolution of administrative policy, together with a review of implementation that exposes problems stemming from the institutional framework and its vulnerability to interference by private-market stakeholders. The final part of the chapter shows how the policy framework converges with the foreign worker employment system to encourage institutional pathologies.

The Legal Framework

Laws of Entry and Civil Status

The legality of migrants' entrance has far-reaching implications regarding their physical well-being and prospects of integration and assimilation into the host society. The context of migrants' employment environment, in particular migrants' ability to take advantage of certain opportunities, resources,

and their respective bundle of rights, is meaningfully dependent on which side of the law the workers are standing. The bundle of rights accrued by migrants is differentiated in a sense that certain social and employment laws may be inclusive of noncitizens, however, at the same time, their temporary status excludes them from certain social and legal amenities and full protection of the law (De Genova 2002). For example, labor migrants are found to have greater health risks due to their exclusion from the national health system, abuses in the labor market—including discrimination regarding employment conditions and wages. Their personal safety may even be in jeopardy. They are easy prey for violence, since it is difficult to protect them. Furthermore, lacking normative civil status, labor migrants are practically deprived of a chance to develop a social identity that also may be part of the majority identity.

Illegal immigrants are particularly vulnerable, as they are protected only by a loose umbrella of “universal” laws, sometimes legally anchored only in international treaties, which are not always mandatory. Being cast out of the main societal institutions and activities that reflect the social identity of a people (for example, serving in the army, which in a country such as Israel is a powerful ethos [Ben-Eliezer 1995]) implies both cultural and actual exclusion. Thus a migrant’s legal status and the relevant laws provide the framework within which the basic bundle of rights is determined. These are inseparable from both the definition and social meaning of citizenship, which eventually influence the possibilities of incorporation and integration (Coutin 2000; Bosniak 2000; Zolberg 1999).

Laws and policies are complementary mechanisms that shape and define the degree and scope of migrant incorporation. In presenting the liminal legal status of Salvadorian and Guatemalan immigrants in the United States, Menjivar (2006) shows that legal status has direct bearing on the immigrants’ actions in their attempt to adjust or conform to the law, “possibly redefining structures in the process, including their relationship to the policy and the institution of citizenship” (Menjivar 2006, 1032).

In Israel, three sets of laws govern the employment of foreign workers, those which: (1) specify the criteria by which each may legally enter the country; (2) stipulate labor and employment conditions for workers in general; and (3) define basic human rights to education and social welfare. Israeli citizenship laws have been the subject of endless public and academic debate (for a review, see Carmi et al. 2004). The Law of Entry (1952) and Law of Return (1950), taken together, bestow fundamental rights of citizenship to Jews.³ They also touch the open “nerves” of an array of civil, religious, legal, and political issues associated with Israel’s existence and legitimization as the national refuge of Jews, as well as the global and regional geopolitical consequences. I deal with these laws at length later in the book (chapters 9 and 10), but for now it is sufficient to state that they fail to provide proper guidance regarding the status of individuals invited to temporarily reside and work in

Israel. This leaves an immigrant's status to be determined by the terms listed in work permits—terms that often are indiscriminately administered by two ministries, the Labor and the Interior. As a result, labor migrants are legally denied the capacity to claim any civil rights while residing and/or working in Israel. Such neglect also means minimal differentiation between the legal rights of foreign workers and illegal entrants, with the exception that the latter are more vulnerable to forced and immediate deportation.

The tendency for Israeli laws to avoid elaboration of basic principles to focus instead on bureaucratic procedures is exemplified by the Employment Service Law (1959). This law stipulates that all administrative arrangements regarding the regulation and allocation of work permits fall under the jurisdiction of a specific agency within the Ministry of Labor. The law also requires that the employment of foreign workers be mediated by private employment agencies. Such mandated dependence on private agencies reflects governmental tendencies to delegate the responsibility for protecting foreign workers' rights to independent and unreliable outside entities.

Labor Laws

Israeli labor protection laws include, among others, the Minimum Wage Law, which sets legal minimum hourly wages, the Hours of Work and Rest Law, which determines acceptable schedules of working and rest hours, including overtime and holidays, and the Work Safety Ordinance, which governs employers' obligations to address issues regarding employees' work-related injuries and general health. Monitoring the enforcement of these labor laws in the case of foreign workers is excluded from these administrative mandates. Hence, because the government defers much of the control of the entry, behavior, and exit of foreign workers to employers, there exists a context for minimal, if any, compliance with basic human rights and employment laws.⁴ For example, although the Law of Foreign Workers (1991) requires employers to provide detailed labor contracts in a worker's native language, the law fails to delineate the regulations that translate such stipulations into practice. Consider the fact that important documents such as health insurance policies as well as records of hours worked and payments received can be retained by employers against the workers' will. This has left the employer free to manipulate them. Furthermore, the potential for misunderstanding and accusations of cheating is high.

Moshe, a contractor, shared his account of one dispute with Romanian workers; his story illustrates the significance of such records:

I was sued by a few of my workers after their contract ended. They had privately consulted a lawyer and asked me to pay them 5,000 shekels each for extra hours worked that, they claimed, were omitted from their work logs.

They told me that they had kept a parallel log for themselves . . . I was furious! I had treated them nicely, didn't cheat on them like the others. So we went to court. I argued that according to the law, workers' logs must remain with the employer, but the workers' lawyer started to demand that I reveal all my books, charging that I didn't translate the contract and various work and salary logs for the workers, as required by law. In the end, the judge suggested a compromise, so I decided to accept it, rather than open my books. . . . Believe me, I'm an honest person, but I realized that there were discrepancies between the extra hours' log—which was signed and approved by the workers—and the payment log. In some cases, I'm sure money was paid, but there were no signatures to prove it. Maybe the field supervisor forgot to record them; I don't know. I didn't want to prolong the fight. (interview, May 12, 1996)

Popular outrage against the widespread exploitation of foreign workers spurred the introduction of new laws, including, as previously noted, the Foreign Workers (1991). The initial purpose of the law was described as follows by a legislator:

Foreign workers, who are employed without permits in accordance with the Law of Entry and without permission from the Employment Authority, are subjected to humiliating salaries, with no social rights and, in most cases, inhumane employment conditions. This Law aims to end such phenomena by introducing substantial penalties and punishments for all those who employ foreign workers—including mediators and employment agencies—in illegal ways, and strengthen organized labor in Israel.

The law stipulated the three main goals of institutional reform:

1. To uphold workers' rights to basic welfare provisions, including adequate forms of accommodation, medical care coverage, humane working conditions, and fair amounts of vacation and salary compensation. A legal amendment required employers to provide work contracts detailing all such conditions in the native language of each worker.
2. To narrow the gap between costs of employing foreign and Israeli workers. Yearly taxation for work permits was initiated, along with the collection of deposits from both employers and one third of workers' monthly wages, with the sum to be presented to workers only after they had left Israel, following the end of their contracts.
3. To penalize the illegal employment of foreign workers, with increased fines for employers. The expectation was that by increasing penalties up to IS 80,000 (about US \$16,000) with the possibility of imprisonment, the demand for illegal foreign workers could be greatly reduced.

However, the Law of Foreign Workers has been ineffective and sometimes manipulated against the workers themselves. Between 1991 and 2002, a dozen amendments were legislated. These amendments were attempts to reduce the continued abuse of workers' rights by employers and employment agencies by enforcing the basic protection laws such as the minimum wage and the social and employment rights of foreign workers.⁵

Social Welfare Laws

Laws defining the rights of workers and their families to welfare, education, and health care rest on normative standards as delineated in Israel's Declaration of Independence. Although the declaration states an official acceptance of universal human and civil rights principles, it lacks the status of constitutional law (Kremnitzer and Ezrachi 2001). The Basic Laws, Human Dignity and Liberty, and Freedom of Occupation, passed in 1992, more explicitly delineate a range of political, social, and economic rights for all those who reside in the country, regardless of their civil status.

Although Israeli laws and regulations regarding foreign workers are supposed to concur with several international treaties, government compliance has been wanting. Foreign workers do enjoy—to a limited degree—treaty-dictated rights such as provision of education for their children and basic forms of health care, provided by municipal bodies (see chapter 9 for more details). Yet international mandates and global pressures still play a fairly marginal role in promoting human rights for foreigners, as Israel's sensitivity to its position in the international arena grows in promoting human rights for foreigners as Israeli sensitivity to its position in the international arena grows. One civil rights lawyer who specializes in representing foreign workers remarked:

The courts, at last, have seen enough . . . cases [exposing] how employers exploit foreign workers. [This has prompted] first, signaling from the government that it is going to demand more of an active role of the Immigration Authority in punishing employers. Second, other voluntary organizations, in addition to Kav La'Oved, now appear before the courts on behalf of foreign workers. Also, I think it's [significant] that following the *Intifada* and the [negative publicity over] its treatment of Palestinians, we—as a society and the courts which represent us—have become more sensitive to the breaching of foreigners' human rights. [Such practices] blacken . . . [our reputation] abroad, where people see only one side of Israel . . . I think the courts are aware of [the necessity to] curtail blunt practices of exploitation. (interview, October 21, 2003)

The Israeli labor court is well aware of the fact that it is the major institution protecting migrants' labor rights, and that labor migrants have inher-

ited disadvantages and vulnerabilities, such as a language barrier, the unavailability of financial resources, a lack of knowledge of the Israeli bureaucratic and judicial system, and dependence on employers, often the cause and subject of their litigations. It should be noted that in addition to streamlining worker-employer grievances regarding wages or employment conditions, the court also deals with the skewed employment system and its consequences, centering its efforts on mediating bondage systems. For example, the court ruled against a construction company's practice of indirect payment to its workers; the company had been compensating only the employment agency that recruited the workers. In another case the court sentenced an employer who attempted to evade payments to his Philippine caregiver by arguing that it was the recruiting agency's obligation as the direct employer of the worker.

The state requires employers of foreign workers to comply with the employment law; however, the authorities ignore the implications of weak supervision and enforcement. Labor and employment laws are meaningful as a normative and legal guideline only if the policy is backed by enforcement procedures. Yuri Stern, chairman of the Foreign Workers' Committee of the Israeli Knesset, claimed in 2002:

The enforcement of the labor law is practically nonexistent against those employers who breach the laws and exploit their workers. On the other hand, the law is forcefully enforced against undocumented foreign workers, which are detained and deported. To reduce the number of illegal workers, we first need to enforce the law on the employers. (*Yediot Aharonot*, September 10, 2002)

The gradual change in implementation of the employment laws I have found since 2006 is mainly focused on limiting the power of employment agencies. For example, in 2007, the Office of Industry and Commerce took away twenty-two licenses of private agencies that were found to charge illegal money from workers as well as to bring in foreign workers without an official employer in Israel, using workers in illegal ways (*The Marker*, July 4, 2007). This is a good example of "trimming at the edges" of human trafficking, while at the center, large corporations, politically networked, are continuing to use and abuse workers. Further, appeals of workers to court are many times refused, condemning them to continue working in difficult circumstances. For example, at the beginning of 2007, the national court for work decided that caretakers who work twenty-four hours a day are not liable for extra hours beyond the eight-hour day. The court's decision is favorable with the employers—aged people and people needing special care (*Haaretz*, May 3, 2007). Although this can be understood, it undoubtedly overlooks the hardship of people working in caretaking. Furthermore, it also ignores a previous decision made by the court to add, automatically, 30 percent to caregivers' salary to

adjust for their extra hours. The different attitude toward agencies and private people is prevalent in the following example: The employment court has decided that a construction company will have to compensate a group of foreign workers for running away because of inappropriate living arrangements. The company was demanded to pay a million and a half shekels to compensate twenty-six workers from Turkey. An interesting fact is that the group ran away to work in “Sollel Bone,” one of the biggest Israeli construction companies, which no doubt has its own political influential say on the matter. Thus what looks at first like a story of exploitation is also a story of a political and economical struggle over the domination, influence, and profit of the large construction corporations. As one can witness, it is a complex game with many stakeholders involved, each one maximizing her or his position through sharing interests with others.

Policy: The History of System of Entry Permits

As early as 1988, there was official recognition of a burgeoning population of foreign workers within Israel’s borders. Moshe Katsav, then Minister of Labor and Social Affairs, issued a policy paper stating the following:

It is the obligation of each government to safeguard the property of work for the benefit of its citizens. The allocation of work permits to foreigners means creating unfair competition for job vacancies between unemployed Israelis, especially young people, and foreign workers who are willing to work on lesser terms. There is a tendency for employers to prefer employing foreigners [rather] than raising wages for locals or investing in equipment, mechanization, and technological improvements.

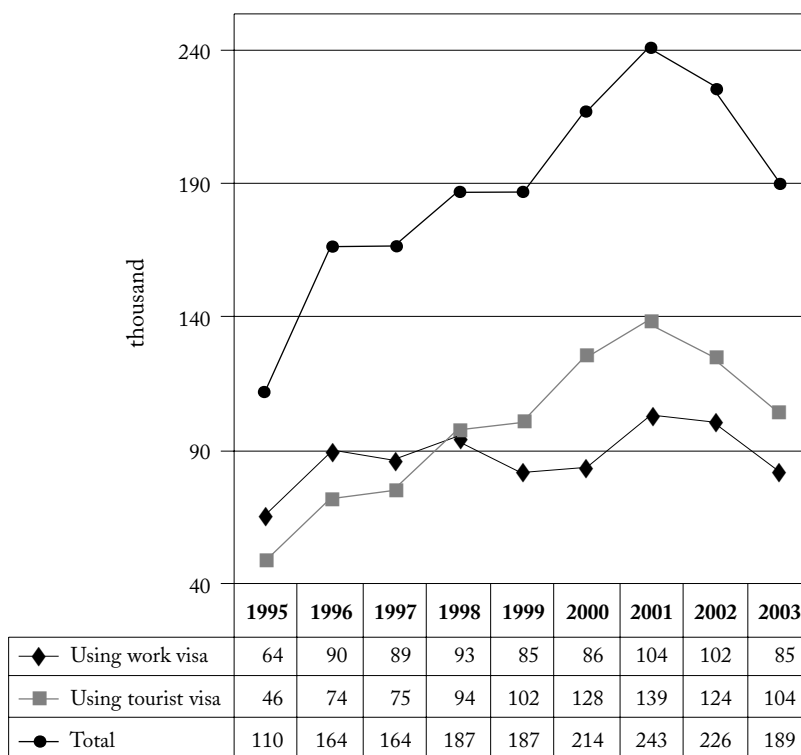
However, the coordination between the ministries and the agencies that should have jointly regulated employment of foreign workers was never realized; a lack of ministerial leadership, low prioritization of the issue, and political divisiveness interfered with interagency coordination. For example, Ora Namir, the Minister of Labor and Social Affairs during the Yitzhak Rabin and Shimon Peres administrations (1992–1996), objected to quotas on the grounds that allowing entry of foreign workers, in whatever numbers, would increase unemployment among unskilled Israelis; she therefore regularly ignored or blocked governmental decisions on the subject.

Such internal frictions only emphasized the lack of policy coherence across ministries and contributed to the appearance of *laissez-faire* and the implementation of autonomous, disjointed practices. This atmosphere penetrated the National Employment Service, which was responsible for issuing work permits. By failing to maintain a comprehensive log of permits issued—

either intentionally or because of a bureaucratic blunder—it had no means of controlling or monitoring the number of foreign workers approved for legal employment. The lack of policy coherence, aggravated by sectarian pressures and vested interests, led to a fluctuating number of permits issued annually. Figure 3.1 presents estimates of the number of foreign workers holding legal permits who entered Israel from 1995 to 2003.

As can be seen from Figure 3.1, the number of tourist visas issued roughly correlates with the estimated number of workers who remained in Israel to work illegally.

FIGURE 3.1
Estimates of Foreign Workers in Israel by Permit Type (Tourist and Work)
Source: Central Statistic Bureau, 2004



The estimates for the years 1996–2003 are based on the data collected at the end of each year. The 1995 estimate is based on the population census (04.11.95).

Source: CBS Israel

Testimony: Chou (August 2003)

Chou, a Chinese labor migrant, and his close fellows, all working together in Israel, each paid US \$4,000–\$6,000 to come to work in Israel. They paid for insurance, vaccinations, airfare, training (some took “crash courses” in construction skills just before leaving), and fees to both Israeli and Chinese employment agencies. Each borrowed money from family and friends. Chou added that he has additional debts because his wife just received a house from the government, for which he must pay \$6,000.

Each member of the group was recruited by the same employment agency. Chou signed a contract for twenty-four months, which stipulated that he could only work for Builders, Inc., with a clause stating that if he failed to fulfill his contract, he would lose the US \$2,000 he had paid as a deposit. The work was hard, and though they each worked for wages that should have amounted to more than US \$1,000 a month, after many indecipherable deductions, they only earned US \$400 a month.

Then, after four months, they were told there was no more work for them. They did not know what to do. One thought they should go to the Chinese Embassy and complain. Another had heard that the embassy did nothing. Chou feared that going to the authorities might lead to their being sent home, which would mean that he would be unable to pay his debts, something to which he would never agree.

So they remained in Modeen for a while, “working here and there.” Then a friend arrived with an employer for whom they worked a couple of months in the south. They learned that there were other Chinese workers living and working near Tel Aviv, and they soon joined a building site in one of the city’s industrial parks. One day, a manager asked Chou to do some work in his own house in Ramat Hasharon; other neighbors then began asking him to work for them. Chou came to like Ramat Hasharon and persuaded his group to move there. They were the first group of illegal workers to arrive in the town, but soon there were others, he said, “mainly Thais who worked in agriculture and restaurants and now also do gardening.”

Chou and his group live under the constant fear that they will be caught and deported. They try to prepare themselves for that day. Chou says that one of the residents cursed him, saying that he should go back to China, and it seems only a matter of time before someone reports them and asks for their removal from the neighborhood. They send money home via the local post office and do not buy anything valuable. None have passports, which were confiscated when they first arrived. Chou and his fellow illegal workers entered this category not because of any autonomous choice but because the employer’s actions made their presence illegal. They were brought to Israel not simply to be employed; their employment in effect represents a way for employment agencies to reap huge profits by the illegal extraction of mediation fees, a wide-

spread practice that is part of the intricate system of fraud and corruption made possible by a fragmented government that lacks the will to control the illegal trade in foreign labor.⁶ For instance, Chinese workers reportedly pay up to US \$9,000 to a string of agencies to arrange their entry and employment rights. The agencies encourage construction companies to request inflated numbers of work permits so the former can sell large numbers of fraudulent job requisitions to prospective workers overseas. David Mena, manager of Israel's National Employment Service, in the early 1990s, explained the system:

The profit from bringing in Chinese workers lies in the money paid by each worker for the right to work: US \$5,000 to \$8,000. After two months, the worker finds himself on the street, either because he is unskilled or because the contractors want nothing to do with him after they have split [the extracted middleman fees] with the *macher* [hustler]. The worker has pawned his house in China, and he's broke. He is then thrown to the dogs. [A major contribution to the] problem is made by the recession. There is no business in construction, so builders have started up a new "industry" to compensate for the lack of business: they now trade in Chinese. A contractor can request permits for 150 workers, which he can then shift around. In other words, he's made \$500,000, not bad earnings from doing nothing. (Interview, October 2003)

A foreign worker's legal entry into Israel is managed by government-set quotas for foreign workers assigned to each industrial sector. The only exception is caregivers, whose numbers are determined solely on the basis of the documented medical needs of their future direct employers. The quota system has been the building block of governmental policy since the early 1990s; it represents the major policy tool devised in meeting market needs, regulating the number of workers entering the country and monitoring their employment history until leaving (Drori and Kunda 1999). This policy has been portrayed in the media as the key indicator of the skewed system for employing foreign workers, a claim confirmed by research. The system's problematic character is manifested in the constant changes in the number of permits allocated to each sector, changes that appear to be divorced from real need. Due to its centrality, the quota system has become a focus of contention among all stakeholders, ranging from employers and agencies to labor market representatives, administrators, and human rights advocates (see also Hilgartner and Bosk 1988). Recent notable changes to these procedures are discussed later.

Construction

Prospective employers formally request a number of permits to hire foreign workers from the Unit of Foreign Workers within the National Employment

Service. Requests are accompanied by documents that establish the employer's needs, including details on the duration and form of labor required at one or more planned construction sites. The service's engineers assess the validity of the requests; their recommendations are then forwarded to an agency internal committee. Between 1990 and 1998, the Allocation Committee included members of the Association of Contractors and Builders (ACB). Following allegations of corruption and favoritism, widely publicized in the Israeli press (*Haaretz*, July 3, 1997), an official inquiry led to the exclusion of ACB members from serving on subsequent allocation committees.

Agriculture

Until 1998, the allocation of work permits to individual farms was controlled solely by the Moshavim (agricultural communities) movement. However, after protests by other agricultural stakeholders against the Moshavim's monopoly over permits, individual employers were permitted to submit requests for foreign workers through a designated branch of the National Employment Service or the Production Units under the Ministry of Agriculture. Work permits are now issued to employers by a special agricultural labor committee within the service, which reviews all requests against the numbers of total permits approved for the sector.

Caregiving

Medical documentation of an individual's need for assisted care is submitted with a request for a work permit for a foreign caregiver by private parties through a number of routes. One can approach the National Employment Service directly or through privately contracted agencies that prepare and submit requests on one's behalf; the agencies also recruit and arrange for the importation of suitably trained caregivers. Work permits are granted on the basis of qualified medical and social criteria.

Other Industries, including Tourism and Personal Services

Prospective employers register their need for workers with a local branch of the National Employment Service, which first searches for Israeli workers to fill the respective positions. Upon its failure to find Israeli workers, the local branch submits the employer's request with a recommendation to issue a work permit for the hiring of one or more foreign workers to the service's central office, which processes the material, with final decisions made by its Permit Allocation Committee. Table 3.1 shows the number of permits issued to the various sectors.

It should be noted that construction has been suffering from a deep recession since 2000 (Amir 2002), and the need for workers has declined, from 40,300 in 2002 to only 15,000 in 2006 (*Haaretz*, May 8, 2006). The

TABLE 3.1
Work Permits Issued to Foreign Workers by Sector

<i>Sector</i>	<i>Agriculture</i>		<i>Construction</i>		<i>Home Caregiving</i>		<i>Total</i>
	<i>Number</i>	<i>Percent</i>	<i>Number</i>	<i>Percent</i>	<i>Number</i>	<i>Percent</i>	
1998	20,100	28%	37,600	52%	14,474	20%	20,100
1999	20,400	30%	32,500	49%	14,000	21%	20,400
2000	20,600	28%	32,200	43%	21,646	29%	20,600
2001	21,900	23%	39,300	41%	33,607	35%	21,900
2002	22,500	22%	40,300	39%	39,438	39%	22,500

Source: CBS Israel, 2004.

quota for agriculture on the other hand, is steadily increasing, from 22,500 in 2001 to 26,000 in 2005. It is the Ministry of Agriculture which traditionally is an avid advocate of the relatively small but politically powerful agricultural sector (Cohen 1999), constantly putting pressure on the government to increase the quota. The importation of caregivers is actually not regulated, and permits are granted to individuals (through placement agencies) in accordance with certain criteria of dependency.

All employers, or their appointed employment agency intermediaries, approach the Ministry of Interior with work requests that include names and information regarding prospective workers. After clearing these details in the countries of origin of the desired workers, the ministry issues entry visas and work permits in accordance with the authorized dates. These practices have been maintained for over a decade, despite the considerable criticism raised over the methods for validating the requests.⁷ During the early 1990s, several laws and amendments were initiated in the Knesset in response to the unprecedented influx of foreign workers. In its amended 1995 version, the Foreign Workers Law (1991) clearly set the criteria for employer eligibility and obligations toward foreign workers, along with penalties for the illegal employment of foreign workers. Nonetheless, the population of foreign workers continued to grow steadily throughout the mid-1990s. In July 1996, the Knesset's Committee for Internal Affairs declared the following:

On the fringes of Israeli society, a new economic time bomb is developing. It will eventually explode and greatly damage the economy, society, and political stability of Israel. Today, we have a concentration of foreign workers developing social and criminal subcultures. The law enforcement authorities are finding it difficult to tackle this phenomenon, and they are not doing enough to locate and expel the 100,000 illegal foreign workers. (Knesset press release, July 16, 1996)

In response, the Ministerial Committee on Foreign Workers established the Agency for Foreign Workers, staffed by administrators coming from various ministries with a chair appointed by the Ministry of Labor and Social Affairs, responsible to the minister. The Agency for Foreign Workers was charged with reducing the number of foreign workers; following up on illegal workers; expelling illegal workers; promoting the employment of Israelis through technological developments and disincentives, reducing the benefits employers gain by employing foreign workers; and monitoring employers' hiring practices with respect to foreign workers and promoting the legislation of rational, coordinated policies.

In October 1996, the committee issued a set of guidelines, the Principles for Regulating Foreign Workers, which spelled out the government's agenda. This involved a significant reduction of the economy's dependence on foreign labor, more stringent standards for devising quotas, and an administrative capacity to monitor and regulate the employment of foreign workers. The first step of this shift in policy was the unexpected refusal to renew all the visas that would expire at the end of 1996, an act affecting about 60,000 workers in the construction industry. Reentry also was refused to the approximately 10,000 workers who attempted to return at the start of 1997, following visits home for the Christmas holidays. The government continued to reduce the number of permits issued, with the aim of shrinking the foreign workers population to only 17,500, or 1 percent of the total labor force, within five years.

Between 1996 and 2000, quotas for foreign construction workers dropped from 76,000 to 34,000 (CBS 2001). At the same time, quotas to permit entry for Palestinian workers were increased to 70,000 to encourage Palestinians to take jobs in specially monitored projects in specific "employment zones." Such arrangements were expected to circumvent security considerations and anticipated border closures. However, following the outbreak of *Intifada el Aqsa* in 2001, the number of work permits issued to foreign workers in the construction sector rose to about 45,000 (CBS 2001).

The agricultural sector has operated in a similar manner. Throughout the 1990s, the sector consistently employed 15,000 to 17,000 workers annually (CBS 2001), the vast majority of whom were from Thailand. Then, between 1998 and 2000, the government reduced these quotas to 13,000 in an attempt to force Israeli farmers to employ Palestinian workers. However, when the *Intifada el Aqsa* made it impossible for Israelis to retain Palestinian workers, the agricultural lobby successfully persuaded the government to increase the number of permits to approximately 24,000 for 2001 and 2002.

Alternatively, the caregiving sector has consistently been exempt from formal quota limitations, with work permits issued in accordance with individual requests by Israelis who are, by law, entitled to personal care. Applications are therefore filed by individual patients and/or their families and processed through private agencies that have obtained a governmental license

for the importation and hiring of suitable caregivers. This sector has employed primarily Filipino women.

The quota policy was expected to regulate the entry of foreign workers into the country in accordance with economic assessments of market needs for labor. Yet, as stated, the system has not worked in accordance with its objectives. The broad gaps in opinion over the best means to solve the problems while still promoting human rights have not helped. Thus the key beneficiaries of the system—employers and employment agencies—have been able to achieve their goal of a liberal, expansionist policy immune to regulation and control (see Hollifield 2004; Joppke 1999). For example, the strongest private-sector lobby is the ACB. The ACB was able to ensure that its clientele obtained permission to hire approximately 75 percent of all foreign workers allowed into Israel throughout the 1990s. As of 1997, the ACB sat on government committees mandated to determine the allocation of work permits. Since then, the ACB has continued to attempt to block any governmental attempts to decrease the numbers of foreign workers employed in the construction industry. Among its tactics are threats to halt crucial residential projects and increase housing costs by huge percentages.

Despite a succession of legal initiatives and amendments, the government's capacity to enforce such laws has remained limited. Out of the 3,583 and 2,695 cases of the illegal employment of foreign workers discovered in 2000 and 2001, respectively, only 1,469 and 1,585 employers were issued fines in those years. Of these, only 256 and 286 employers (charged in 2000 and 2001, respectively) actually paid their fines. Such weak law enforcement reflects the deeply rooted and corrupt links between government, private employers, and employment agencies, as well as a lack of central leadership. In addition, the inadequate allocation of resources has aggravated poor interagency coordination. For instance, in 2002, the Enforcement Unit located in the Ministry of Labor and Affairs consisted of only forty inspectors, assigned to deal with an estimated 100,000 legal foreign workers, 150,000 illegal foreign workers, and all of their employers. Needless to say, there was little correlation between the dimension of the unit's responsibilities and its operative capacities.

In another attempt to remedy the situation, a governmental special committee (hereafter GSC 2002) was formed in December 2001. Its assignment was to streamline the administrative structure responsible for implementing policies related to the employment of foreign workers. The committee found considerable fragmentation of responsibility and discrepancies between ministerial units regarding the numbers of work permits and visas issued by the respective bodies. It also found conflicting information in departmental databases, a situation that interfered with the determination of the actual number of foreign workers in the country. Table 3.2 summarizes some major policy decisions and discrepancies as documented in the committee's report (GSC 2002, 70–73).

TABLE 3.2
Discrepancies between Policy Directives and Administrative Actions

<i>Policy</i>	<i>Administrative Actions</i>	<i>Policy References</i>
To restrict the number of illegal workers through improved enforcement activities, including deportation	Not implemented The actual number of illegal workers deported is a fraction of the targets	(8/96) 238, (11/96) 717, (6/97) 2201, (5/98) 12, (10/98) 4361, (8/00) 2213, (9/01) 642, (12/01) 1141
To reduce the number of foreign workers	Not implemented The target of reducing the percentage of foreign workers in the labor force to 1 percent by 2002 proved to be highly unrealistic. The number, in effect, rose steadily, to 12 percent by 2002	(5/97) 2199, (4/99) 4946, (8/99) 188, (8/01) 605, (9/01) 642, (12/01) 1141
To raise the cost of employing foreign workers (taxes, bank guarantees, increased income tax)	Not implemented	(5/97) 2200, (8/97) 2483, (5/98) 3757, (8/99) 188, (12/01) 1141
To develop a unified information system and database	Partially implemented	(3/96) 673, (8/96) 238, (5/97) 2199, (6/97) 2202, (9/01) 642, (10/99) 453
To strengthen border controls	Partially implemented	(3/96) 673, (8/96) 283 (6/97) 2202, (9/01) 642
To improve enforcement of laws governing workers' employment rights, including safe working conditions	Partially implemented Extended enforcement of the minimum wage law, but unsatisfactory progress in punishing employers for illegal practices	(8/96) 238, (6/97) 2201, (8/97) 2483, (5/98) 3757, (4/99) 4946, (8/99) 188, (8/00) 2213, (9/01) 642
To improve the efficiency and effectiveness of inter-departmental coordination	Partially implemented	(9/01) 642, (12/01) 1141

Source: Adapted from the *Special Government Committee Report* (2002, 70–73).

The GSC claimed that the goal set in 1997—to reduce the percentage of foreign workers from 10 percent of the Israeli labor force to 1 percent by 2002—was unlikely to be met. A series of administrative initiatives, including improved border controls and the reconciliation of conflicting data, had increased the cost of employing foreign workers and developing more effective enforcement procedures. At the same time, these efforts were bogged down as a result of obstruction by politically influential lobbies.

The GSC (2002) also noted another purely administrative impediment to policy reform—the constant shifting of responsibility for handling the various aspects of the issue had eroded government credibility. The committee thus recommended establishing a special governmental unit to contend with entrenched practices and interests throughout the government. This new unit, what would become the National Immigration Authority, would, like its predecessors, confront the failure to enforce regulations—a malady attributed to a combination of factors, including inadequate and unprepared administrative structures with an institutionalized disregard for workers' rights and a lack of clear political guidance, the product of years of exploitation of Palestinian workers. As the committee noted, faulty policy implementation could not, therefore, be exclusively attributed to the corrupting influence of private employers and employment agencies.

In August 2004, a joint intergovernmental committee proposed reforms to better manage the importation and employment of foreign workers (Endorn Report 2004). In order to tighten controls, privatization was to be promoted by licensing a limited number of employment agencies to arrange for 500 to 2,000 foreign workers each. Work permits would no longer be issued to individual employers but distributed and monitored through these licensed agencies. The agencies would be responsible for providing workers with salaries and benefits and would be required to deduct monthly sums from each worker's wages (as a "guarantee" for the worker's compliance with his or her contract termination date), to be paid in a lump sum no more than three months after the worker had exited Israel. Any agency that failed to uphold the regulations and employment laws would lose its license.

Tomer Moskovich, the Ministry of Industry and Trade legal counsel, described the benefits of the new system as follows:

With only a few companies reporting on their payments to foreign workers, it will be easier for us to regulate [the overall employment of foreign workers]. . . . Until now, employment agencies only have benefited through profitable mediation fees, without any [incurring] responsibilities. . . . From now on, they will have to bear their responsibilities, or we will punish them. [The new system also ensures] direct employer-workers relations. (2004)

The chief of the Immigration Police similarly declared:

There will be no more illegal workers in Israel by 2006. The government has realized at last that it's not only the supply side of foreign workers that you should take care of. (*Globes*, April 20, 2004)

Proponents agreed that the new system would make it possible for workers to choose among employers and employment agencies, so they would no longer be "bound" to their first employers. The authorities claimed that if workers were dissatisfied with their working conditions, then they could seek better opportunities elsewhere. Furthermore, quotas would now be determined by estimated sectarian needs and no longer by an aggregation of requests. It was reasoned that the new system would encourage employers to compete among themselves for workers chosen from a limited pool, an arrangement that would result in higher wages, closer to those demanded by Israelis.

There were, of course, those who vehemently opposed the policy.⁸ A counterreport by a consortium of advocacy groups that systematically reviewed and criticized the Endorn Report, essentially claimed that the proposed permit system

maintains the current policy of binding workers to their employers, backed by lack of enforcement and massive deportations, via slightly different means. It is likely to perpetuate and even worsen exploitation and abuse of migrant workers. . . . The priorities established by the Endorn Report, the importance assigned to state profit (through raising permits' cost), the marginal deliberation of migrant workers' rights, and the baseless assumptions of anticipated improvement in worker conditions, all demonstrate that the aim of the method is to obtain maximum profits for the state and for agencies at the expense of safe fair labor market conditions. (Consortium 2005, 13)

Among these detractors were those who charged that the widespread corruption associated with the importation of foreign workers would likely be perpetuated under the new system. Ran Cohen, chair of the Knesset's Foreign Workers Committee, testified that:

those with connections to the ministers would continue to be given licenses "under the table." [Thus,] the proposed system would not encourage free market competition but cartelization of a few [employment agencies] which would enjoy unfair advantages drawn from employers' dependence. (Bambili, August 21, 2004)

The general manager of the Association of Building and Construction directed more pointed charges against the reform:

[T]he oligarchic system proposed by the Treasury would give power to fifteen employment agencies which would profit handsomely, while the state earned nothing. These companies would conspire to determine who would win bids. For example, if a builder needs workers . . . the employment agency would tell him “pay me in ‘black’ (under the table), otherwise I can’t promise you anything.” [The proposed changes] open opportunities for corruption. I know the companies which are preparing to bid for licenses. . . . These companies . . . are canvassing to overrule our objections and remove our lobbying powers with the Knesset. . . . The bureaucrats [have] invented a bureaucratic procedure which may ruin the whole industry. Numerous builders will go bankrupt because of these theoretical exercises by the Finance Ministry.” (Bambili, August 21, 2004)

Other objections were raised in the form of doubts that the new system could eliminate violations of workers’ rights and trafficking in human beings. This pessimism stemmed from the understanding that an employment system based on high turnover rates would continue to serve the narrow interests of the licensed employment agencies.⁹ Such concerns have been dismissed by the Ministry of Trade and Commerce legal counsel, whose patronizing views of foreign workers are captured in the following statement:

I am convinced that the [licensing system] is better [than allocating work permits to workers] because if we give the permit to a worker, his rights will be violated. The foreign worker has difficulty understanding the language, and with limited access to the labor courts, he will remain cheap. Through the proposed system, it will be easier for us to increase the costs of employment through taxes and fees. (Bambili, August 21, 2004)

The Formation of the Employment System

Testimony

The foreign workers are detached from market forces and are earning salaries which are below the value of their work. The major beneficiaries are the contractors and the employment agencies, because they profit from the gap between the value of the labor and its cost. We are talking about a US \$250 million, a substantial sum of money. Contractors and employment agencies ask for more and more foreign workers because they can make money up front by replacing local or Palestinian workers [with imported workers]. In the beginning, the idea to hand controls over foreign workers to employers and the employment agencies seemed like a good way to effectively monitor and control the workers. But instead, foreign workers became a means of making

easy money. Because employers without permits to employ foreign workers offered higher wages, the foreign workers were naturally tempted and [left their official employers]. The consequence is more than 100,000 illegal workers. (S. Amir, testimony given before the Knesset Committee for Foreign Workers, March 24, 1998)

With control over policy transferred out of government hands, a system evolved in which three foreign worker labor markets existed simultaneously (see Table 3.3).

In sum, the original foreign labor market was initially created by the government's earlier policy, which established a division of labor between itself and the employers. This fragmented policy, which is highly dependent on the market and weak in implementing workers' rights, makes it difficult for the government to control labor migration in Israel (see Cornelius, Martin, and Hollifield 1994) and made deportation the simplest governmental response to the chaos. The result has been the institution of fractured labor markets. Various forces in the market shape the presence of labor migrants in Israel and channel the workers in different directions, depending on their employment conditions, systems of employment, modes of control, and prospects of assimilation and integration (Portes and Zhou 1993; Portes and Rumbaut 1996).

The legal employment market is heavily controlled by employers who redirect governmental policies in accordance with their own interests (see next chapter), leaving the government with only an "appearance" of control (Calavita 1992) and signaling to employers that their interests are taken care of. Thus the labor migrant policy formation in Israel provides a framework of employment that essentially bestowed all of the responsibilities and authority to the employers, who merely readjusted the policy in order to profit from employing and regulating cheap labor (Asiskovitch 2004; Kundor 1997). Eventually, the state's weak implementation mechanism resulted in its limited ability to influence either the traffic or the employment conditions of the labor migrants, betraying its own intentions.

The great gap between policy on paper and implementation is depicted in the last two years of changes. Great hope was aroused when on March 30, 2006, the high court decided, following the appeal of several human rights organizations, to cancel the binding system. The rationale behind it was that it offends human rights for freedom. "The binding system denies the workers of free action and his or her autonomy. He is denied of the right to choose who he wishes to work with and with whom he enters into a contractual agreement. They are denied the ability to leave an employer who hurts them" (Judge Edmond Levi, quoted on Ynet, March 30, 2006).

In spite of the high expectations, and heroic declarations of judges and politicians following it, a year after, the consequences of that decision reveal that the only change that evolved was the ability of the worker to leave an abusive

TABLE 3.3
Institutionalization of Three Foreign Workers' Labor Markets

<i>Characteristics</i>	<i>Legal Labor Market 1: Employer's Sphere</i>	<i>Illegal Labor Market: Community Sphere</i>	<i>Legal Labor Market 2: Government Sphere</i>
Recruitment	Through Israeli and local manpower agencies in predestined/home countries	Runaway workers, "tourists"	Option 1: Recruitment from legal and illegal labor markets Option 2: Issuing visas to individual employees
Employment System	Allocation of responsibilities between manpower agencies and direct employers. The former generally take care of recruitment and logistics, whereas the latter are responsible for the job provision.	*Workers find the job themselves, through informal "street corner" labor markets, friends, or specialized employment agencies. *Workers stay at their jobs beyond their permit limit. *Workers are "sold" by their employers when they are no longer needed.	Workers are assigned to specific employers. Regulations and salaries are the responsibility of the government. If manpower agencies are part of the employment system, they are considered direct employers with respect to workers' employment rights.
Relationship between Government and Employers	The government allocates quotas and issues visas to employers. There is minimal governmental intervention in the actual employment cycle.	The government attempts to penalize employers who employ illegal workers through sanctions (e.g., fines and lawsuits).	The government allocates quotas and issues work permits to employers with the intent of preserving workers' rights and employment terms, particularly through the payment system,

(continued on next page)

TABLE 3.3 (continued)

<i>Characteristics</i>	<i>Legal Labor Market 1: Employer's Sphere</i>	<i>Illegal Labor Market: Community Sphere</i>	<i>Legal Labor Market 2: Government Sphere</i>
			which is to be implemented through the employment agency.
Relationship between Workers and Employers	Worker-employer relationships are characterized by dependence and arbitrariness. Development of a system of captive labor, which consequently leads to "captured" workers, exploitation, and dehumanization of the workers and their working conditions.	Worker-employer relationships are based on relatively free choice and function according to free market forces. Employers, however, can still penalize workers due to the workers' illegal status.	Worker-employer relationships are structured according to an agreed-upon contract with minimal dependence on the employers regarding workers' rights and payment provisions.
Relationship between Government and Workers	No direct relationship	Forced expulsion	Through governmental administration of the payment system. If work permits are issued to workers themselves, the relationship will be direct.
Job Termination	Termination of contract or at the employer's will	*According to either the worker's or the employer's will *Expulsion *Voluntary departure	According to a signed contract

(continued on next page)

TABLE 3.3 (continued)

<i>Characteristics</i>	<i>Legal Labor Market 1: Employer's Sphere</i>	<i>Illegal Labor Market: Community Sphere</i>	<i>Legal Labor Market 2: Government Sphere</i>
Sectors	Mainly construction, agriculture, and caregiving	Mainly small industries, tourism, personal services, cottage industries, construction, and caregiving	Mainly construction, agriculture, and caregiving
Main Countries of Origin	Rumania, Thailand, China, the Philippines, Turkey	Africa, Latin America, Rumania, Turkey, and the Philippines	Rumania, Thailand, China, the Philippines, Turkey

employer. However, running away implies illegality. The major change happened on the level of power holders through limiting the number of employment agencies. Furthermore, the costs of the new system are “rolled” over to the workers through the rates of their entrance fees. All of the new taxes, liability costs, and credibility fees the corporations have to pay are de facto rolled over to the worker as part of his or her entrance fees (Hotline for foreign workers and Kav-Laoved 2007).

In sum, the high court has an interesting dual attitude toward foreign workers. On the one hand, it follows a highly fashionable trend of protecting human rights on a universal level of discourse that crosses national boundaries. Its legislation connects it to a global universal human rights discourse of the Western world. But still, as human rights organizations argue, the legal decisions are not implemented and have little effect on the everyday lives of workers and their suffering. In fact, many bargaining decisions in court, before reaching discussion, keep the employers in a position of domination.

Conclusion

In Israel, the dream of a foreign labor market has soured. Officially perceived as a closed, rigid market, with clear procedures and rules pertaining to every aspect from recruitment to exit, it has become a fluid, open market, reaching every sector, public and private. The common interest of the government and

employers, based on the perception of the government's role as a facilitator of economic development, and the employer's role as maintaining the market's borders and rules, has since disintegrated. The government finally realized that the system, as it currently operates, has led to (1) the expansion of the illegal market, (2) dehumanization and exploitation, (3) the institutionalization of a cheap labor market that threatens the local labor force and inhibits the introduction of new, more efficient technologies, and (4) a threat to Israel's socioeconomic matrix and religious identity (see chapter 11). The institutionalization of two main foreign labor markets, the legal and the illegal, has created a predicament unanticipated in the early 1990s, when the government decided to substantially increase the flow of foreign workers.

Thus the bedrock of the new policy is the government's *positioning of itself as a distinct stakeholder*. Specifically, reducing the number of imported foreign workers implies a direct confrontation with employers—especially in the construction and agricultural sectors, where the revised policy is seen as directly threatening the survival and growth of businesses. Parties involved in the conflict, whether within or outside the government, are engaged in a negotiation process in which the mechanisms employed and the trade-offs reached will be ruled by economic interests, on one side, and ideologies, on the other.

From its inception, governmental policy regarding the employment of foreign workers has been characterized by the de facto delegation of a gate-keeping role to employers. A policy that binds individual workers to designated employers throughout their period of work in Israel has reduced the government's ability to effectively monitor and enforce appropriate and humane conditions of employment. Consequently, the government has lost control over its own policy. The quota system, together with the fierce competition, as well as the maladies it generated—corruption, exploitation, and co-optation—has rekindled a heated public debate over the issue and kept it high on Israel's public agenda.

FOUR

Employment Practices

The System of Placement Agencies

We, the employers, are behaving like drug addicts, can't do without labor migrants. Labor migrants are cheap, not called for army service, and work continuously.

—Excerpt from an interview with Moshe, general manager of “Height,” a leading construction and building company

In early December 1997, the Israeli Stock Exchange surprisingly expressed interest in the living conditions of the labor migrants. Oz Atid, a daughter company of manpower giant Dan El, made a public offering of stock to raise 42 million New Israeli Shebel (NIS) for expanding its labor migrants' import operations. In spite of the recession in the market, their effort was a success; they raised the entire sum and an oversubscription of 2.6 shares. Apparently labor migrants are a lucrative business. In its prospectus to the Israeli Stock Exchange, Oz Atid claimed that it was able to increase its profit because of the impressive growth in revenue from labor migrants.¹

Oz Atid is one of numerous placement companies that dominates the “industry” of employing labor migrants in Israel, conducted predominantly through two modes. The first is the mediation system—employing through placement agencies—and the second is direct employment by the employer.² The former method has become the most common practice in the labor migrant market, and its estimated worth is 1.5 billion NIS in the building industry alone.³ The mediation system developed by the placement agencies takes a variety of shapes and forms, from strictly recruiting in the country of origin to more comprehensive involvement, whereby the placement agencies not only recruit and select the workers but also control all of the logistics behind their employment, such as arrival arrangements,

living accommodations, food, health, on-site supervision, payment of salaries, and other personal needs.

Policies are commonly viewed as bureaucratic mechanisms and structures, reflecting a hierarchical top-down approach, namely, public officials execute policies decided by their superiors or lawmakers. This rational approach, which stems from Weber's tradition of rational bureaucracy and Fiol's administrative management, implies that gaps in the implementation of policies are non-normative and reflect the lack of fit between policy and the bureaucracy entrusted with implementing it, and within the bureaucratic system itself (see, e.g., Pressman and Wildavsky 1984; Bardach 1977, 1998; O'Toole 2000). Policies is regarded as a corollary of causal arrangements of relevant factors such as predisposition of implementation, resources available, structure of statute, sociopolitical system or interorganizational communication, and enforcement activities (Van Meter and Van Horn 1975). Eventually policy is implemented in accordance with the policy objectives, regardless of its influence over its target group.

Alternatively, another approach that distinguishes between two different sources of policy making—bureaucratic and societal (Dror 1989)—leads to the understanding that policy implementation may well be influenced by a bottom-up process (Ingram 1989). This approach basically views policy outcome as a theatre of negotiation, whereby a policy is determined by the dynamic interaction, arrangements, and accommodation between various policy actors and the public (see, e.g., Hill 2002; Sabatier 1986, 1988; Sabatier and Mazmanian 1983).

This chapter discusses policy implementation as an interrelationship between the placement agency that recruits and places the workers and the direct employer. I review this interrelationship mainly through its consequences for the workers—practices that constitute an intricate system of control and exploitation. As I contend, the employment system in Israel is developed on the backdrop of the government's relatively passive stance on the subject, and on a kind of division of labor: the placement agency "outsources" the workers, and the direct employer reduces interaction with the workers to the domain of work only, shifting other related employment responsibilities to the placement agency. In this interplay between employers and agencies, the worker is stripped of his or her rights, as stipulated in international treaties and Israeli law. As a ploy in this "unholy union" between employers and placement agencies, the worker becomes the source of labor and profit, depending on the interests of the partners in the game.

Testimony

After I get my quotas, I'm approached by an [*sic*] placement agency. They provide me with a list organized by skills. I work with "RTman." They have

representatives in Romania and Turkey, from where they select their workers. The responsibility for these people is theirs. If there is a worker that I don't like, I send him back and it costs me nothing. It's at their expense. They need to finance his plane ticket so they have a strong interest in sending me good workers. I don't even have to go to the airport. The agency representative presents himself as my representative and releases the workers from passport control. He takes their passport and delivers them at my construction sites. I don't even have a contract with the worker. I don't have to take care of him at all, not his salary, accommodations, social benefits, and so on. The contract is between the workers and the placement agency.

Q: So how do you fulfill the obligations on the agreement you signed with the Association of Contractors and Builders regarding your responsibilities for the workers' employment and living conditions?

A: I attach my contract with the association to my contract with the placement agency and I tell them what my contract requires of me and therefore of them. I also send my foreman to check on living accommodations; if I don't like something, I ask them to change it.

Q: What about paying the workers?

A: I only pay the agency. I pay them \$6 per hour per worker, with payment according to the worker's time card, signed by my foreman. I know that they pay the workers about \$3. I prefer this arrangement to dealing with all the logistics myself. Believe me, it's worth it.

Q: How are responsibilities regarding the work assigned?

A: I only have one concern: monitoring the work itself. Dealing with the workers and the quality of work is the agency's business. If the workers aren't good or the work isn't satisfactory or if we fail to meet deadlines, I don't renew my contract with the agency.

Q: Doesn't this system make you too dependent on the placement agency?

A: Yes, but it is convenient for me. The most common system is that the placement agency is responsible for the workers and the contractor for the work.

System of Employment

Essentially the importation and administration of labor migrants are completed through a close symbiosis between the contractor and the placement agency. Officially it is the contractor who receives quotas for labor migrants, which are given according to specific criteria related to the contractor's projects,

including volume, type, timetables, and so on. In cooperating with placement agency, contractors have two main avenues. The first is their relative independence, wherein the placement agency's only role is to recruit and select the needed laborers in their country of origin and handle the bureaucratic procedures of sending them to Israel. The second is the maximum dependence of contractors on the placement agency, which acts as a subcontractor, responsible for recruiting, selecting, and managing the work on the construction site. The agency also is responsible for the employment and living conditions of the workers. Generally, contractors prefer the second option, as it provides them with a comprehensive solution in dealing with the complex logistical aspects of recruiting and the administration of the workers.

Recruiting labor migrants begins at the country of origin, where Israeli contractors and placement agencies have two basic strategies. The first is through publishing classified ads in the local media. According to this system, the workers arrive at a recruitment office and pass through a selection procedure, including medical checkups and professional tests, which are sometimes practical tests conducted on construction sites. Alternatively, they might use local placement agencies or construction companies. This is actually a head-hunting system, whereby the Israeli contractor or placement agency recruits an existing work group, complete with its foreman. Here the Israeli counterpart insists only on medical exams and exempts workers from the professional tests. This type of recruitment is based on Israel's own system of employment, in which the group is employed according to task work.⁴

Often while still in their country of origin, workers are presented with a contract—which specifies their working conditions, rights, and obligations—usually in Hebrew. The workers are obviously unable to read or comprehend the content of this contract. Although the common contract endorsed by the Association of Contractors and Builders (ACB) relates to every aspect of working life, including salary, working hours, living conditions, health insurance, and so on, the workers' reality does not correspond to the contract. The placement agencies do not bother to explain to the workers what they are signing, and they often violate the terms of the contract. In some cases, no contract is issued. As one of the placement agency managers said in a dispute over worker salaries that took place in Kav La'Oved⁵ (a hotline for labor migrants):

The workers' problem is that they didn't demand a written contract. . . . The content of the contract [only] consists of the work and the salary. My agreement with the workers was done verbally. They agreed to pay for travel, health, accommodation, and food. Everything was consensual.

Apparently the employers use the contract only as a very basic anchor for workers' claims with regard to the work itself, as well as general living sit-

uations. Thus the employers earn twice: indirectly from the work done, and directly from the fees collected for mediation and various services.

The role of placement agencies has become an instrumental part of the *troika* controlling employer-employee relations. In addition to being a vehicle for mobilizing migrant labor, these agencies are embedded in the regulatory regime of the new labor migrant market that, to a great extent, has determined its own rules and dynamics (Burawoy 1985). Discussing the role of placement agencies in the temporary and migrant labor market, Peck and Theodore (2001, 474) state: "In a nutshell, temp agencies have a business interest in stretching the envelope of labor-market contingency (their market), so as to open up new business opportunities in the trade of flexible workers." The agencies, thus, are active institutional actors playing a multiple role both in the "privatization" of the labor migrant market and in such stages of the employment cycle as recruiting, maintenance, and management of migrants' labor.

Placement agencies intervene in every aspect of labor migrants' lives before, during, and after their period of work in Israel. The employer often is passive in the preliminary stages of recruitment and selection, allowing the placement agencies to determine the terms of employment and their own share of the profits, primarily through inflated fees obtained from workers. Workers also must pay the agencies for various work-related services, such as transportation, tools, and clothing, as well as fines for "poor discipline," expenses for food and lodging, and insurance. Placement agencies therefore surround the labor migrant with a blanket woven from exploitative practices based on real needs. They are channels through which temporary labor is mobilized, regulated, and controlled. In Israel, the system has an inherent peculiarity, stemming from the fact that the employers are the ones who receive the permit for the workers and who actually employ them, but it is the placement agency that controls them. This situation has shaped and institutionalized the nature of the employment of contracted labor in Israel and the normative employer-employee relationship.

The mediated mode of employment can take one of two basic forms. In the first scenario, the placement agency provides a tailor-made, comprehensive arrangement for the employer. The other option is for the employer and the placement agency to share the load of the responsibilities associated with employing the labor migrants. The former is the most convenient for employers, because it relieves them of the complex logistics surrounding the workers and lifts the burden of dealing with workers' personal needs. Under such an arrangement, employers can concern themselves strictly with managing the work, monitoring its pace and quality. The placement agencies also prefer this arrangement, as it guarantees them more business and consequently more profit.

The intricate relationship between the workers, employers, and placement agencies translates responsibilities into fees. The scope of services determines the extent of the fees, which in all cases is absorbed by the workers,

making them, in effect, “servants of two masters” who, conveniently, have supplementary goals: the employer wants to get the most work out of the workers, and the placement agency wants to get the most profit out of them.

Generally, employers such as building contractors, who employ the lion’s share of contracted labor, prefer the second avenue, as it provides them with a comprehensive, “one address” package deal arrangement that simplifies—for the contractor—the complex logistics of recruiting and the administration of the foreign laborers.

From the workers’ perspective, the contractor’s choice of minimum or maximum dependence on an agency represents the scope of each party’s control over the workers. In the maximum dependence model, control is bestowed upon the placement agency, meaning that the workers are totally dependent on the agency. This relationship is intensively paternalistic, as the agency’s contact with workers begins during recruitment in the country of origin, continues in Israel by taking away their passports (hence stripping them of their legal identity), and is maintained by creating and shaping an environment in which workers have practically no autonomous means of taking care of their basic needs. As Nahum, manager of a large construction site, explained:

I am their mother and their father. I care for them and demand from them. My responsibility starts with preparations abroad and arranging their flight to Israel. Here the workers go through a process that reminds me [of] my very first day in the army. The workers get their personal gear and general gear for their apartments. I take care of their accommodations, provide them with utensils, gas stoves, and refrigerators. I buy them their food. Don’t worry—everything is deducted. I also allow them to call home once every two weeks.

The principle is organization and control. I know how to get the most out of them. I tell them, “You go when you’re done,” and they work like horses, doing two days’ worth of work in one. I arrange their working hours and their leisure time. I took them to trips to the Dead Sea, Jerusalem, Bethlehem, and Nazareth. I even take care of their sex life—I came to an agreement with an exclusive club in Jerusalem. Once a week, two or three girls come to the site. The workers finance the girls’ transportation; they also pay 100 NIS for each time.

Contractors and agencies divide responsibilities solely on the basis of business considerations; accountability for compliance with regulations and laws plays little, if any, role for either. In this vein, the relationship between the placement agency, the contractor, and the worker is embedded within a unitary system.

The heart of maximum dependence is therefore expressed in the homogeneity of control over workers and contractors. This enables the

agencies to construct institutional configurations encompassing multiple tasks and functions, from dealing with the bureaucracy in the name of the contractor to feeding the workers and making sure they are paid (see Rosenhek 2000; Asiskovitz 2004). The minimum dependence system demands a different division of labor between the contractors and the agencies, wherein the worker on the job is the contractor's responsibility, while regulation of the worker's life and salary is the responsibility of the placement agency. Yet despite differences, both systems are designed to dictate the ground rules of employing labor migrants, while bypassing government enforcement policies and regulations when they contradicted the contractors' and/or the agencies' interests.

Beginning in 2005, the government altered the employment system in an attempt to better regulate and control the placement agencies. The new system is based on accrediting only a limited number of placement agencies, which have to prove their economic viability and positive track record regarding their employment practices, and allocating employment visas to the placement agencies instead of the direct employers, thus allowing the agencies to regulate workers in accordance with market demands. In addition, workers must be paid a full salary, as required by law,⁶ and all of the required social payments (social security, health insurance). In essence, for the workers, the system remains almost the same. As they are now fully dependent on the placement agencies for acquiring a visa, their employment "careers" rest on the decision of the placement agencies. Under the new system, which also increases the cost of migrant labor by instituting new taxes and levies on their employment,⁷ placement agencies and their clients will further regulate the market and align it to their mutual needs, which will first and foremost require disenfranchised workers.

Skewed Practices

A common practice that is an especially sore point is the government's long-term failure to address the widespread illegal confiscation of labor migrants' passports by their employers. The Ministry of Interior in fact condones and facilitates this practice by handing these documents, in batches and by work group, to employers or their representatives when they come to meet the labor migrants at the airport. Instead of returning the passports to their owners, they are held, sometimes with the excuse of "safekeeping." The consequences are described by a foreign worker:

The law requires the presentation of identification upon demand. Without a passport, labor migrants cannot prove that their presence in Israel is legal because the work permit is stamped in the passport itself. Often, workers do

not even know the identity of their employer, whose name is [written] in Hebrew in the passport. Furthermore, the worker may have since been “sold” to a different employer by a placement agency.

Thus the workers’ path to an arrest is short, yet their detentions may last months. The lack of a passport delays the identification of both the worker and employer so that a legal work permit may expire while the worker is detained. It also may come to light that the employer had never actually bothered to arrange the worker’s permit in the first place. In either case, the worker is deported. The worker without a passport not only risks deportation but also has no means of returning to his or her country if desired or if circumstances require a return. Without a passport, the worker cannot open a bank account in Israel and send money home in a secure manner but must either carry the money on himself or herself or go to the Occupied Territories and deposit the money into a Palestinian bank. In both cases, the worker is exposed to severe danger. For example, nine Chinese workers were robbed and severely beaten on their way to Ramallah, from where they had intended to transfer their savings to China.

Israel’s social security administration (the National Insurance Institute-ID) and the insurance companies refuse to handle compensation claims of workers without passports who are injured in work accidents, car accidents, or terrorist acts. In the cases of loss of consciousness or death, workers sometimes are unidentifiable. The only option for workers unable to retrieve their passports from an employer is to obtain new papers from the embassy of their country, a procedure requiring a large amount of money (Kav La’Oved 2002a).

While the confiscation of passports is a criminal act, with serious consequences for labor migrants, there has never been an indictment of any contractor participating in this all-too-common practice.

The construction industry, which employs the majority of workers—usually living on or near the building sites—develops its own institutional arrangements of control. This is carried out through a “field person,” who usually speaks the workers’ native language and whose major function is to exercise full responsibility on the job site. Although most of the field persons are Israeli, some of them are veteran labor migrants who are natural leaders. This pattern is common, especially among Thai and Chinese workers, because it is difficult to find Israelis who speak the language.

Placement agencies are the prime movers of the industry and have developed intricate methods to extract income from the importation and labor of the migrants. By and large, both the worker and the employer are paying various mediation charges, including fees for finding and recruiting the worker, for providing employment, and for overseeing the logistical aspects of employment, such as accommodation, health insurance, payment, and super-

vision. The prospects of generating income from these various services expand the role of the placement agencies from one of mere mediator and supplier of labor to one of shadow employer. The numerous opportunities to generate income through such vast control over the system and procedures of employment are described by Yoram, a placement agency executive:

I call it system of transfer. The government gives the permits to the employers, they don't want to bother with what they don't know, which is recruiting labor, so the legislator allows them to work through the employment bureau. But many of the employers don't want to deal with the logistics and control involved. They want us to run the system. To provide accommodation, to transport the workers to the building site, to take care of the health insurance, to provide the workers entertainment for their free time, to pay their salaries. It is a complicated task and we have to organize ourselves for that, to develop a system for controlling more than 1,000 workers. It is costly and complicated. We have offices in Romania and Moldova, we rented apartments, and we have a fleet of supervisors and accountants to supervise and control. It's tough, because we are there for the money, it is good money.

Q: What is [considered] good money?

A: Simple crude calculation, out of approximately between \$6–8 per hour we get from the employer we pay the worker between \$2–2.5 per hour, after all the deductions, our expenses run to \$2–3, and we are left with \$2–3 per hour. For an average working day of 10 hours you are talking about \$25 per worker, multiply it by 24 days you get \$600 per worker per month, and if you have 1,000 workers it's big money by all means. (Interview, November 22, 1998)

A few examples of the irregularities of nonsanctioned actions follow:

1. The placement agencies avoid paying interest on the various guarantees they hold as collateral for ensuring worker compliance with contract obligations and as a measure against a worker's flight. As one placement agency manager explains:

The Association of Contractors and Builders demands that workers deposit \$600 as collateral, as a guarantee. There was an uproar about it in Romania, with the Romanian authorities and press claiming that this was an outrageous demand. The Romanian embassy here put pressure on the association and the association told us to deal with it ourselves. We decided to insist on getting a guarantee anyhow. So, the common practice is to mortgage their houses through a local notary, approximately \$2,000 per house. The bank gives the workers a loan of \$600 in exchange for the mortgage. The money

is deposited in a Romanian bank that is a branch of a major Israeli bank. After twelve months, when the worker completes his contract, I send a formal release letter to the bank, stating that I have no claims.

Q: What about the interest?

A: I get 12 percent on the money and give the workers 7 percent. The worker pays this 7 percent to the bank as a fee.

Q: How much money do you have deposited in Romania?

A: \$1 million.

2. Workers usually are paid their first wages during their third working month. The placement agencies keep the wages as a guarantee. During the first three months, the agencies give the workers a small weekly allowance, mainly for buying food. This allowance is later deducted from the salaries.
3. The placement agencies fine workers for any disciplinary problems. The most common problems result from alcohol consumption. The first time results in a warning, the second in a \$150 fine, the third in a fine of a month's wages, and the fourth in expulsion.
4. The placement agencies charge relatively large sums of money for room and board. The usual practice is to house as many workers in one room as possible, with each worker charged for his or her bed. The agencies rent the houses and make about a 50 percent profit on subletting the premises to the worker.
5. Placement agencies charge approximately fifty dollars a month for medical insurance. Together with the insurance companies, they have designed a system whereby the agency pays a lump sum for a predetermined number of workers. This "collective policy" is instituted retroactively when needed, meaning that the placement agencies will pay insurance for only some workers but charge all of them for the alleged coverage. This arrangement is yet another source of profit.
6. One of the most vicious methods of profiteering from the employment of labor migrants is manipulation of overtime pay. Workers tend to maximize their working hours, working far beyond the eight hours required by their contracts; there are cases of individuals working sixteen hours a day. Overtime accounts for 30 percent of their wages, given an average twelve-hour day, six (rather than five) days a week. Various systems are employed to avoid paying the requisite overtime, the least subtle being not paying according to overtime wages and only paying the workers the normal hourly rate.
7. Starting with the signing of a contract, a common practice is to circulate the workers between a placement agency's daughter companies. This rotation enables the agency to collect fees for each round of work. For instance,

a placement agency might sign a contract with a worker for a fifty-five-hour work week at a wage of \$1,500 a month. Out of this amount, the agency charges the employer \$750 a month. In addition, the daughter company would add another \$40 a month as its own contracting fee.

**Testimony: A Day of Negotiations
on Behalf of Workers at Kav La'Oved**

Kav La'Oved, a voluntary organization that protects the rights of labor migrants in Israel, is located in what was a three-room residential apartment off of a corridor. Each room is an improvised office with a few pieces of wooden furniture and some computers. During office hours, especially on Fridays, the place is brimming with labor migrants: Romanians, Turks, Latin Americans, Chinese, Filipinos, and others. They sit on benches along the hall and in the rooms in silence or talking in hushed voices. The Romanians and Turks come in groups, the Filipinos come in pairs, and the Latinos often come with their children. All wait to be received by the staff to register complaints about their employers and the authorities.

Baruch Y. is responsible for the Romanian construction workers. A Romanian Jew, he is proud of his credibility with them. He is their champion. Well-known nationally for his vocal and relentless pursuit of employers who breach labor migrants' rights, Baruch took it upon himself to go after contractors and placement agencies that "suck the workers' blood." He is a blunt man in his forties, with a wide face, blue eyes, and short hair. Baruch sees himself as a crusader against indifferent authorities and oppressive employers. He uses "street tactics" against them, believing that the most effective strategy for protecting the workers is through bullying their employers. His flamboyant and zealous personality is sometimes an embarrassment to his organization, which normally tries to find alternatives to confrontational approaches when protecting workers' rights.

Baruch sits behind his simple wooden desk, drinking endless cups of coffee served up by Vasily, a tall and slim Romanian construction worker who was crippled in a work accident. While he was in the hospital, his employer arranged to have him deported from the country. Vasily ran away, injured and in pain, and eventually reached Kav La'Oved, where Baruch gave him financial assistance and took him under his wing. Vasily was interviewed in the press and has appeared on television—he even starred in a docudrama about labor migrants in Israel. Until his compensation claim against his employer and National Social Security is settled, Vasily regularly visits Kav La'Oved, serving as Baruch's right-hand man and as a living testament to the evils of Israeli employers.

Along the walls in Baruch's office sits a group of weathered and weary Romanian workers. Some are young but look old, and those who are old look

even older. They all come from Zernitza, a small town in southern Romania. They were recruited by People, a placement agency, to work for Malibo, a large construction firm that builds new residential neighborhoods. For two weeks, this group of ten workers has been congregating at Kav La'Oved. They left the construction site immediately after receiving their December (1996) salaries, bitter about the meager sums, ranging from 1,238 NIS to 1,600 NIS (US \$1= 3.25 NIS) for 235 hours.⁸ Kav La'Oved has been soliciting both People and Malibo to meet and settle the workers' salary claims. At first, People and Malibo agreed to cooperate on the condition that the workers return to the building site. When Kav La'Oved threatened to appeal to the labor court on behalf of the workers, however, they changed their approach and agreed to meet at the Kav La'Oved offices. On the day of my visit in September 1999, they met to resolve the dispute. While we waited for the representatives of Malibo and People to arrive, Baruch embarked on a passionate speech:

The government of Israel creates a state of masters and servants. The state issues work permits to the contractors. [The contractors] are given the task of recruiting for placement agencies. And the workers are prisoners under both [contractors and placement agencies]. The moment [workers] arrive in Israel, their passports are taken, and at that moment, they become slaves. The placement agencies have only one goal—money—and they don't care about the contractors or the workers. A representative of the placement agency travels to Romania and makes contact with "local slave merchants," sometimes more than one. Oftentimes, the workers pass through four or five hands before they arrive in Israel. To each hand, the workers pay. Only after arriving before his Israeli employer, the placement agency tells the worker that all of the representatives that helped recruit him were paid on his behalf, and therefore, the worker must repay a large sum.

The taking of passports from workers when they arrive is a criminal offense. It deprives them of their personal freedom. In order to get his passport back, the worker has to pay a lot of money. The taking of passports is coordinated with the government officials at the airport. When the worker lands, a Ministry of Interior representative takes his passport and signs it. The passport is not given back to the worker—instead, it is given to the placement agency representative. When workers complain to the police about their passports being confiscated, they are threatened with arrest. I am working on a case of a worker who had an argument with his employer and wanted to go home. He bought the ticket with his own money, but his employer refused to return his passport. I went with him to the police station to file a complaint. The police officer declared, "I'm arresting him." When I asked him why, he snapped, "Because he is illegal. He left his employer." It's crazy! He had been working just four or five

hours earlier. I tried to explain to the officer that he had just left his employer because of an argument over money and that the worker wanted to go home. The officer didn't care. He had decided to arrest him. I objected, "Why are you not arresting the employer who took his passport?" He told me that if I didn't shut my mouth, he would arrest me too.

The Romanian workers are sitting along the walls in faded gray-and-brown suits, reminiscent of school uniforms, and they are listening almost as attentively as disciplined schoolchildren. Baruch pauses intermittently to translate all he says into Romanian, and they all express agreement with his account. Baruch continues:

When the employer confiscates the passports, he makes the worker a slave. He can ask him to shine his shoes today, he can beat him tomorrow, and expel him the day after tomorrow. The system is like that. [The employer will] buy plane tickets, come at night with some bullies, wake up the workers, and without letting them pack up their stuff, take them to the airport. On the way to the airport, he'll beat them up and threaten them, saying that if they speak at the airport they'll get beaten up there too. The workers are not accustomed to people with guns. It's enough for them to see a pistol on a belt for them to do what they're told. I've seen many incidents like that at the airport.

Baruch grows increasingly animated and points to each worker sitting on the bench as he says:

This person, and this person, and this person are working under pressure. The scaffolding is insecure. No Israeli or Palestinian would ever step onto them, but the Romanians are forced to, otherwise they will be sent back. Workers get injured and nobody reports it. They prefer to expel the workers without providing treatment. If he is really wounded, they might send him to a hospital. But they'll check on him every day, and when he recovers a little, they'll expel him.

Baruch looks at Vasily, and adds: "I succeeded in his case, but there are many more like him."

The people from the construction and the placement agency arrive. Baruch gives them a cold hello and asks them to wait in the corridor. "Let them boil there for a while." He continues with his speech, talking loudly so that the visitors waiting by the door will hear:

The placement agencies exploit the workers. They cut payments for work hours. If the workers work 280 hours, they pay for 220 hours. They deduct

travel expenses from the salary, even though the workers walk to the building site. Many times they steal workers from their legal employers and sell them to the highest bidder. I have a case of a few workers who were sold to a metal shop. In the shop there was a dog. The shop owner told the workers to work during the day and guard the shop at night, instead of the dog. They are worth less than the dog. This is what they did. In the end, they received no money—not for the day or for the night work.

Baruch studies us to see whether we are appropriately affected by his story. Satisfied, he asks the visitors to come in. They include Amos, a Malibo representative, Ayelet, a female lawyer, and David, one of the managers at People, the placement agency that recruits and oversees labor migrants on Malibo's projects. Vasily humbly offers them chairs, and they take their seats in an orderly fashion along the wall, directly facing the row of Romanian workers. It is obvious that they are uncomfortable in the presence of the workers. The session begins with a heated argument about the legal rights of Kav La'Oved, and Baruch in particular, to represent the workers. Ayelet begins by questioning Baruch, aggressively, on the extent of the power of attorney given to Kav La'Oved: "What power of attorney were you given? Full, partial, or just for negotiation?"

Baruch replies: "We have full power. I talk about everything on their behalf: working conditions, salaries, flight tickets, essentially everything that they are entitled to by law. We are recognized by the authorities. We are a non-profit organization that was established to protect Palestinian and labor migrants' rights."

The lawyer continues to question him. "If there is a dispute between workers and employers, are you authorized to represent the workers in the labor court?"

Baruch replies: "The worker files the suit with us. Our lawyer represents him. I'm authorized by the court to return the worker to his country of origin after he receives his salary."

She asks, "Are you authorized to represent the workers even if they are not in the country?"

Baruch becomes suspicious and says, "I can represent him only if he is in Israel. If there is a disagreement and I'm not satisfied with the arrangement, I'll make sure that he stays in the country until it is settled in court."

During the discussion, Baruch insists on translating their deliberations into Romanian, in each instance confirming his endorsements by the workers. It is easy to see the frustration on his adversaries' faces, as they neither understand nor trust his translations. It is clear that they regret having come. Ayelet cynically remarks to her companions, "He's handling the whole thing like a judge in a people's court." (Baruch is comfortable and at ease, and a few hours later, after they leave, he reveals that he had deliberately created an atmosphere of discomfort to pressure them to quickly settle the issue and leave).

David, the manager from People, is upset by the “field trial” style of discussion and at one point tries to object, accusing Baruch of being needlessly coarse. Each time he is confronted, Baruch repeats one of two points. He says, “The workers who are sitting here with us have authorized me, alone, to speak on their behalf. You sit with me and nobody else in order to settle this. I have the last word.” Or, he threatens, “If you don’t want to face your obligations to the workers, I’ll call the media. I have a hotline to a few journalists and they will broadcast widely your shame.”

The visitors abandon procedural matters and take up the money dispute. No one disputes that the workers worked 235 hours in August. The disagreement revolves around numerical calculations; there is confusion about what the numbers mean. The workers have an intuitive feeling that they were underpaid for eleven-hour workdays, and Baruch tries to decipher their pay slips to find out where they have been cheated. It appears to the workers that their employers have created a smoke screen around the calculated wages and various deductions, making the figures appear contrived. During the heated argument, the workers reconstruct and analyze the average pay calculation, for 235 hours, as shown in Table 4.1.

The dispute about money resembles a scene in a bazaar, with the parties haggling bitterly about who owes money to whom and why. According to one line of calculation, some workers owe money to the employer. When Baruch sees that he is losing ground on the disputed calculations, he declares that the workers never had a written contract with the employer. “You should provide them with contracts. I’m going to take you to the labor court, and then you will have to return all of the deductions you’ve heaped on the workers.”

Ayelet defends the employers, claiming that a contract, whether written or verbal, is a contract. “You say that there is no contract. Maybe we should

TABLE 4.1
Deductions from Workers' Salaries

Minimum wage for 200 hours	\$2,290
Overtime for the additional 35 hours [at a rate of 125%]	500
Subtotal before deductions	2,790
Income tax and Social Security [11%]	(307)
Rent	(500)
Health insurance	(60)
Transportation to work	(220)
Food	(180)
Laundry service	(28)
Total Salary	1,495*

Note: This reconstruction indicates that the workers’ net salary per hour, after deductions, is 6.35 NIS, less than US \$2.

have given them one. But legally, it is irrelevant. What counts is the arrangement between the two parties." Baruch interrupts her to charge: "You didn't even give them a contract for their apartment. They live in subhuman conditions. They told me that nine people live in a small room. And you charge 500 NIS from each of them? How much do you pay for that hole? Fifty shekels? I'm sure you take a cut from it." He victoriously translates his last statement to the workers, who murmur their agreement.

Ayelet ignores the apartment issue and steers the conversation to the legalistic aspect of contracts, saying:

Let's assume that we reach the labor court. The worker will stand and the employer's lawyer will stand. They will ask the worker, "Did you sign a contract?" and both parties will say "No," so there will be nothing to talk about. What's left is the verbal agreement between both parties. Why do you think that in this agreement they don't have to pay for the dormitories? Show me the contract that specifies the claim that in addition to salary the employer should pay for housing. There is no such law, and the workers agreed to deduct housing from their salary. Now they've come to you and you have invented this right for them. You are provoking them.

Baruch responds, "Housing for labor migrants should be provided. You give them a starving salary." The lawyer rebuts: "We provided housing. But they should pay the rent. And as for the salary, blame the legislator. Your claim that the legislator is not fair is not relevant to the employers."

Baruch ignores her, looks at the workers, and asks them dramatically, in Romanian, to give him their pay slips. He spreads them out on his desk and says, "I don't see any mention of their overtime hours on this. This shows who you are. It is a blunt form of cheating not to register extra hours. It is against the law."

Again, Ayelet defends the employers: "So we made a technical error on the pay slip of not recording the extra hours. But we didn't cheat anyone. We don't deny that they worked 235 hours." She tries to approach the workers and slowly explain to them in Hebrew, "You worked," motioning the numbers with her fingers, "Two, three five."

Baruch insists: "You cheated the workers. I'm going to bring in television crews and make a big fuss out of this issue."

Amos, the Malibo representative, bursts out, "Is this good for anybody? Is it good for Israel? Is it good for the Jews? What, do you believe that the Knesset will raise the minimum wage for labor migrants?"

Baruch, sensing his growing impatience, responds by pushing for closure to the negotiations and suggests: "Let's agree that the workers will not return the 141 shekels that they supposedly owe you for rent."

The employer's party decides to consider it and take up Baruch's offer to let them talk privately in another room. Immediately after they leave, and

to everyone's surprise, he asks one of us to go eavesdrop. "In a war, play like war," he remarks. When they return, the placement agency manager looks displeased. Apparently the Malibo representative had forced him to partake in the payment proposed by Baruch.

Baruch receives the announcement with satisfaction and tries to capitalize on the tension between them. He leans toward Amos and says, "Amos, you did the right thing. In any case, you didn't lose. You pay him [the placement agency] \$8 an hour, and look how much he pays the workers."

David, the placement agency manager, tries to interrupt, but Baruch continues to preach to the Malibo representative about the evils of the placement agencies and shares his stance, which advocates for contractors to do away with the mediation system. He says:

Look, you can save all the money you give them. Look at Peretz Bone Ha'-negev [a large construction company in southern Israel]. They import the workers directly. They save some of the mediation fees and can pay the workers more. They treat the workers well. They don't shove ten of them in a small room with an outdoor toilet that serves fifty people. It's worth it. Their workers are happy, they don't run away, and they are more productive.

David gets fed up with the whole scene and decides to leave. As he does so, Baruch shouts, "What about the flight?" The manager responds, sarcastically, "If they want to leave, they have to pay." Baruch says, "No. They pay to come, you pay to send them back." Ayelet interrupts triumphantly, catching Baruch's slip, to respond: "OK, since we paid for them to come, they must pay to leave."

Baruch is nonplussed. He turns to Amos, urging, "You should pay for their return. They don't want to stay. They don't trust you anymore. You brought them here, and for the sake of fairness, you should send them back. They don't want to work for you or for People anymore. You need new workers, and to get those, you need to get rid of these."

Ayelet suggests, "Maybe they want to stay, they are good workers." Baruch translates this to the workers, speaking to them in Romanian. They respond with a loud, unanimous "no." Baruch says, "I tried to convince them, but they don't want to stay. If the contract had been through Malibo directly and not through People, it would have been easier. But now," he adds, "they are very bitter."

The lawyer is frustrated. "*You* made them bitter! You are putting pressure on them. You create a poisonous atmosphere. I don't know Romanian, but instead of explaining to them that you want to help resolve their problems, you provoke them."

Baruch replies, feigning exaggerated surprise: "*I'm* making them bitter!? Why? Because I don't agree with your suggestions?"

Amos also is agitated. "Listen," he says, turning to both David, the manager, and Baruch, saying, "I want these people out. Every day they don't work, I lose money. I can't bring in new workers to replace them. I want to settle this thing as quickly as possible. The last thing I need is for this to reach the labor court or the television networks. I'm offering a compromise. I'll pay for half the ticket, and the workers will pay for the other half. I know that David won't like it, but I'll settle it with him later."

Baruch objects. "The workers will not pay anything. I have compromised on many issues. I compromised on their vacation days, I conceded not to go to the labor courts or the television networks," he says.

David interrupts him to charge: "You're like the Histadrut [the Israeli general labor union], blackmailing us! You are returning us to the dark days of Mapai!" [the party that preceded the existing Labor Party]. Baruch retorts, amusedly, "Me, a *Mapainik*? I've been a devoted right-wing person all my life! But let me tell you one thing: all governments, both left-wing and right-wing, are against the workers."

Amos's voice indicates his escalating frustration, "I can't go on like this. It is like a street market." Baruch, lighting up a cigarette, remarks, "I'm sorry, I have a problem with my voice, that is why I shout." Amos replies, "Those who shout are not necessarily right. This is my last offer. I want the workers to stay because we need them. But I know that they want to go home. This is the central problem. Not the money. They just didn't realize that the work would be so hard. The foreman, Nuro, told me that they don't like it here, that the work is too hard. So I won't keep them. Here is my last offer. We'll pay three-quarters of the airfare." He turns to David and says decisively, "Malibo or People, we'll see. And they [the workers] will pay one quarter."

Baruch says, "Let me speak with the workers." After the ensuing deliberation, one of the oldest workers asks to speak. Baruch translates:

"It's not fair. A big company like Malibo ripped us off. Do they need our \$100 for airfare? We are hardworking, poor people. And a company like Malibo is taking our money. Malibo should appreciate our work. We were good workers. We want to help Malibo. We didn't get any premiums. Why do they want to take this money from us? Other workers in other sites got a present for the new year. They gave us nothing, and now they want to rip us off."

Amos ashamedly confesses, "They're right about the present. We should have given something to them. But explain to them that their contribution to the ticket is only \$60. I know it is a month's salary for them in Romania, but I'm not going to give up on this. It's the principle. They will pay, or I'll take them to court. And then, believe me, they will pay much more."

After the translation, the worker responds to Amos, "I know that you are a good person, but Nuro, from People, treated us badly. He stole our

money.” Hearing Nuro’s name, David interrupts, “He’s not from People. He’s one of the managers of the Romanian placement agency which recruits and manages them for us.” Baruch turns to David, accusingly: “So you pay mediation fees to the Romanian company as well. Or let me say, the workers pay. It’s a mistake. You shouldn’t count on a Romanian in matters of payment.” David replies, “Nuro didn’t pay them, he only managed them. My field person paid them.”

Baruch insists: “The workers are not lying.”

Ayelet demands: “Ask them who changed their money from shekels to dollars.”

Baruch asks, and then translates their answer: “They change it themselves and send the money home with friends.”

The lawyer interrogates: “What friends?”

Baruch answers, “Those who finish their contracts. Not Nuro.”

Ayelet remarks, “I still think that Nuro stole their money when changing their currency . . . but let’s drop the issue and decide about the flight.”

Baruch concludes, “The workers are robbed in every way. And when the moment comes, they are the ones who pay the price.” He turns to the workers and speaks with them at length. At first they argue, but he argues back. In the end, the tone mellows and Baruch says, “I’ve convinced them to pay. It’s not a fair game. I can’t take the responsibility or make the decision for them to take this to the courts. We both know the bureaucracy involved here. It will take months for things to settle.” His tone becomes righteous, and he takes out the insides of his pockets, “I don’t have anymore money to give. And they can’t live on air. Better not to stay here illegally. Better to go back where you came from.”

In sum, the case exemplifies some of the problematic practices of the placement agencies with regard to workers’ labor conditions and wages. Furthermore, it accentuates the symbiotic relationship between the contractors and the placement agencies.

Conclusion

The major concern of this chapter has been to analyze the impact of Israel’s governmental policies on labor migrants. In reviewing its consequences, I reflect on the outcome of policy implementation on its target group, the workers. Thus this chapter presents an essentially bottom-up adaptive approach, claiming that outcomes are the result of the mutual adaptation of policies to their environment (Pressman and Wildavsky 1984; Elmore 1982; Ingram 1989). Based on common bureaucratic models—also prevalent in Western countries⁹—migrants’ policy environment is characterized by control and regulation mechanisms via both interagency coordination and the functional

structure of a specialized agency given the task of policy regulation and evaluation. Israel's position is unique in the sense that in the formative years of importing workers (1990–1998), the bureaucratic structure was weak and fragmented (see also Nathanson and Achdut 1999), thus allowing direct policy actors such as the placement agencies to seize control over the point of service delivery as well as the interface between workers and employers, which is the most crucial aspect of policy implementation.

Thus this chapter examines the interpretation (and reinterpretation) of the employment system during its implementation. The division of tasks between the placement agencies and the direct employers is based on the allocation of authority and responsibility; the construction companies allocate the quotas and transfer the responsibility of recruiting and controlling workers to the employment agencies. In this way the constructor only deals with the “professional” aspects of employment and the placement agencies with the logistical and administrative aspects, making placement agencies the dominant component of the employment chain.

Through their control over the key employment procedures, they are able to extract fees from both the workers and the employers. Every gain of the agency is the loss of the worker. It is in the best interest of the agency to generate fees on whatever service rendered; in practice, these fees are exorbitant and inclusive. Placement agencies are exercising brutal measures of supervision and control over their workers, either to deter running away or to get rid of those workers considered troublemakers, unproductive, or unsuitable for the work.

The Israeli press reports regularly on cases where workers are beaten, detained in “private solitary confinement,” and forcefully deported by placement agencies (*Yediot Aharonot*, December 12, 1996; *Haaretz*, March 21, 1999). Workers are essentially trapped in a system designed by the placement agencies to control the lucrative market of importation and the regulation of workers and based on various divisions between the placement agencies and the employers to generate services and control revenue. The placement agencies entered the vacuum created by weak governmental policy design, which divested itself from the required legislation dealing with foreign work in Israel.

FIVE

Living and Working as Non-Israelis

Filipino Caregivers

Linda says, “You cannot compare patients. Each one is a separate world.” But she likes Klara, the elderly woman for whom she cares, an intelligent person who reads German books and newspapers and gives Linda ample time to talk with friends on the telephone. On afternoons they go for walks, to a different place every day. Often, on such afternoons, Linda meets cousins and friends who are out with their own elderly charges.

In a photo album she keeps, Linda has documented all of the elderly men and women that have been under her care, together with their families. She rates each one not by their individual need for care but by the way the family has treated her. She also has recorded her visits to Nazareth, the Lake of Galilee, Jerusalem, Bethlehem and the Dead Sea.

Linda adores Narsisa, who brought her to Israel. Narsisa was one of the first caregivers to arrive from the Philippines; she has managed to marry an elderly Israeli man. Narsisa is now a partner in the employment agency that brought not only Linda but also four of her cousins—May, Baby, Vivian, and Maribel—to Israel (Saturday night meeting, June 20, 2004).

Labor migration affects not only the lives of migrants, it also influences the political and cultural foundations of the societies left behind, and certainly those entered. Among women, domestic work and caregiving are the occupations most frequently chosen. This choice has created global care chains, in which the caring for children, the sick, and the elderly is entrusted to women from the global south who commonly leave their own families to work for wealthier women in the global north (Parrenas 2001, 2004; Tacoli 1999). This is particularly true for Filipino women, for whom domestic work and caregiving have become a trademark all over the world¹ (Martin, Abella, and Midgley 2004; Parrenas 2001, 2005). Filipino caregivers are working in Israel en

masse and dominate the home care and domestic labor market; this chapter details some aspects of their day-to-day realities.

Among all caregivers working in Israel, Filipinos comprise the largest ethnic group. Filipino caregivers began arriving in Israel in large numbers during the early 1990s in order to meet the demands of the rising population of the aged and disabled who required residential care. Furthermore, legal changes in medical coverage and home care for the elderly, mainly through progressive welfare laws such as the Nursing Care Law (1988), have provided the institutional incentive for the importation of overseas caregivers. According to Filipino government records, 30,000 Filipino caregivers were working in Israel in 2002 (Corvera 2002). Israel's Immigration Administration (IA) qualified that figure in 2004, stating that this figure relates to *legal* caregivers (Immigration Administration 2004) of all nationalities. According to Kav La'Oved, a total of 35,000 foreign legal caregivers were employed, the majority of whom were Filipino, with others originating from Bulgaria, India, Romania, and Sri Lanka. Kav La'Oved (2002a) also estimates that there were about 23,000 undocumented—and therefore illegal—migrants from the Philippines working in Israel in 2002, the majority employed as caregivers.²

Although Israel is not the largest importer of Filipino workers, it is the country that has received the most attention in the Philippines' media. One reason for this attention is the issue of internal insecurity, made blatantly apparent by the deaths of two Filipino caregivers in a suicide bombing in August 2002; another more salient reason within the framework of this book is the widespread breaches of Filipino workers' rights (Corvera 2002). Most Filipino caregivers are employed in private homes for the purpose of providing around-the-clock care, though some are employed in nursing homes, rehabilitation centers, and long-term-care facilities. Israelis generally regard Filipino caregivers as patient, professional, and responsive to the needs of their patients. Ayala, a daughter of an elderly person cared for by a Filipino woman, comments: "We Israelis like the Filipinos. They are quiet, shy, obedient, and kind. They are well-mannered caregivers who work yet are 'invisible' at one and the same time."

Significantly, as Ayala observed, many Israelis feel that Filipinos are more "invisible" than their Israeli or European counterparts. This is because Filipinos appear to be more clearly "foreign"; they are perceived as more distinctively external to the family's private sphere, even while attending to a family member's most intimate needs—duties traditionally fulfilled by a relative.

Throughout this chapter, factual material is accompanied by illustrative accounts of Filipinos workers' everyday experiences as recounted by Israeli labor recruiters and employers, as well as the workers themselves. Overseas workers often face emotionally difficult estrangements from their families (see also Parrenas 2005); these ruptures have made bonds to their respective ethnic communities inside Israel an important source of strength and support.

Experiences of injustice are recurrent, with the economic and legal disadvantages of foreign workers limiting their negotiating power. However, as will be shown, Filipino caregivers gradually have developed effective individual and collective mechanisms for increasing their bargaining positions and general autonomy.

In reviewing the case of Filipino caregivers in Israel, this chapter explores the complex relationship between the employment recruitment network operating in the two countries and the social network that has been constructed in Israel by the workers themselves. The former serves as the main formal channel for the replenishment of the community of Filipino migrants at the same time its *modus operandi* determines the nature and conditions of the employment offered. The latter serves primarily as a support system that enables its members to adapt to life and work in the host country while maximizing opportunities to build a local identity and community. Hence, we see how micro-level variables, rooted in the workers' experiences, mesh with the macro-level employment context to shape the individual and institutional environments of Filipino caregivers working in Israel.

Social and Employment Networks

The rate of migration from developing countries to the industrial world motivated the creation of an extensive body of research exploring the migrants' adaptation processes in the host countries. Studies have revealed the multi-purpose social networks that serve both as a safety net and as an arena for instrumental and emotional exchange, and as a mechanism for community building (Massey 1988, 1990). The networks provide the backing and support needed for the prospective and newly arrived immigrants who are seeking employment and accommodations, in addition to acquiring practical knowledge. All of these serve to alleviate the personal, emotional, and economic costs of migration (Boyd 1989; Gurak and Caces 1990).

The literature on networks describes their intricacy (Fawcett 1989; Gurak and Caces 1990; Light, Bhachu, and Karageorgis 1993). As social frameworks, these networks cater to the current needs of immigrants while serving as arenas for the establishment of social relationships that facilitate the search for employment and housing; they also provide an anchor for social identity. In certain respects, the social networks replicate the activities, social roles, and organization found in the host country, thereby cushioning the trauma of integration. Their impact on the lives of migrants is autonomous, distinct from macro push-pull forces and cost-benefit calculations (Boyd 1989; Light, Bernard, and Kim 1999).

In their roles as bridges between host and home countries, the networks serve as the bloodline of the local migrant community in the host country as

resources and information are transferred to the country of origin, enabling the community to replenish itself (Sanders 2002). Migrant social networks thus reinforce self-sustaining migration cycles. Through remittances and recruitment, the networks maintain the bidirectional flow of workers between the two countries. In this capacity, social networks maintain not only the flow of migrants, but they also serve as a channel for bonds between the host and origin countries. It should be noted that the Filipino social network is developed both formally and informally, fostering interpersonal relations in those social systems that have the potential to shape the behavior of the individual and the group.

In the caregiving sector, employment networks are constructed by three main sets of actors. The first set consists of the usually privately contracted employment agencies that assist potential employers in complying with the necessary bureaucratic and legal procedures. Agencies serve as hubs, coordinating the requirements of bureaucratic institutions, workers, and employers. The second set of actors consists of employers—a family or an individual seeking to hire a caregiver. The third set consists of the caregivers themselves.

The *modus operandi* of all employment agencies is similar, regardless of the origins of the caregivers they provide (although agencies tend to specialize in caregivers from one country). Those that import Filipino caregivers are among the oldest and best organized in Israel.³

Employment agencies in both Israel and the Philippines profit from the fees they collect from employers, as well as from the substantial fees they charge Filipinos seeking work in Israel. Workers unfamiliar with Israel are more dependent on the agencies and thus more compliant regarding the demands made of them; agencies therefore prefer new recruits to those Filipino workers already in Israel. Agencies also provide a link between workers and employers by smoothing their arrival and initial acclimation. A description of Monica's entry into Israel illustrates the vulnerability of newcomers when faced with bureaucratic authority in unfamiliar environments:

Monica has just arrived from the Philippines, via Rome, obviously tense and unsure of herself. Rebecca, the employment agency representative, fills out Monica's documents and directs Monica to surrender her passport to the family. Rebecca turns and explains to me in Hebrew that the passport is confiscated to prevent the caregiver from running away. When a caregiver runs away from a family, she points out rather matter-of-factly, the family is unable to hire a replacement as only one permit—for a specific individual—is granted at any one time. Acquiring a replacement involves a series of complex bureaucratic procedures, because the Ministry of the Interior tends not to believe families when a worker runs away. It suspects that Israelis are conspiring with employment agencies to bring in additional caregivers. Rebecca then turns back to Monica and tells her that running away will make her an

illegal worker, chased by the police. Rebecca tries to assure Monica that she will help take care of any problems that should arise.

In an upbeat tone, Rebecca goes through the rights and obligations associated with being a caregiver together with the family's responsibilities as her employer. She provides a contract written in English to Monica, with a copy in Hebrew to Mrs. R., the daughter of the elderly lady for whom Monica will care. Rebecca closes the meeting by explaining that the contracts will be formally signed in her office the next day, after Monica has recovered from jet lag.

Similar to other sectors employing foreign workers, employment agencies confiscate caregivers' passports, which are given to employers for "safekeeping" instead of being returned to their owners. The Ministry of the Interior, in fact, encourages this practice by permitting port authority officials to hand over the passports collected from workers entering as a group to employers or their representatives arriving to meet their new employees at the airport. Yet despite the illegality of these acts, no indictment has ever been issued against an employer, at least prior to June 2003 (Kav La'Oved, *Newsletter* July 2002a).⁴

Although the employment agency is formally contracted to facilitate the recruitment of an acceptable worker and to oversee official entry into the country, the agencies in Israel and their partners in Philippines also operate to limit the bargaining powers of caregivers who otherwise would negotiate more directly with employers about working conditions and wages. Substantial variations in working conditions, responsibilities, wages, working and leisure hours, and room and living arrangements are available to caregivers. The most commonly found conditions in 2004 were the following:

1. Salaries ranging from US \$500 to \$750 a month, depending on an individual worker's qualifications and the job's demands
2. A twelve-plus-hour workday
3. A separate room
4. A basic food allowance, to be spent according to the caregiver's tastes
5. Employer-paid health insurance, costing US \$35 to \$45 a month
6. A twenty-four-hour "day" off weekly, usually on Saturday or Sunday
7. A monthly allowance for local transportation
8. A daily rest period of two hours
9. Twelve to fourteen days of paid vacation a year, which can include religious and national holidays if the caregiver so wishes—vacations are not mandatory; caregivers can receive extra pay for foregoing vacations.⁵

The compatibility between the caregiver and employer is a key determinant in the quality of life for each party. Yet the context for this core criterion is biased in favor of employers, with caregivers receiving little input and

having little to say. The one-directional screening process requires candidates for a caregiving position to provide considerable personal and professional information, while workers receive little or no advance information about their employers. Although contracts formally specify the tasks required, caregivers must rely on their employers' honesty regarding the needs of the person to be cared for, the quality of accommodations, and other provisions.

To date, no official monitoring mechanism has been installed to ensure that caregivers' legal rights are upheld. Not surprisingly, breaches of contract are common. For example, families sometimes abuse the benefits granted them by the Nursing Care Law (1988). This law entitles families to fifteen hours of personal assistance. The family can use government-allocated funds to receive additional caregiving services through the National Insurance Institute. Some families that receive visits by a caregiver from the institute take advantage of these periods to demand that their private caregivers attend to duties such as cleaning, babysitting, and running errands. A still more common practice is to simply expand the caregiver's job description to include household duties. Mary describes her experience:

Whenever the caregiver sent by social security came, the old person's daughter would take me to clean her house. In the beginning, I didn't care because she paid me a few extra shekels. When I realized that the standard fee for housecleaning was NIS 25 per hour, and that cleaning [i.e., provision of domestic services] wasn't in my contract, I asked her to pay me NIS 25 but she refused. I went to the employment agency and complained. The agency called the family and there was an argument. A week later, the agency found me a new family.

To tell you the truth, I know from many friends of mine that lots of families use them for housework. Some don't care because they get extra money, what we all need badly. It's very difficult to do both things at once, taking care of an old person while cleaning, but if someone paid me the right amount, I'd do it.

The difficulties faced by the caregivers are mainly related to the tasks they fulfill. For instance, considerable pressure arises from a worker's constant contact with a physically challenged person, which entails a considerable loss of privacy for both parties. The personal space of each often merges beyond the scope of professional ties, as caregivers usually share a home with their clients. This means that even during rest hours, caregivers remain in the same, confined environment, an experience that often leads to them feeling trapped. Experience shows that a caregivers' individual needs often are overlooked by employers. What makes this situation particularly intense is the fundamental cultural, but especially linguistic, distance between caregivers and their clients. Vivian describes her life as a live-in caregiver:

The work itself is hard, especially since disabled elderly people tend to be impatient and demanding. I try not to get upset. Although I have a lot of patience, I sometimes get frustrated. In my case it's especially difficult—I take care of a couple. Even though the family told me that only the husband needs care, his wife also makes demands of me. She's a little nutty and always wants me to talk to her. Their English is bad and sometimes we don't understand each other. Every few days, I get so frustrated that I can't sleep at night. When I'm angry, I try to keep myself busy, so I buy something nice or walk around. They don't care about my needs at all. I sleep in the living room, where they watch TV. During my two hours off, I have to go to the pay phone down the street to make calls. I can't even cook my own food the way I like it. I like ginger, but they can't stand the smell of it, so I'm not allowed to use it. At the beginning, I sometimes cried, but now I'm used to it. I remind myself that I'm here because my family in the Philippines has no money and my son needs to go to college. Sometimes when I don't feel good, I write letters to my family in the Philippines, but I never tell them that I'm not well. I don't want them to worry. My friends are my saviors. I either call them—I insisted that I be allowed to make local calls—or we meet on Saturday in the apartment we rented for ourselves, where we can talk and support each other.

Often, clients view caregivers as personal “life-support systems”; they often fail to perceive that foreign workers need more than economic compensation. This is an easy assumption for employers to cling to, because caregivers who have entered into such employment arrangements often are in positions of economic extremity. Furthermore, due to their limited bargaining power, caregivers often are subjugated to the excessive demands and whims of their employers. Such environments therefore tend to become exploitative, given that many workers have no choice but to live where they work (see Von Breitenstein 1999).

Because foreign workers do not have the benefit of an administrative backbone to tend to their rights and needs, they have constructed informal communal arrangements as a source of solace and support.

The Filipina Community in Israel

Mary relates the following:

I work six days a week, with time off from Saturday evening to Sunday evening. I spend this time with friends and cousins who also work in Israel. There are sixteen women and three men in our group. The men have families in the Philippines, but the women are single. We meet at the church in

Jaffa, and then we go to a four-room apartment we rent together. We cook Filipino food, gossip, play Scrabble, and if someone has a problem, we try to offer support as a group. On Sundays we go to church and then shop. Sometimes we travel to the holy places or fishing in the Sea of Galilee. We also meet with other groups and organize parties on our holidays.

The Filipinas' long presence in Israel has led to the development of a close-knit and well-organized community with its own self-help networks, social meeting places, churches, ethnic specialty food shops, and communication channels for maintaining ties between friends and families. The community promotes a sense of solidarity and enables members to preserve their own identities and shared values in their Israeli surroundings.⁶

As variously indicated, caregiving can be stressful, physically and emotionally draining work, particularly when cultural differences are compounded by communication difficulties. Filipina social networks serve to alleviate feelings of isolation and estrangement. On a personal level, relationships within the community enable the sharing of common experiences and function as a source of considerable comfort. On a professional level, community networks help define professional standards and norms of fairness expected from employers; they also disseminate information on tactics for coping with employers, agencies, and governmental institutions. The following account describes how such personal and professional support is given:

Minerva relates:

Amongst ourselves, we talk about work, about our employers and their whims. We try to help each other by explaining what is wrong and what is right, and we try to cheer up those who have unpleasant employers, especially those who demand domestic work. We give them spiritual and emotional support. Sometimes we also lend a hand to those breaking down under the strain. Often a couple helps each other at work. This mutual help is the fuel that sustains us through much hardship.

Saturday night is the beginning of twenty-four hours of freedom. Vivian, like many of her Filipino compatriots, heads towards St. Anthony's Church in Jaffa. Here she meets her cousins and other friends; together they all take their regular places for prayers. They participate enthusiastically and listen attentively to the pastor's sermon, which offers spiritual comfort to the congregation. They contribute donations to cover the medical and travel expenses home for a Filipino caregiver who was raped and brutally beaten. With the traditional blessing of "God be with you," the congregation, mainly of women, disperses, with all of its members bound for their weekend flats.

Sitting on low sofas and mattresses, a group of female caregivers and their male friends await a traditional meal. They will stay in the flat for the

entire weekend, far from the solitude and tedious care of the elderly and the pettiness of some of the families. Vivian has much news to share. She has just purchased a piece of land in Tacloban, her hometown. She is now saving to build a house there, and a house for her parents, too, who are taking care of her sorely missed eight-year-old daughter. She also tells about the death of the elderly man for whom she cared. Unlike his wife, who bossed her around, he had been kind to her. The family decided to move his wife to a home for the aged, which was fine with Vivian because the family agreed to pay her two months' severance pay. Vivian does not seem too worried about finding a new job, or about the legal implications of the abrupt termination of her employment. The discussion in the room turns into a lively debate about the best employment brokers, comparing agency track records in finding good families and making legal arrangements that minimize forced departures from the country. Maribel recommends the A.M. Caregiving Agency, which sounds promising to Vivian.

Furthermore, the social network provides physical resources to its members. Financial support, for example, can be given for various reasons, either critical (such as an urgent medical treatment or lawyers' fees), or for social events.

As Ana explains:

In our apartment we have a habit which we call "bank." Each week, each of us (they are ten, who come to the apartment for weekends) contributes twenty shekels to the common cashier, and once a month we open the cashier and give the money to one of the members according to prearranged order. With this money one can buy things, presents, or have a birthday party.

The mini-revolving credit system is well known among immigrant groups and is part of comprehensive community life encompassing social, cultural, and religious spheres—which eventually contribute to the social capital of the Filipino caregivers in Israel (see Light and Gold 2000; Portes 1996).

Still another important function of these social networks is maintaining links to the home country. It is vital for the workers to sustain strong ties with their families, particularly because many of the caregivers left their children behind in the Philippines. For the majority, however, such a feat is impossible. Many Filipino caregivers interviewed voiced their anxieties over the implications of raising a family through "remote control" due to the years they spend abroad.⁷

Celina is one such parent. She says:

I've been here since 1997; during this period I've been in [the] Philippines only once. I have two children, a thirteen-year-old son and a twelve-year-old

daughter. I'm a widow and the children are with my parents. I send money and speak with my parents every Sunday, but the children don't want to talk to me because I'm here. My mother told me that my son has joined a gang and that my daughter doesn't want to go to school.

Q: So why not go back?

A: I need the money.

The outline of Celina's story is typical of a migrant worker: the toll of transnational mothering is weighty. Concerns for the well-being of children cared for by the extended family, but even more, the emotional strain of such long separations, are debilitating.

Diane explains her plight:

My parents take good care of my children. The money opens opportunities: I'm now able to finance my daughter's university studies. She is the first in my family who is going beyond high school. My children are proud of me and tell me so every time we talk over the phone. It is my fate as a woman; I have to take care of my children first; I take second place. This is how it should be (she barely hide her tears when showing pictures of her children). Look, they are educated and can live in a respectable neighborhood. If you are a Filipino woman, you get used to this life.

Thus temporary, labor-related migration for the sake of the children's future is perceived as normative for Filipino women (see Tacoli 1999). Its justification is the perception of overseas work as a guarantee of economic well-being.

Josephine explains:

I always knew that after my nursing studies I would go overseas to work and help my family so they could build a house and open their own shop. In my city, many go abroad. It isn't easy. I've been here for eight years and my visa has expired, but, for me, family needs always come before personal feelings. I see myself as a strong person and told my fiancée in the Philippines that after Israel, I'm coming back and we can get married. I'm not moving to America or any other country.

Yet Filipino caregivers—men and women—despite the solitary nature of their employment conditions, present themselves as a collective that shares a common fate. Through their social networks in Israel, information steadily flows back to the Philippines. People come and go while transferring funds, goods, and messages through well-coordinated channels. For instance, an organized informal recruitment system enables Filipinos working in Israel to

facilitate arrangements for family members and friends to join them, either legally, through an employment agency (which usually endorses the “personal recommendation”), or illegally. The effectiveness of these networks is reflected in the frequency with which three generations of a Filipino family can be seen working as caregivers in the country.

As can be seen, the Filipina caregivers in Israel tend to develop solidarity and close-knit relationships through strong, dense social networks, used mainly for help and advice.⁸ Formal and informal mechanisms within the networks serve as channels for the transmission of information regarding anything from social events to job availability. Employment agencies also have learned to take advantage of these networks when searching for workers. One expression of the community’s vitality—and perhaps of the growing acceptance of this community within Israel—is the recent establishment of a Filipino labor union, which has expanded its mission from addressing individual workers’ grievances over employers’ or authorities’ practices to responding to the needs of the wider community. In addition, Israeli businesses are participating in an increasing numbers of joint ventures with Filipino entrepreneurs, targeting Israel’s Filipino market, and promoting trade between the two countries. The community also has begun to publish its own newspaper, the *Manila-Tel Aviv Times*, a partnership started by an Israeli businessman and a Filipino editor.

These indications of community strength should not be exaggerated. The continued struggle to flourish in Israel was dramatized when the newspaper’s editor was arrested shortly after taking office for being an illegal foreign worker himself; he had criticized Israeli government deportation policies only shortly before (*Bambili*, September 13, 2002).⁹

The dynamics created as the employment and the social networks intertwine demonstrate Massey’s (1988, 1990) “cumulatively caused” migration concept, which conceives of networks as ultimately autonomous mechanisms for the self-sustaining flow and retention of migrants. In the case of Filipino caregivers in Israel, “initiating conditions” are facilitated by the employment network that recruits workers in their home country. This network, based on both formal and informal relations, promotes the creation of a self-contained, controlled environment, feeding into the migrant social network at large. The employment network thus legitimates the social network along two dimensions, first by recruiting new caregivers who replenish the network and second by pushing legal workers into the illegal market, thereby justifying the network’s contributions. The social network, in catering to the needs of both populations, expands its original support role to the retention and fortification of the foreign worker community, hence, although originally responsible for recruitment and the limited monitoring of foreign workers, the employment network in fact serves as the catalyst for the construction and maintenance of the complementary social network.

Breaking Out of the Legal Network

The contracts signed by Filipino caregivers initially entitle them to work in Israel for consecutive twenty-seven-month periods. At the conclusion of this period, they are required to leave the country for at least forty-eight hours. Upon returning to Israel, their contract can be renewed for another twenty-seven months. In cases where the employer is interested in replacing a caregiver, or a caregiver is seeking another employer, a letter is formally filed by the employer, declaring the termination of the employment contract. Registration of the employer's letter of termination with the Ministry of Interior is a prerequisite for the issuance of a new work permit and employment contract. In 2004, the employment period was extended to five years, and in special cases to seven years.

The insecurity burgeoning from such a tentative status often has been abused. The following story demonstrates the vulnerability that has driven some caregivers to abandon their legal status for lives as undocumented, illegal residents.

Beatrice came to Israel to care for an elderly disabled man. When she arrived at the airport, she was met not by a representative from the employment agency but by a member of the family who was hiring her. Instead of being taken to the person to whom she had been assigned, she was taken to his daughter's house where it was explained to her that she was to work as a domestic servant, and not as a caregiver.¹⁰ Beatrice found herself trapped. She could not refuse the job due to the substantial debt owed to a bank in the Philippines, which had threatened to confiscate the home where her husband and two children lived. Beatrice labored while receiving only half the salary promised her for several months; the family withheld the remaining half until the end of her contracted period to ensure that she would not run away.

As Beatrice explains:

The family claimed that they were paying the government NIS 5,000 as a guarantee and took my passport and half my salary as their guarantee. I complained to my agent and she promised to do something, but nothing was done. When the family found out that I had approached the agent, they forced me to write a letter stating that I had no complaints of them. On one of my first vacations, my friends took me to Kav La'Oved; when Kav La'Oved staff called the family to find out what was happening, they discovered that the family was approaching the police to have me deported. Kav La'Oved tried to stop the action, but I still ended up in Abu Kabir [the central detention center in Tel Aviv] for twelve days. The court approved my request to remain in Israel on the condition that I undergo a polygraph test to see if my claim that the family hadn't paid me was true.

Beatrice passed the polygraph test and Kav La'Oved (hotline for foreign workers) successfully sued the family on her behalf. When she subsequently asked the family for a letter of release to allow her to legally work for another family, they refused. Unexpectedly, her employment agent came to perceive Beatrice as a troublemaker and refused to help. Beatrice felt she was left with no choice but to work illegally, eventually finding another family through friends.

Harriet worked for a family in Haifa. In addition to taking care of their disabled son, she also was forced to do domestic work, including gardening. She complained to her employment agency, which angered her employer, who accused her of betraying the family. In retribution, her employer approached the Ministry of the Interior. Claiming that a Druze man had made her pregnant, the family requested her immediate deportation.

Harriet relates her story:

I went to a doctor and received a certificate stating that I was not pregnant, which I gave to the family. But they refused to believe me. They wanted me to be deported or else pay them to write a release. They also refused to return my passport. I had no choice but to run away. I tried to do something with my employment agency, but they told me that without my passport, they could do nothing. I went to the Philippines Embassy and asked for a new passport, but even with a new passport I had to obtain another work permit. I was afraid of being deported, so I gave up trying to get a work permit. I now work for an elderly woman. Sometimes she is good to me and at other times not, but I can't do anything about it because I need the money.

These stories illuminate both the risks and advantages of being an illegal foreign caregiver. On the one hand, the worker is at the mercy of his or her employer, with little protection from an employment agency and no recourse from government authorities should the need arise. On the other hand, wages for an illegal caregiver or domestic worker are relatively high—about 20 percent above wages set in legal channels—and the worker can negotiate demands and wages directly, without interference.

A flourishing industry of illegal Filipino caregivers has thus evolved, with its own employment agencies that arrange for forged permits and transfer workers from one employer to another for wages that are higher than those negotiated by legally operating agencies. Rima, a social worker in a licensed employment agency, explains: "Some employment agencies play dirty tricks. They transfer workers from clients who have permits to employ a foreign worker to families who haven't obtained those permits. They do so in order to earn extra mediation fees" (interview, August 8, 1999).

Israeli policy is designed to ensure that foreign caregivers do not remain in Israel permanently. The Ministry of the Interior makes it difficult

for workers to move between employers during the contractual period and grants permission to change employers only in cases of proven physical abuse. If other conditions are inadequate or unbearable, then caregivers must choose between leaving the country and becoming illegal residents and risking deportation. As Beatrice's story indicates, if a family decides, for whatever reason, that it wants to terminate the employment of a caregiver, then the employment agency often can find another family for the worker. However, the family also can initiate deportation proceedings.

Sifrian's story is illustrative. Sifrian worked for a man who was paralyzed from the waist down. Fearful of losing his job, Sifrian submitted to the man's sexual abuse for some time. Eventually, at the urging of his friends, Sifrian complained to the police. When the police investigated, the paralyzed employer claimed that Sifrian had been the abuser, exploiting the man's helplessness. The police immediately deported Sifrian through Ministry of the Interior channels, without any further inquiries.

This case illustrates the weak position in which foreign workers find themselves when having to defend themselves against personal accusations. In the presence of conflicting claims, the Israeli authorities fairly automatically side with Israelis. Although both parties to a contract are bound by law, caregivers are excessively dependent on their employers' goodwill regarding compliance with the contract's terms. Having little practical power to influence their working or living conditions, caregivers repeatedly find themselves with no other option but to break their contracts and become illegal residents when employers renege on their obligations due to malicious intent, everyday racial bias, or simple misunderstandings.

Nonetheless, workers sometimes do manage to gain the upper hand. Monica's experience (who, as the reader may recall, first entered Israel as an insecure, intimidated worker) demonstrates the possibilities of empowerment among foreign workers.

During her second month of employment, an argument erupted between Mrs. Ronen and Monica over the mode of payment. Talking with friends revealed to Monica that although her contract specifies she is to be paid in Israeli currency, according to official exchange rates, most caregivers are paid in U.S. dollars or in black market rates so they do not lose money during currency conversion. Mrs. Ronen refused to alter the official mode of payment, stating: "It's illegal, and my husband is a judge."

A caregiver is entitled to twenty-four hours of time off weekly. Mrs. Ronen preferred Monica to take a few hours off daily rather than one complete day. Monica initially agreed to this, as she had nothing to do and nowhere to go, having no friends so soon after her arrival in Israel. She even agreed to give up some of her free time for extra money. Mrs. Ronen also arranged for Monica to clean other people's houses to supplement her wages. Before long, the work proved to be too strenuous. Monica was exhausted all

the time, and the couple complained about the reduced quality of care. Mrs. Ronen therefore insisted that Monica spend her time off resting.

As Monica realized how dependent the couple was on her care, she gradually overcame her shyness and gained self-confidence. She called Rebecca at the employment agency and asked to arrange contact with other Filipino workers. After befriending Vivian and Linda, she asked for time off on Saturday evenings and on Sundays so that they could spend an evening at a shared flat, talk in their native language, eat traditional sticky rice off of a banana leaf with their hands, and go to church. This demand instigated a second argument with Mrs. Ronen, who eventually relented and even paid for those Sundays on which Monica worked previously.

Eleven months passed. One morning, Monica arrived at Rebecca's office to hand her a copy of a letter of resignation that she had sent to Mrs. Ronen by registered mail. The letter notified the family that, in accordance with her contract, Monica was giving one month's notice before leaving work. She asked for an extra month's salary as compensation, attaching part of her diary in which she had documented her work routines. In colorful language, she described the drudgery and pressure involved in household tasks, including the care of Mrs. Ronen's young children. The diary also insinuated that the couple had not reported the days when one of them was hospitalized so that they could collect undue welfare reimbursements.

At first, Mrs. Ronen ignored the letter, claiming she never received it. A week before Monica was due to leave, Mrs. Ronen complained that she had not found a replacement and that she did not intend to give Monica a letter of release. Such a letter would enable Monica to retain her legal status and work for another family. Rebecca warned Mrs. Ronen that without filing a letter of release she could not hire a replacement caregiver, sarcastically adding that she should consult her husband, a judge, for legal clarifications. Mrs. Ronen wrote a letter of release on the spot.

Monica's story intimates that Filipinos are increasingly demonstrating their capacity for assertiveness, a process that has destroyed their image as "invisible" servants. Thus Filipino caregivers confront the mechanism of exploitation by staunchly counteracting the employers' attempts to dispossess them of their individual rights. However, it should be noted that Israelis tend to view Filipinos in a more positive light than migrant workers of other ethnicities. This is probably because there is a general consensus regarding the necessity of Filipino caregivers, due to the large numbers of Israelis in need of individual care and the inability of the government to fund such care domestically at higher rates. Even in times of restricting the numbers of visas issued for migrant workers (see Table 3.1, chapter 3), and in periods of intense propaganda against the entries of migrant workers (2003–2005), the number of visas issued to Filipino caregivers was not reduced. Extended stays by Filipino workers, legal or not, seem to be more accepted by Israelis than stays by workers of other ethnicities.

Conclusion

Globalization, and its economic consequences for the global north and south alike, has brought about the widespread labor migration of women who are willing to work as caregivers and domestic servants in affluent countries. This flow has had significant repercussions on the lives of these women, their families left in the home country, and their employers.¹¹ A Filipino caregiver's life in Israel is comprised of two networks: (1) the employment networks that include employment agencies and employers and the disabled and elderly, in addition to their families, and (2) the tight social and community networks maintained with fellow Filipino caregivers.

The strong personal control wielded by employers over foreign workers characterizes the employment system. As this chapter has shown, caregivers, who live and work in the same encapsulated environment as their employers, are prone to structural dependence that can lead to exploitation. Furthermore, although employment agencies play an official—albeit a limited—role as facilitators on behalf of the caregivers, with circumscribed powers of intervention in the employment process, they are in fact the first link in the chain of control that serves their own interests as well.

The social networks, constructed in response to the inequities and loneliness created by the employment network, together with the caregivers' estrangement from Israeli society, serve as shock absorbers and support groups. In providing instrumental and emotional support for legal and illegal workers alike, these networks become a framework for identity that is independent of the host culture, in this case, Israel.

SIX

Thai Agricultural Workers

The Thais have no historical baggage. When I worked with Palestinians, I was afraid for my life at every step. I worked with one Palestinian for five years, and I would check his pockets every time he rode next to me on the tractor. I was afraid of being stabbed. Plus, the Palestinians often didn't show up because of the border closings. You can't be sure of anything with Palestinians. You don't know when they'll arrive, and they always complain about money. The Thais are different; they're reliable, they don't argue about wages, are always smiling and pleasant.

—Yoram, who employs ten Thai workers on a flower and poultry farm

The world's agricultural sector has long been linked to special programs for foreign workers. The well-known Bracero program in the United States, for example, recruited millions of seasonal Mexican workers for the prospering farms in southwestern states during its twenty-two years of operation (1942–1964) (Martin 2002; Martin et al. 1995). In Europe, the number of guest workers destined for the agricultural sector is growing steadily, mainly in southern countries such as Spain, France, and Italy (Castles et al. 1984; Hoggart and Mendoza 1999; King 2000; King and Rybaczuk 1993). Recruitment of foreign farm labor in the United States, like Europe, has been associated by and large with changes in agricultural production, in addition to the structural transformation of the periphery.¹ Schemes involving seasonal or temporary workers have been embraced by numerous governments as solutions for shortfalls in agricultural labor because they provide a cheap, reliable, and flexible workforce that maintains the farming sector's profitability in the wake of global competition (Le Heron 1994; Mingione 1995). At the same time—in a pattern dubbed *circular migration*—with the end of the agricultural season, these workers are expected to return to their rural communities in their

home country, only to return for the next agricultural season (Drori and Gayle 1991; Martin 2003).

With the occupation of the West Bank and the Gaza Strip at the end of the Six Day War, Israel's agricultural sector became increasingly dependent on Palestinian labor at the rate of 25,000 workers daily, most of them commuters.² In 1993, the surge in terrorist activities and the subsequent frequent border closings pressured the government to address the sudden and urgent need for workers in several economic divisions. Agriculture was particularly hard-hit. Previously, in response to the first intifada,³ during the late 1980s a group of Thai agricultural workers had been recruited to work in settlements located in the Arava (Israel's southern steppes) and the Jordan Valley, masked as an "internship" program. As Thais proved to be reliable workers at the same time employment of Palestinians was becoming increasingly tenuous, the strategic employment of Thai workers in agriculture became institutionalized as a solution to labor shortages by the early 1990s (Cohen 1999).

As Yaacov Tzur, the Minister of Agriculture from 1992 to 1996, explained:

At stake was the survival of the agricultural sector. The government understood that it had to find a quick and effective solution to the loss of the Palestinian labor force. The government also understood that the prolonged border closings were an impetus to preparations for the economic separation from the Palestinians. Israeli agriculture relies on cheap labor. Israelis are disinclined to take up hard physical work for low pay. This is a structural problem. Wages in agriculture are low, because most of our agricultural produce is exported to Europe, where we face stiff competition, and competitive prices are crucial. So we made the tough decision to import Thais. (interview, January 1997)

Under the internship program, Thai workers were channeled to labor-hungry Israeli farms, as well as those that had not previously employed Palestinian workers (e.g., in the Arava) or had not suffered the effects of the border closings (e.g., in Jordan Valley).⁴ Since the late 1990s, during periods of quiet as well as turmoil, the level of employment of agricultural Thai workers has been stable, at approximately 20,000. Thais now comprise about 28 percent of all agricultural workers in Israel; 85 percent of these workers are men between the ages of eighteen and thirty, with most of the women present being wives working alongside their husbands (CBS 2003). The quotas officially fixed by the government usually are determined after negotiations with the relatively strong agricultural lobby.

In addition to the population of legal Thai workers, an estimated 10,000 illegal Thai workers were to be found in Israel (Kav La'Oved 2002a) prior to the crackdown on undocumented workers (see chapter 9). The majority of

these had entered into Israel under the cover of fabricated requests by farmers asking for more workers than they really needed. So-called employers would then “sell” the rights to hire the immigrants to other farmers or to labor brokers who subsequently “resold” those rights to employers in other sectors. The construction of such a system was facilitated by the seasonal nature of agricultural work; to ensure profits, many agricultural employers passed on their “rights” to employ illegal Thai workers after their short-term labor needs were met. Such transfers altered the workers’ status through no fault of their own and left immigrants open to exploitation and deportation.

The Employment System

The employment cycle consolidates the system of employing Thai workers via tight institutional arrangements, controlled and regulated from entry to exit. Recruitment of Thai agricultural workers is conducted under the sponsorship and responsibility of the Moshavim (agricultural settlements based on individual and collective farming) movement, an umbrella organization for the private and quasicooperative agricultural sector. For years the Moshavim movement (MM) aggressively maintained its effective monopoly status as the exclusive importer of Thai agricultural workers. By taking advantage of the strong political lobby that traditionally represented agricultural interests so successfully, the MM has been able to position itself as a special-interest group, effectively influencing governmental labor migration policy in agriculture. Yet the most significant implication of the MM’s position is its pivotal regulation of labor brokerage among Israel’s farming communities; it consequently influences not only the flow of labor throughout the sector, but the well-being and prospects of individual workers.

The MM maintains a special unit, the *Brit Siyua* (“Mutual Help Alliance”), which works with the governmental agencies responsible for issuing work permits and attends to all of the bureaucratic procedures required for importing and employing foreign workers in Israel’s agricultural sector.⁵ The MM compiles all requests for foreign workers and allocates work permits to each farmer according to the size of the farm, type of crop, geographic area, and available labor pool. Similar procedures are applied to independent requests, filed by a committee within the National Employment Agency and the Ministry of Agriculture. Visas for Thai workers are then issued by the Ministry of Interior through its offices at the Israeli Embassy in Bangkok. Workers are recruited through six Thai recruitment agencies, referred to the MM by the Thai Ministry of Labor. Workers themselves come primarily from the north and northeastern provinces, drafted by local recruiters working out of each village (Cohen 1999). Prior to departure for Israel, workers must meet health criteria and be certified as having no criminal record before obtaining

work permits from the Department of Employment in the Thai Ministry of Labor. Workers are met at Ben Gurion Airport by representatives of the MM or the employment agency that arranged for their arrival. Visas, work permits, and government-approved employment contracts, arranged for by the MM, are then processed. Afterward, workers are transported—as a group—to their respective employers, based on the placements made by the MM.

The MM's almost exclusive position as a labor importer also has generated substantial income from the trade in labor migrants. Being the largest "employment agency" in the country, the MM has charged various mediation fees, mainly from workers.

For example, Pan, an agricultural worker from northeast Thailand (where his wife looks after their family farm and two children while he works in Israel), described the system of recruitment and its cost:

Friends who work in Israel told me about this company that recruits workers for Israel. They also told me that representatives would come to our village. When they came, I registered, and they told me to prepare my passport and pay them for the papers and the health examination. When everything was completed, they assembled all the people who were registered to work and told us what the country was like, the working hours and wages. They often repeated that we were not allowed to hunt. In order to pay the company the 60,000 baht [about \$2,500] that they demanded for making all the arrangements, I had to take a loan because I don't have any money . . . I used to earn about 3,000 baht [about \$125] a month by selling my produce at the Khon Khan market and from seasonal jobs. This was a lot of money, and I had to place my land as collateral. . . . Half of the money I earn in Israel is to repay the loan. Every month, my wife takes part of the money I send her and gives it back to the moneylender. I can't calculate it very accurately, but I know that I pay about \$300 a month for the loan, and it will take me almost a year to return it. (interview, November 2002)

In general, each Thai worker pays a fee of US \$3,000 to cover travel and logistical expenses, with the mediation fees divided between the MM and Thai employment agencies. The MM also profits from handling transfers of workers' monies between Israel and Thailand, with additional gains from interest accumulated from money deposited by workers in advance for return tickets and other services received while in Israel.

The MM has developed a strictly controlled system that closely monitors the system of employment and the flow of the entry-exit cycle in Israel. Since agricultural employment of migrant labor in Israel is essentially a circular phenomenon, monitoring this flow enables the MM to better control the process and maintain its reputation as an effective and exemplary importer that complies with government demands and regulation.

The control system in Israel is essentially based on contracting independent "accompaniment agencies," usually placement agencies that, commissioned by the MM to solely monitor employment conditions, see to workers' well-being and mediate grievances against employers, particularly those related to Israeli working conditions. The major task of these agencies, according to Gadi, a manager, is to ensure that workers who come from rural areas and display a very different lifestyle and mentality adjust to their life and work in Israel. The assumption is that if the worker does not adjust, he or she will become a liability and fail to work well; replacement, which can be a very costly process, should be avoided. These agencies therefore employ a team of translators, usually determined by the MM, that helps improve communication with the workers in a specific "territory." The field team visits the workers twice a month and inspects their living and working conditions; if employers do not meet their obligations, the team reports this to the MM. These teams also take care of the workers' social welfare, bringing them videocassettes and newspapers from home and caring for workers who are injured or need to be hospitalized.

Chanan, a representative of such an agency, explained the nature of his work:

A while ago, I had a case of three Thai workers who had trouble living together, so I assigned each one to a new, different employer. Then I had to get a new group of more compatible workers as replacements. In another case, there was a worker who was sent to pick peppers but couldn't do his job properly because he couldn't distinguish green from red peppers. It turned out that he was color blind. We redirected him to work in strawberry fields. My most memorable experience was when we brought in a Buddhist priest after the Thai community was shamed by a worker who had raped and murdered a woman in Kibbutz Naan.⁶ Thais everywhere were depressed. The embassy suggested bringing in the priest to raise morale and conduct a purification ritual. They said he would exorcise the evil spirits that had come to plague the community.

Thus the accompaniment agencies represent the vehicles through which Thai workers manage their institutionalized social life in Israel. These agencies provide the pattern of social arrangements that ameliorates the social life of foreign workers in an alien culture. Their main task is to bridge the cultural gap by transmitting norms and behaviors that are predominantly paternalist and determined by the agencies. As Chanan, the field officer, explained: "We give them moral support. We serve Thais in the fields as if we were their fathers and mothers. We represent a social and educational authority. . . . We deal with issues related both to work and to their free time."

In addition to the accompaniment agencies, the MM appoints a coordinator to maintain contact with the Thai workers on a daily basis in each moshav. This function is filled by Moshav members who liaise with the

agencies regarding working conditions and benefits, with the latter including the organization of cultural activities such as festivals, holidays, and trips. This structured system regulates the precise implementation of the detailed employment conditions stipulated in the contracts that bind workers to employers and establish the framework of MM accountability. This accountability translates into almost total control over Thai workers by the system's major components, that is, the Thai recruitment agencies, the Israeli accompaniment agencies, and the local coordinators. Workers are thereby held in a self-contained environment, often in isolated and remote areas, with their entire "career" cycle regulated from entry to exit. Such controlling strategies have succeeded in minimizing the leakage of Thai workers into the illegal labor market to a considerable extent.

The Social Environment of Work

Portrayals of Thai workers in the Israeli media have fabricated two diametric stereotypes. Thais are sometimes projected as self-contained, quiet, and industrious. On other occasions, they are depicted as savage dog eaters and cruel wildlife hunters, a suspicious and frighteningly evil group of strangers.⁷ Such stigmatization has been assisted by their physical isolation from mainstream Israeli society. As agricultural workers, Thais live in rural areas, working long hours in places few Israelis visit: moshavim, kibbutzim (collective settlements), and private farms. They are generally housed in close proximity to the greenhouses or fields where they are employed, with their lives revolving around work.

Employers, in contrast, view Thais as hard workers who defer to the authority of their employers.

Uzi, a farmer in a moshav in southern Israel, described his experiences in these terms:

I have five Thai workers, all from the same village. They call me "Mr." Uzi. When I tell them what to do, they respond with "Yes, sir." One of them knows a little English, and he is their unofficial leader. He mediates between them and me. We have very cordial working relations and they try to please me. Although we work together, they keep their distance. They always treat me as their boss. They are very practical and hardworking. But when they ask to work overtime, I have to be careful of how I respond; if I have nothing to demand of them, they slow down their pace to warrant the extra hours. When that happens, I need to drive them a bit.

Despite—or perhaps because of—the physical proximity to one another, cultural differences between Thai workers and their Israeli employers often are a source of tension and misunderstanding. This friction is particularly bla-

tant with respect to trust-building behavior. Rooted in the belief that informality is necessary for open and direct communications, Israeli employers tend to view informal relationships as a necessary condition for establishing basic trust between themselves and their workers. Such expectations emanate from a generally low tolerance for power inequities and the Israeli dislike of formal hierarchies.⁸ In Thai culture, however, maintaining status distinctions between workers and employers is fundamental for the clear and honest fulfillment of each party's rights and obligations. Familiarity is a culturally alien attitude in the workplace, as each party to an economic transaction is expected to uphold the boundary that separates work from social life.

Tiam, who works in a moshav in the Sharon (central Israel), described his feelings toward maintaining informal relations with his employer:

I don't feel good when my boss invites me to his house. I don't like to eat with his family. I don't feel comfortable. I feel insecure calling him by his first name. I'd rather call him "mister" or "sir." I know that for you Israelis, being casual covers up intentions to not keep promises, especially about money. We once left a job when we found out that our boss hadn't paid our debts to the grocery store, as promised. Everyone should know his place. We didn't come here to socialize, we came here to work and make money. My boss's wife constantly prods me to tell her about my family. I don't want to insult her, but she doesn't understand that you don't talk about these things. Family is *our* business and *our* business alone.

Working side by side and occasionally performing the same work is the level used by Israeli employers when attempting to socialize with and acculturate Thai workers. Although there are mutual exceptions, the preference for maintaining the integrity of social boundaries between the sides, as described by Tiam, often is misunderstood by Israeli employers.

For example, Yuval, a farmer who employs several Thai workers, recounted the failure of his efforts to socialize with his employees as follows:

When they are invited to barbecues and other social events, they are reluctant to come. When they do show up, they stand off to the side, by themselves, and refuse to join us. I try to get acquainted with them all the time, but I don't actually know much about any of them. When Camchad, one of my workers, asked to urgently return to Thailand, I discovered that his daughter had been in an auto accident and was severely injured. I didn't know that he had a daughter, even though he'd been working for me for three years. Thais are very closed people.

This account corroborates Cohen's (1999) findings: "In spite of the physical proximity, there is generally a social and ecological separation

between the Thais and the employers" (181). That is, the social organization of the Thai workers reflects the organization of work. Workers usually are organized in groups led by an informal leader, who is in charge of allocating assignments and supervising their execution.

The work is divided according to the workers' capabilities, age, or gender; older workers or women may be assigned less physically demanding tasks. The unofficial leader also represents the workers when dealing with employers over grievances regarding work arrangements, salaries, or employment and living conditions. In contrast, Israeli employers have no discretion regarding the organization of work in the field. Employers may work closely with these leaders, but they do not interfere in the team's internal division of labor. As employers usually recognize the team leader as the workers' representative, a Thai worker becomes a *de facto* manager, a position that earns him or her not only a higher salary but also higher social status and privileges such as greater flexibility on the job or more opportunities for occasional work outside of the farm.

Separate accommodations also enable workers to carve out the social boundaries between work and social life; caravans set up at the perimeters of Israeli farms are typical accommodations.⁹ Employers also are obligated to supply each worker with staple provisions, including work clothes, the appropriate shoes, and one sack of rice every two months.

Ziva, an employer of four Thai workers, gave the following description of the living conditions she provides:

They live in a caravan in our backyard, all four in one room. The other room is a kitchen. In addition to their work clothes, I give them towels and blankets. I even gave them my old black-and-white TV and an old refrigerator. Sometimes I give them eggs or, when one of the turkeys dies, I give them the bird to prepare themselves. They receive an allowance of ranging between NIS 200 and NIS 400 (about \$35 to \$75) a month, which they spend on food, women, whatever. When there is an emergency, I let them make phone calls to Thailand.

The separate accommodations also enable workers to carve out the social boundaries between work and social life. The Thais' relative seclusion and alienation from other Moshav members, including other workers from different countries, helps them to retain their own distinct lifestyle.

Bontri, a Thai working in a southern moshav, detailed his daily leisure-time regimen:

After work, we usually play cards and drink. We like beer. They don't like us to get drunk, so we pour vodka into Coke bottles so that the boss will think that it's water. Sometimes a few of us from different farms get together to

chat and play volleyball and gamble. The biggest problem is women. There are very few Thai women here and the guys compete over them. Sometimes it ends up in fights and someone gets sent away. We enjoy ourselves most during holidays, when we go for trips. One time, the moshav organized a party for us in the pub, and we brought our own food . . . I have a daughter who is sixteen months old. When I miss her or don't feel good, I call home. To forget my sorrow, I cook for my friends. We eat together and it's nice.

These self-contained social groups tend to exhibit their own internal hierarchies and codes of behavior. Work and leisure patterns adhere to the same cultural frameworks found in their original Thai villages, and familiar methods are used to resolve conflicts and to inflict sanctions against breaches of trust within the group.

Cooperation between workers and employers ensures the farm's success; such a joint effort nurtures the recognition of mutual interests and fosters cooperation.

Chulie offers his perspective on the relationship between Allon and his team of Thai workers:

My employer is a very good man. He is an excellent farmer and when I return home, I will copy many of the things he does. He treats us well; we live in his yard and play with Gilad and Adi [Allon's children]. I showed him a picture of my children in Thailand; since then, he gives me presents for them on their birthdays. I have also shown him how my wife is progressing with the building of our house. My employer is good because he allows me to work every day—if there's no work in the greenhouse, I work in his brother's fields.

Broadly conceived, social relations with employers entail subtle negotiations based on reciprocity rather than on competitive bargaining. The workers resent their dependence on employers; many prefer social interactions with the employer to be based on give-and-take. Thai workers and their employers, therefore, cultivate social relations around specific needs that have circumscribed objectives.

For the Thai workers, employment in Israel is considered lucrative despite the security risks involved. The prospect of improving their quality of life and enhancing their family's future through providing an education for children and subsequent generations was frequently mentioned by the workers as their main motivation for working in Israel¹⁰

Superchai explained:

I'm here for the second time. I've already bought land and built a house, and plan to send my elder son to the university. I also plan to build a greenhouse

and use the same methods that Yaron [his employer] does. Then I'll make more money than he does (Superchai and Yaron both laugh, though with a measure of seriousness).

Wages and Welfare

The terms of employment of Thai workers are openly available and specified in MM guidelines, which detail rights and obligations, salary levels, working hours, vacations, and health insurance benefits.¹¹ A typical workday, usually lasting twelve hours, involves cultivating, harvesting, or preparing produce for market. Employers generally work alongside and closely supervise groups of three to five Thai workers. The work is simple, with little if any division of tasks or responsibilities among the workers. Often, as mentioned earlier, an unofficial spokesman adopts the role of representing his group of coworkers before their employer. Considering the pressures under which Thai workers enlist to work in Israel—especially the half year of labor required by the majority of Thais to pay off their debts—it is hardly surprising that they demonstrate extreme seriousness in their work. Thais are unceasingly conscious of their limited and conditional opportunities to earn good wages and are intent on pleasing their employers in Israel while simultaneously maximizing their earning potential.

Of course, these two goals can conflict. Consider the experience of Neri, a vegetable grower:

When [the Thai workers] arrived, they seemed stunned. At first they did everything they were told. They worked well and took only one break. They've become manipulative; for example, even when there are acute deadline pressures for flower deliveries just before holidays, they work at the same consistent speed, without ever speeding up. During overtime hours, they work more slowly, so that they can work as much overtime as possible. Smart people. I eventually realized that the best way to get them to produce is to pay them per task completed.

Thus the workers are well aware of the nature of work and how to exercise control over their individual work environment. In the previous example, a need for their labor above and beyond regular employment hours was used to enhance their earnings. Over time, workers learn to maximize their profits in relation to work performed. On the macro scale, policies toward Thai workers in Israel are becoming more favorable. In September 2007, the Thai and Israeli governments signed a bilateral agreement to regulate the fees that are paid by Thai workers to the various mediators.

These fees, which total around \$9,000, would be lowered to no more than \$1,800. According to the agreement, the Thai Ministry of Labor is

responsible for recruiting workers, and the International Organization of Migration (IOM), an NGO that has had much experience aiding migrants, is responsible for monitoring the process of employment. This decision also is accompanied by implementing the decision to allow another 2,500 Thais to work in agriculture.

This new development is interesting, because it does not necessarily indicate that the workers would have to pay significantly less, but that larger players are taking hold of the game, namely, the involvement of a global NGO in Israeli national affairs. This, in general, is another example of how global organizations are developing as mediating forces in their attempt to promote global diffusion of certain policies (Dobbin, Simmons, and Garrett 2007).

Conclusion

The secluded work environment, and relegation to predefined occupational niches that have been rejected by the local labor force, which highlights the Thai workers' employment experience, is consistent with the behavior predicted by segmentation theory, which assumes that there is no labor market competition in agriculture because Israeli workers are practically absent from agricultural menial work and look for different kinds of jobs (Piore 1979; Portes 1997). Israel's agriculture sector, now deprived of cheap Palestinian labor, is totally dependent on Thai manual laborers to maintain the highly intensive, modern greenhouse agriculture found in a growing number of Israeli farms. Thai agricultural workers in Israel are surrounded by a bureaucratic system that attempts to regulate and structure their working lives. The system's fulcrum is the MM, which enjoys exclusivity in the importation of agricultural workers to Israel, as it lobbies for quotas, arranges work permits, handles all of the bureaucratic procedures required, determines living allowances, and transfers workers' salaries to their home accounts.

This close proximity, and constant interaction between workers and employers, ultimately creates a situation of unremitting external control. The Israeli employer does not limit his or her involvement to the domain of work but also attempts to cross the threshold dividing his or her workers' personal and social life. This attempt to blur the line between the social and work domains is a manifestation of the employer's perception of the role of interpersonal relationships at work as part of normative control. Employers try to include Thais within their family circle, and by doing so, to inculcate values of cooperation and togetherness in their workers. These attempts are usually rejected by the workers, who view formality, hierarchy, and distance as the salient aspects of an employee relationship.

One of the key problems facing workers and employers is the culture and language barrier, dealt with both formally within the employment system—

through the specialized institutional arrangement of the MM and its affiliated accompaniment agencies and local coordinators—and informally via the social organization of work. The social isolation created by living in a rural environment and in close-knit yet foreign communities has led to the formation of a Thai subculture in which social boundaries are clearly defined, but permeable. The Thai worker has a clear sense of the interrelationship of work and social life, both within the group and with the employer. Workers form their own social organizations, celebrate their national holidays, engage in leisure activities, and develop their own normative behavior as workers separated from families left far away at home. Their temporary and restricted stay focuses Thais' attention on maximizing income and savings.

The relatively rigid employment system, which heavily monitors the worker from entry to exit, appears to guard against excessive exploitation, although the Israeli press has publicized instances of abuse.¹² Yet the Israeli guest worker program in this sector is ostensibly structured toward employers' control over the employment cycle—a fact that minimizes adjustments for workers' rights (see Martin 2003). The institutional employer, the MM, is consequently able to manage the workers' rights in a way that enforces the timely and orderly rotation of workers.

Thus more than any other group of foreign workers, Thais represent “pure” guest workers, individuals who are imported for specific tasks and subjugated to strict oversight. This structure has therefore been conducive to limit the slippage of workers from agriculture to other sectors.

SEVEN

Rumanian Construction Workers

During his rule, Ceausescu initiated massive construction projects in Rumania. He built industrial cities surrounded by huge housing projects and turned Rumanians into a bunch of construction workers. You know, Rumania is a cold country. For three to five months a year, there are no wet jobs [e.g., plastering] available. [As a result] you can find an untapped reservoir of professional construction workers. What was also important is that after the revolution, Rumanians could get passports for the first time in their lives. They were suddenly free to come and go. For us, Rumania is convenient. I'm of Rumanian descent. There are more than 200,000 Rumanian Jews in Israel, some of them in the construction industry. They share a common language with the workers. Rumania is relatively close to Israel, it's a Christian, Western country, and there are no security risks involved in hiring Rumanian workers. Best of all, the cost of hiring them is low. The average salary in Rumania is US \$50–\$90 a month. In Israel, they can earn US \$600 a month, on average, which is why we now have a record number of Rumanians working here. There are some workers who have come three or four times.

—Milo, a recruiter of Rumanian construction workers

The construction industry, including the small but significant building renovation sector, has consistently been the largest employer of foreign workers in Israel.¹ At the height of the construction boom in 1996, approximately 76,000 construction workers were imported into Israel. Rumanians were the first to come, and they have remained the largest national group employed in the industry, although the presence of workers from China, Moldavia, Thailand, and Turkey is increasingly being felt. The number of construction workers decreased to 36,000 and 34,000 in 1999 and 2000, respectively, following the

recession and governmental imposition of limits on the numbers of work permits to be authorized. Then, in late 2000, after the outbreak of the second intifada (the Intifada el Aqsa), with the subsequent renewal of long-term Palestinian border closings, the number of foreign construction workers rose again, to approximately 45,000 by 2001. However, the prolonged recession in construction during the last years (2002–2006) has influenced the quotas for construction workers, which have been lowered consistently and in 2005 reached about 26,000 workers.

Since 1967 and the occupation of the West Bank and Gaza, the Israeli construction sector has relied on cheap Palestinian labor force, which has stagnated any potential advancement in modern construction technologies (Amir 1999). The consecutive intifadas (1987, 2001) and the withdrawal of the Palestinian labor, together with the acute need for housing because of the mass migration from the former Soviet republics (in the early 1990s), have resulted in the government's approval of the mass importation of foreign workers (Bartram 2004).

It should be noted that at the same time the Israeli government has tried to implement policies aimed at encouraging Israelis "to go back to the scaffolds" through a handsome incentive program that offers financial support during the period of training. From the outset, the biggest challenge of this specific program has been to change the normative view of construction (in particular, the "wet works," such as plastering, bricklaying, and ironwork), which as a profession has been stigmatized as dirty, difficult, low paid, and low in status, and thus shunned by Israelis (Amir 1999, 2002; Bartram 2004).

Eventually, governmental attempts to attract Israelis to construction were recognized as a complete failure, as the following example illustrates:

In the mid-1990s, the government, together with the Association of the Builders and Constructors, initiated training programs for newly released soldiers. During the first six months of the internship, the salaries are paid by a special fund, and the contractor pays only 1,000 NIS a month. In 1997, 1,000 released soldiers participated in the program, but only approximately 40 percent continued to work in the industry upon the program's conclusion. Ironically however, only between 30 percent and 40 percent do not find a construction job after completing the program. The various programs designed to attract Israelis to the building industries essentially fail due to the Israelis' inability to compete with the foreign workers, or to accept their harsh employment conditions.

As one recent project graduate comments:

During the internship, contractors use the Israeli trainees as unskilled workers, taking advantage of the government-funded salaries. When the internship is over, contractors are not inclined to hire Israeli workers, as it means they will be required to offer higher salaries and social benefits and comply with labor regulations.

The unwillingness of Israelis to work in construction is used by the construction sector's powerful lobbyists as a reason to continuously press the government for higher foreign worker quotas (see Bartram 2004). Policies suggesting a replacement of workers with more advanced technology and machine power—although widely debated and analyzed—have never materialized. This is mainly because the employers “discover” the full economic potential of the unskilled, poorly paid immigrant worker. They reap the immediate benefits of cheap labor but also generate benefits from inner trading practices, for example, by applying for inflated quotas and “leasing” excess employees to small renovating contractors who are not entitled to import workers.

Bartram (2004, 153) has noted:

With foreigners in construction working an average of 280 hours a month, even a medium-size contractor employing 100 foreign workers can “earn” something like an additional \$28,000 a month by ensuring continued access to permits allowing him to employ foreigners. Small wonder, then, that many large firms have replaced most or all of their Palestinians engaged in “wet” work with foreigners in the last five years.

Foreign workers are more easily controlled and more profitably exploited, leading the construction industry to prefer them. Yet as this chapter shows, the history of employing large numbers of Palestinian workers as cheap sources of manual labor shaped many of the attitudes and methods now applied to the employment and control of all foreign workers. This chapter will reveal the “career cycle” of the Rumanian construction workers, the biggest single workers group imported to Israel. I review both the system of employment and the mechanism of control experience by the workers.

Work System and Cycle

With the fall of the Ceausescu regime in December 1989, the political and economic situation in Rumania became unstable; unemployment rose, and many Rumanians looked for jobs abroad. For Rumanians, Israel is an attractive place to work because wages can be ten times greater than those at home. Israeli employers consider Rumanians professional and diligent workers, much more desirable than the Palestinian workers they generally replaced.

Brosh, a contractor, explained this attitude:

The Rumanians are better than the Palestinians who used to work for me. I was afraid of the Palestinians. With them, I had to watch my back. The Palestinian workers are more sophisticated. They exploited us and their

rights. If a Palestinian worker had a minor injury, he immediately went to the doctor to receive paid leave for two weeks. I could do nothing, though such actions disrupted my work schedule. Problems became even more acute with the border closings. They would arrive and work for two days and then be absent for two weeks. You can't run a construction site under such conditions. With the Rumanians, it's different. They come just to work, no tricks. You can make them work overtime. They have no family here to fall back on, and they know that if they make trouble, I'll send them home. (interview, June 1998)

Rumanian construction workers usually are hired for periods of two years, with arrangements made through partnerships between Rumanian recruiters and Israeli employment agencies. The pattern of recruitment is basically similar to the other sectors of caregiving and agriculture. Employers apply for permission to employ foreign workers, the National Employment Agency issues the work permits, and specialized employment agencies carry out the actual recruitment. This system embodies the basic bureaucratic principle of official Israeli policy, namely, the privatization of the migrant employment cycle (see chapter 3). Thus the government's policy of a "closed" system of regulation, whereby quotas are allocated to the construction firms, and the workers are bound to their employers, is a springboard for developing elaborate systems of employment, such as the various arrangements with placement agencies, the black market of migrant workers, trafficking in workers, selling and stealing workers, circulating migrant workers among employers according to prearranged agreements, and forcing legal workers to become illegal.

Recruiting Rumanian workers begins with the construction firm; placement agencies then operate according to essentially two strategies. The first involves placing classified ads in the local Rumanian media. With this approach, workers then arrive at a recruitment office and pass through a selection procedure, including medical checkups and professional tests. The latter are sometimes practical tests conducted in situ, on construction sites. The second approach involves local placement agencies or construction companies. This is more accurately a "head-hunting" system, whereby the Israeli employer or placement agency recruits an existing work group, complete with its foreman. In this system, the Israeli counterpart insists only on medical exams, exempting workers from professional exams. This type of recruitment usually is related to the system of employment, the actual organization of construction work in Israel, whereby the group is employed according to task work.

After the various tests, workers are presented with a work contract, usually when they are still in the country of origin. The contract is quite detailed, specifying the working conditions, rights, and obligations, but it usually is in Hebrew, rendering its content incomprehensible to the workers. Although the common contract endorsed by the ACB relates to every aspect of working life,

including living conditions, health insurance, and so on, the actual conditions do not correspond to the contract. The placement agencies do not bother to explain to the workers what they are signing, and they often violate the terms of the contract. In some cases, no contract is issued.

A distinctive aspect of the recruitment and placement of foreign Rumanian labor is the siphoning off of financial gains from the workers (see Amir 1999). The workers' expenses, both in Rumania and Israel, are dictated by the various placement agencies and eventually influence the terms and conditions of employment. The business of labor migration offers various opportunities to charge arbitrary mediation fees and commissions that help placement agencies create strong worker dependence and, eventually, opportunities for blunt exploitation and control of workers (Lindio-McGovern 2003). Thus mediation fees, which can amount to more than \$4,000, often have a substantial impact on workers' wages and standard of living—at least during the first year of employment. For example, the demand for collateral to guarantee the workers' performance and fulfillment of contractual obligations is a particularly forceful means for ensuring labor brokers' control. Such arrangements considerably limit workers' bargaining power with employers.

As Michai, a worker from Bucharest, explains:

It cost me more then \$3,000 to come. I borrowed heavily and mortgaged my house. I can't leave my employer even if he mistreats me or refuses to pay me what I deserve. He's always threatening me. He says that if there is any trouble, he will contact his rep in Rumania, who will take my house from me.

The vulnerability of Rumanian workers is pervasive, conditions that were recounted by Constantine:

When I arrived at Ben-Gurion Airport, I was met by a representative of the labor broker, someone who spoke Rumanian. I had to sign documents in Hebrew but couldn't understand a word without an interpreter. They told me that the document said that I wasn't allowed to drink during work, and that I had to keep my living quarters clean. Who knows if there weren't other conditions? I also signed a document that allows the contractor to keep my first two months' wages to guarantee that I won't run away and work for another contractor. I will get this money back only when my contract is up. They also asked us to leave our passports with them. They said that those who want to keep their passports can, but if it is lost or stolen, we couldn't complain to them; it's our responsibility. So we gave up our passports and kept photocopies.

The mechanism of control is practically embedded in the recruitment and employment process as practiced by the agencies. In the employers'

sphere, the whole system is designed purely as a business venture aimed at extracting as much revenue as possible, mainly from the workers. This is achieved through the dismantling of the employment process into several distinct components, with each presenting another opportunity for extracting money either for products or services. The importation of labor migrants entails stages such as recruitment, selection, handling administration, insurance, guarantees, and flight arrangements. All of these economic activities are eventually funded by the workers, whose wages are consequently cut. In the Israeli construction sector, the expected norms of humanization, ethics, and morality soon give way to sophisticated methods of exploitation and dehumanization.²

As mentioned earlier, the system of employment in construction can take one of two basic forms. The first demands that the placement agency provide a tailor-made comprehensive arrangement for the employer. The second involves dividing the responsibilities associated with employing the migrant workers between the construction company and the placement agency. The former is demonstrably most convenient for both parties. Under a comprehensive arrangement, employers are free to concern themselves strictly with management, while the agencies are guaranteed more business and consequently more profit.

As one employer states:

After I get my quotas I'm approached by the placement agencies, and they provide me with a list categorized by skills. I work with "middlemen." They have representatives in Rumania and Turkey, where they recruit workers. The responsibility for these people is theirs. If there is a worker that I don't like, I send him back, and it costs me nothing. It's at their expense. They need to finance his plane ticket so they have a strong interest to send me good workers. I don't even have to come to the airport. The agency representative presents himself as my representative and releases the workers from passport control. He takes them and brings them to my construction sites. I don't have a contract with the worker. I don't have to take care of the worker at all, not his salary, living conditions, accommodations, social benefits, and so on. The contract is between the workers and the placement agency.

This employment model represents a skewed division of responsibilities between the placement agencies and the employers, resulting in greater general control over the workers. In the maximum dependence model, the weight of control rests in the placement agency's hands, with the worker totally dependent on the agency. This relationship is intensely paternalistic. It begins with the workers' recruitment in their countries of origin, continues by stripping away their legal identity by taking away their passports, and is maintained by shaping an environment in which workers have practically no independent means to take care of their basic needs.

David, an employment agency executive, describes the enormous opportunities to generate income through the control and articulation of the system of employment:

I call it a "transfer system." The government gives the permits to the employers, they don't want to bother with what they don't know, which is recruiting labor, so the legislator allows them to work through an employment agency. . . . It is costly and complicated. We have offices in Rumania and Moldova, we rent apartments, and we have a fleet of supervisors and accountants to supervise and control. It's tough, although we are there for the money, and it's good money.

Q: What is "good" money?

A: The calculation is simple and crude: Out of approximately between \$6–\$8 per hour we get from the employer, we pay the worker between \$2–\$2.5 per hour, after all the deductions; our expenses run to \$2–\$3, and we [are] left with \$2–\$3 per hour. For an average working day of 10 hours, you are talking about \$25 per worker. Multiply it by 24 days, you get \$600 per worker per month, and if you have 1,000 it's big money by all means. (interview, November 22, 1998)

Thus the placement agencies are the dominant components in the employment chain. Through their control over key employment procedures, they are able to extract fees from both the workers and the employers. Within such a structure, the agencies' gain is the workers' loss. In practice, the fees generated are excessive, especially because they are divorced from the workers' actual working conditions. Workers pay for transportation, even if they reside at the building site. Recruitment fees, fines for putative discipline and performance problems, and exaggerated health insurance fees all go to the employment agency.³

Rumanian construction workers work primarily in "wet jobs" such as bricklaying, plastering, scaffolding, paving, and tiling. They usually work in groups formed during recruitment in Rumania, with each group representing a mixture of craftsmen as required by the size and nature of the project. The system of employment is designed mainly to control the workers.

Mati, a worker in a large construction site near Tel Aviv, describes his situation:

I have three bosses. Two of them are awful; they shout at us all the time: "Yalla Yalla"—work faster, no slacking. If one of us needs to go to the toilet, they go with him. When I asked them why, they told me that they wanted to be sure we weren't using this as an excuse to drink. They always measure the amount of work we do. If there is a quarrel or disagreement, they

threaten us with fines, and if someone comes to work drunk, they send him home, using the first two months' wages they withheld as guarantees to pay for the ticket. Sometimes they blame us for mishaps that we are not responsible for, but we are afraid to complain because they can call us troublemakers and send us home.

The work routine usually involves long hours and stringent rules, whereby if the workers' performance is unsatisfactory in terms of either quantity or quality, they get a cut in pay. Mati recounted an incident in which his employer assigned a cement roofing task to a group of workers, a job that required continuous hard days and nights of laborious work. When the job was completed, however, the employer determined that the workers had not met their quotas on time, and consequently fined them. The fine was larger than their payment for the work.

Although wages and welfare conditions for construction workers can vary widely, the following were typical for Rumanian workers in Israel between 1996 and 2001, according to records compiled by Kav La'Oved:

1. Wages: US \$2.50–\$3.50 hourly. Legal minimum wages are widely ignored; considerable variability exists in the calculation of overtime pay. Workers also can be paid on the basis of specific tasks completed and on a group basis. The first two months' wages usually are withheld until the end of the contracted employment period.
2. Working hours: 10–14-hour working days, six days a week, Sunday through Friday. Some workers took no days off if paid extra, a practice common especially in sites in remote areas.
3. Accommodations: Rent is deducted from monthly wages. Poor, crowded conditions are the rule.
4. Health insurance: Workers are legally entitled to basic medical insurance and coverage of costs related to work-related injuries or illnesses. In practice, employers often neglected these responsibilities to minimize the costs of coverage. (Kav La'Oved 2002b)

These rights and obligations must be considered within the context of wages. The monthly net income of Rumanian construction workers averaged US \$300–\$500 in 2002 (Kav La'Oved 2002b), but wages do not immediately reflect the structure of costs or the distribution of profits. Placement agencies profit considerably for the pay schedules in effect. While charging employers \$6–\$8 per hour for each worker's labor, the agencies pay workers about \$2.50–\$3.00 for the first eight hours of work and \$3.50–\$3.75 per hour of overtime. Deductions made to cover accommodations and provisions, or through instituting fines for not completing a task or for breaches of acceptable conduct (such as refusal to perform certain assignments, which can reach

40 percent of gross income), supplement the agencies' profits. Irregularities also are common in the calculation of overtime paid to the workers. For example, agencies often neglect to pay more than the prescribed regular wages for overtime, thereby profiting from the gap. This is especially harsh as Romanian workers, eager to maximize their earning potential through overtime (pay for these hours can account for 30 percent of their gross wages), work an average of twelve or more hours daily. Indeed, many work sixteen-hour days.

Wages also can be paid according to the completion of specific tasks or according to preset agreements regarding the number of workers to be involved, and the time frame for the task's completion. These arrangements generally do not appeal to workers because considerable risk is involved, as Alexander explains:

Task work is a risky business. The good part is that you can earn up to 50 percent more, sometimes US \$1,000 a month. Also, you are left alone to work with your mates; the foreman isn't on your case all the time. He knows that we are more eager to finish the work than he is. But there are some ugly aspects too. On more than one occasion we had to wait for days for a cement delivery, but the foreman didn't adjust our terms to take account of the delays. He also said that we didn't do our job well, that we hurried, and that the work wasn't good. One of the walls we built collapsed, but I don't think it was our fault. When such things happen, they don't want to pay us. Also, at the beginning, they tried to cheat us by saying that we hadn't met our quotas, so that we weren't entitled to any money. They actually wanted us to work for free for three weeks! We quarreled with them and held a strike until they paid us. They even wanted us to pay *them* a fine for not meeting the quotas. Today, when they offer us task work, we negotiate to make sure that a proportion of the wages is guaranteed, that one part depends on our production results, and that another part is a premium. (interview, December 6, 1999)

Alexander's comments point to a persistent problem throughout the construction industry. In addition to flagrant breaches of contract and Israeli protection laws, there are, as mentioned earlier, numerous ad-hoc and arbitrary contract conditions that enable the exploitation of workers through unlawful wage deductions.

Mechanism of Control

Disputes often arise between employment agencies and workers on the issue of payment conditions, especially for task work. For example, at one major building site, a group of Romanian workers agreed to a task-based job. After

a week of long hours and hard labor, the construction company engineers discovered that the work completed did not accord with the plan specifications and had to be demolished and then rebuilt. The engineers blamed the workers, claiming that the error was due to their negligence, and that they should therefore bear the costs of repair. The workers blamed the engineers who, they claimed, had not given them correct instructions. They wanted their wages, regardless of the quality of the work or its consequences. After a heated argument ending in a brawl, the employment agency's field manager was able to broker a compromise so that the workers received half of the wages initially agreed upon.

The Rumanian workers are continually seeking to increase their leverage over employers when disputes arise. Tactics include strikes, work stoppages, so-called "Italian strikes" (working at an excessively slow pace), apathy, or outright escape. A strike is viewed as a last resort, because strikes place workers in a precarious situation: workers risk wages, expulsion, and the associated loss of assets—usually their homes—that they had provided as collateral for their loans. Yet although the workers' bargaining power is limited in comparison to other parties in the system, it is in the interest of the employment agencies and the employers to maintain cooperative relations with workers, because of the costly alternatives: work stoppages and the cumbersome process of recruiting replacements, taking into account the bureaucratic hassles involved with each.

Despite the long hours and contractual commitments, many Romanian construction workers attempt to supplement their basic wages through side jobs, which often are better paying and more appealing.

Leo explains how this can be done:

Almost everyone has another job, which he goes to after work. Israelis love to renovate, so there is always a neighbor who wants to change the ceramics in the kitchen or bathroom, or a paint job, particularly before Passover. So they come to us, negotiate a price, and we work for them in the evenings and nights, or on Saturdays. This is good, clean money, which can reach NIS 200–NIS 400 (about US \$50–100) or more a day.

Not surprisingly, many disgruntled workers opt to leave their legal jobs for illegal work, even at the risk of losing their wages and collateral, and despite the threat of arrest and deportation. It appears that the impetus for these decisions is the intolerable working and living condition workers face in the legal construction market.

The construction workers usually live on or near the building sites. The system of control is carried out through a field person, who usually speaks the workers' native language and whose major function is to exercise full responsibility on the site.

Alon, a field officer, describes his job as follows:

I go to greet them at the airport and then take them to the construction site. On the first day, I introduce them to the employer, the foreman, and the work itself. My everyday job is mainly to take care of the small details and their ongoing daily needs, such as eating utensils, sheets and blankets, washing facilities, and so on. Everything having to do with living conditions is my responsibility, and I pay a great deal of attention to make sure that conditions are reasonable, although it is very difficult because they live six to a small room. It's disgusting. Everything is dirty, neglected, everything is leaking, the electric cords are exposed—it's really dangerous! There are cigarettes on the floor, the kitchen is dirty, and there are beer bottles everywhere.

I also take care of their health. If they are sick or injured, I take them to the doctor and then bring them back to work. I'm also the contact person between them and Rumania. I give them incoming mail, and I send their letters home. An important part of my work has to do with the salaries. It is my responsibility to keep track of working hours and bring the summaries to the foreman for his signature. I am the one who distributes the salaries to the workers, and if they want to, I help them to open bank accounts. They approach me with everything—I'm their psychiatrist, friend, and babysitter rolled into one. I also take care of disciplinary problems during and after work. Many times I have had to mediate between them and the foreman. It is not an easy situation. The workers are angry with me, as they see me as the employer's representative. On the other hand, I have to pass unpleasant messages from the foreman or the placement agencies. I'm pressured by all sides in this job.

The field person is the “shock absorber” for both the placement agency and the employer. In the endless labor disputes that arise on construction sites due to workers' complaints regarding their wages and working conditions, it is the field person who is the arbitrator. He is the representative of the employer, while being the principal channel of communication between both the workers and the employer and between the workers and the outside world. The essence of the task is complex, as the field person represents both the employers and the workers, in many cases, being both witness and accomplice to the degradation of the workers, having to justify as well as cover up incidents related to living conditions and underpayment. As the contact person with the foreign workers, the field person communicates the workers' claims to his own employer.

Rami, a field manager for one of the largest placement agencies operating in the fast-growing town of Modi'in, states:

It was difficult to see their living conditions. In the winter it was very cold, and the company didn't want to heat the caravans. The workers built improvised

electric heaters that were extremely dangerous. I had to fight with the company to buy them proper ones. I convinced them that the improvised heaters were too risky.

The job is difficult. It tears you apart. On the one hand, I work for the company and we work for money. On the other, these poor workers, living in stables far from home, are doing slave labor for hardly any money.

Thus the field person participates in the entire cycle of employment, from entry to exit. He handles the expulsion of problematic workers and accompanies the group to the airport when their contracts expire. Although most of the field managers are Israeli, some are veteran Rumanian workers who are natural leaders, spotted and then assigned by the employment agency to supervise the workers, only later becoming a liaison between the workers and the employers.

Conclusion

Binding Rumanian workers to their employers in the construction industry has yielded two main outcomes. First, wages for workers in construction are kept at illegal and artificially low levels. Second, and perhaps even more crucial, employers are free to exploit workers in cruel and dehumanizing ways that deprive them of the most basic human rights.

Christian, a Rumanian construction worker, describes his feelings:

I feel like a slave; a man with no rights. I can't complain or anything because they immediately threaten to declare me a "runaway" and deport me back to Rumania. (interview, February 2000)

Considerable psychological stress is inflicted by denying workers any voice with regard to their employment conditions or the work itself. This marginalization severely limits opportunities to venture out into the Israeli community at large and ensures the alienation of foreign workers. The poor living conditions exacerbate the strain of grinding labor, with pressure compounded by workers' obligations to their distant families.

Alex confesses the following:

I am dying from missing [my family], but what can I do? I call home once every week or two and send and get lots of letters. It keeps me sane; otherwise I would go crazy. When I talk to them on the phone, I cry. I send them some money sometimes with workers who have completed their contracts, money I saved or earned under the table.

Rumanian construction workers in Israel obviously are exploited by labor brokers and employers at every stage of the work cycle. Control is

exerted first by issuing work visas for designated employers, then by illegally withholding the first two months' wages as guarantees and doctoring the calculation of hours worked and wages. Additionally, the confiscation of passports denies workers all freedom of movement, trapping them in jobs that represent their only legal framework for being—let alone working—in Israel. Third, workers' living quarters are reprehensible in their quality and location, a factor allowing employers to exercise coercive control over the activities and movement of workers during nonworking hours. Fourth, employers profit from the exaggerated payments for basic amenities. Finally, employers often threaten to—and sometimes do—carry out expulsions in response to petty or false charges as well as “inconveniences” such as illness or accidents.

Israel's construction industry employs cheap Rumanian labor mainly in basic, low-skilled jobs. The government has exited from the effective control of the system and has left oversight to the discretion of private contractors and employment agencies, an arrangement that has exposed foreign construction workers to serious exploitation.⁴ Competition between these foreign workers, Israelis, and Palestinians has depressed the cost of labor⁵ and halted the sector's modernization (Amir 1999, 2002). Thus contractors continue to lean on the Israeli political system, and pressure groups maintain leverage over the policy-making processes, perpetuating the sector's systematic control over the workers.

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EIGHT

Illegal Labor Migrants

Life and Work on the Run

A week ago, a two-year-old boy got lost. He ran away from his nursery school, which was located in the cellar of a crumbling building and run by a girl without any training. She “taught” fifteen toddlers trapped in a room without toys or any other equipment. . . . Someone found the boy on the street, and took him to the police station. [The police] didn’t know who the toddler was; they didn’t even know how to change his diaper. The social services staff didn’t know who he was either. In the evening, the boy’s father arrived at the police station with a picture of the child. We [the police] gave him the child but later arrested and deported the father because he was an illegal worker from Turkey. The mother, also Turkish, and the child, who was born in Israel, were allowed to remain.

—Mia, a policewoman

Illegal labor migration has loomed large on the Israeli public agenda since the early 1990s, when the realization that in tandem with the contracted workers, illegal migrants and their families were settling on the outskirts of Israeli cities, especially Tel Aviv. In Israel, the public debate over illegal migrants often is seen as linked to the employment of labor migrants at large and is associated with two major spheres, economic and social-political. Within the economic sphere, labor migrants are perceived as having taken jobs that otherwise would have gone to Israelis, depressing salaries for unskilled Israelis, which in turn forced the state to increase unemployment and income security payments, and as having reduced workers’ general productivity, as the employment of cheap foreign labor serves as a negative incentive to invest in labor substitution production technologies.

In the social and political sphere debate is centered mainly on citizenship issues and their consequences. For example, labor migrants have access to social amenities and basic protection that for Israeli citizens is limited. Civil disputes are mainly related to social services and everyday life and stem from the incorporation effort of illegal migrants to establish their own ethnic communities (Raijman and Kemp 2003; Schnell 2000; Schnell and Alexander 2002). There also are considerable entitlement issues, associated with citizenship and the ethnicity of non-Jewish immigrants in a Jewish state.

In this chapter I explore the development of the illegal labor market of foreign workers. Beginning with how the system of employment induces the creation of such a market, and its basic characteristics, I then explore the institutionalization of this market, in terms of constituting communities of illegal foreign workers. After reviewing the relations between illegal foreign workers and the Israeli society and its institutions, I conclude by claiming that the various illegal communities were institutionalized in Israel as a response to both the principle of a growing capitalist market in need of cheap labor and as a bureaucratic mechanism that organizes the importation of foreign workers to Israel.

Working Life

The illegal labor migrant market has developed in the gaps between the formal, legal labor migrant market and the employment system. Illegal workers are thus, in the widest sense, a product of Israel's institutional environment. Their status, rights, and existence are precarious, mainly because of institutional shortcomings and the government's reluctance to address, in a comprehensive way, the realities of their life and work in Israel. The long, bitter experience of dealing with Israeli Arabs and the Palestinians—two minority groups that are not Jewish and therefore outside the “boundaries” of the Jewish constituency—has led to the common solution known as “exclusionary practices.” Illegal foreign workers are treated as “unlawful aliens,” which must not be allowed to take root; they must be controlled and deported. The policies toward undocumented labor migrants portray an inherent tension between deportation and accommodation. The former will be discussed in detail in the next chapter, and the latter reflects a recognition of the usefulness of a cheap and vulnerable labor force that is inherently temporary and apparently has no legal or moral claim to citizenship entitlement (Engbersen and Van der Leun 2001).

Illegal workers are either undocumented migrants who entered Israel legally and either cease working for their legal employers, thereby becoming illegal aliens, or remained after their work permits expired. Some often enter as tourists and overstay their period covered by their visas or, occasionally, they seek asylum or enter the country clandestinely. In the early 2000s, it was esti-

mated that about 150,000 undocumented workers were working in Israel—47 percent from Eastern Europe and Russia, 32 percent from Asia and Africa, 16 percent from Latin America, and the remaining 5 percent from Arab countries such as Jordan and Morocco (CBS 2001). The majority of undocumented workers were employed primarily in construction (approximately 50%) and in domestic services (approximately 30%) (Bar-Zuri 1999).

The existence of such a large body of illegal workers has created an additional labor market with its own mechanisms, rules, and niches. Jobs for illegal workers are thus concentrated in small industry, small businesses, workshops, restaurants, and cleaning and other domestic services. What distinguishes the illegal from the legal labor market is its resemblance to the ideal free market, where a worker has the liberty to choose his or her employers, to negotiate the terms of employment, and to exit at will. Consequently, average wages are between 29 percent–40 percent higher in the illegal than the legal market. On the other hand, this market is highly volatile, with no built-in mechanisms to protect workers against those risks. Undocumented workers are helpless in numerous respects and forced to rely upon their employers' sense of fairness and goodwill. Illegal workers have no recourse in cases of exploitation, delinquent wage payment, or inferior working conditions. An employer can turn the illegal worker over to the authorities at any time, an act that culminates in expulsion from the country. The punishment for failure to abide by labor laws does not appear to fit the crime.¹

Many workers who initially entered Israel as legal workers knowingly entered the illegal market as an alternative to their original jobs. Jaro, a "run-away worker" (*barchanim*) from Rumania, who fled his construction job and now oversees a small group of fellow "runaways" from Eastern Europe, explains the advantages of being "illegal": "We are free agents. We find our own work, rent our own apartments, and buy our own beer." Jaro and his group, like other runaways, easily find jobs with independent contractors who are not authorized to import foreign workers because they are either too small or because they do not belong to the ACB.

In contrast to workers who choose to become illegal, others are forced into this status through the actions of their employers and employment agencies. Employers often refrain from renewing work permits, preferring to replace a worker and to increase the cycle of importation of workers to generate more income. Employers who do not renew work permits automatically force workers into the illegal labor market if they do not wish to return home. Employers also can incriminate their workers on false charges, an act that invites deportation while simultaneously saving employers from paying the wages due. Hence, exploitation encourages the transition from the legal to the illegal market. Nonetheless, it appears that all parties can benefit from the existence of the two labor markets, although the workers themselves pay the larger price for their operation.

Other infringements include illegal worker swaps, which are notoriously prevalent in the construction industry and, to a lesser degree, in the caregiving sector. Unknown to prospective labor migrants, employers and placement agencies engage in human trafficking by manipulating work permit regulations in the creation of another submarket, one in which workers are illegally bought and sold. Yet it is the worker alone who faces the consequences of this trade.

For You Were Strangers (2003), a report published by the Hotline for Migrant Workers, documents this illegal and inequitable trafficking of foreign workers:

How is the trade in workers conducted? Employers approach the Employment Service and try to acquire as many work permits as possible for importing migrant workers. The permits are then handed over to an employment agency that recruits the workers abroad and brings them into the country. The employer takes the necessary number of workers from the employment agency, and the remaining workers are “sold” by the employment agency to another company or “rented” on a daily basis until the legal employer requires their labor. (16)

Although employers’ illicit practices are fueling the undocumented labor migrant market, by and large, employers and placement agencies are eager to curb the outflow from their limited pool of legal workers into the illegal sector. Their own public credibility as entities capable of effectively monitoring and controlling the population of foreign workers is necessary to ensure continued cooperation with the government over work permit quotas and profitable job placement fees. Also, the illegal workers’ ability to demand higher wages contributes to the attrition of the legal worker pool and to subsequent wage increases—features that inflate the cost of hiring cheap labor and reduce the agencies’ profit margins.

In Israel, the government labor migrant project has essentially focused on contract labor with predetermined cycles of employment. However, this aim has not been achieved, as Amir (2002) argues, due to contradictory policies in practice. Yielding to political and sectoral pressures, government policy has become rooted in principles and regulations that virtually indenture legal migrant workers to their employers indefinitely. This system, which has created a “captive” labor force (Rosenhek 2000) and depressed wages, has evolved into an intricate economic system that thrives on easy gains generated from the employment of migrants. Eventually, the low wages greatly increased the demand for migrant workers and encouraged legal workers to turn illegal.

Nico’s Testimony

Nico, from Bucharest, had spent six months working for one of Israel’s largest contractors, responsible for much of the construction of Modiin, a

new city, located thirty minutes east of Tel Aviv. For the past three months, his wages have fallen to less than \$500 monthly. He also was quite tired of quarreling with Yanko, the Israeli employment agency representative, who also was of Rumanian descent. Yanko kept giving him vague excuses, of which Nico could make no sense, for all kinds of deductions from his basic wage. Dealing with Yanko also was difficult because Nico had difficulty understanding Yanko's Moldovan accent. He also could barely communicate with Yaakov, his Israeli supervisor, so they devised a common "seeing is believing" system, by which they together counted, each in his own language, the rows of bricks laid each day.

Nico was mindful about how he spoke, because his efforts could backfire. Being tagged a "troublemaker" could make the road to Ben-Gurion (airport) short and swift. But Nico decided not to wait to be awarded this label and the subsequent troubles; he decided to run away. He persuaded Roman, from Bucharest, and a member of his construction team to leave with him. So on one of Israel's infrequent rainy nights, the two walked for a few hours until they reached Ben-Gurion airport. There they took a taxi to an address that Yanko had given him. Nico never told Roman about the deal he had made with Yanko, about the money paid, and Roman never asked.

The apartment had two bedrooms, in which six other Rumanian workers lived, now a total of eight. None asked about the circumstances that had brought Nico and Roman to their door. They just insisted, repeatedly, that the two be quiet and clean, explaining: "We must behave like invisible people—don't upset the neighbors or they'll want to complain to the police."

Yanko later explained that the Israeli residents in the area probably were afraid of diminishing property values. "You'll see," he predicted. "Soon many more will rent apartments to employment agencies, and then the building will be marked as a place for foreign workers. Israeli residents will start to leave the area, and those who remain will complain. As foreign workers accumulate, some will forget their manners and then there will be trouble. The police will mark the place, and raids at night will follow."

Yanko had built a small business of his own while working for the employment agency, which entailed luring foreign workers away from their present jobs for more lucrative ones with his friend, a small contractor, who specialized in enlarging and renovating houses and apartments (*shipputzim* in Hebrew). Yanko made arrangements for Nico and Roman to work for Danny, a young Israeli, who had just been released from the army, a hard worker but also a fun guy. "Danny paid cash every week, a straight five dollars an hour—with absolutely no deductions—for ten working hours at a time; lunch, of shwarma and hummus, was on him. He took us to work and brought us home; we were free on Saturday, and worked for half days on Fridays. However, after eight months, Danny tired of the work; when the last job was finished he went off to India like many young Israelis."

Before leaving, Danny arranged for new jobs for Nico and Roman, this time working as gardeners with his army buddy, Benny. "Benny was a copy of Danny: *Haval al haZman* [Hebrew slang for 'cool guy']. Benny had a prosperous business. We planned and cared for gardens in the villas found in Maccabim, Ramat Hashron, Savion, Herzliya Pituach [all affluent communities]," Nico stated with pride. "We also had jobs cleaning apartment buildings," he said, but with less pride.

While working for Benny, Nico moved to Givatayim, a middle-class suburb of Tel Aviv. "The police there never bother to stop you, even if they suspect that you may be illegal. They have class." Before long, Benny, like Danny, decided to close his business and leave for India. After that, Nico and Roman moved from one employer to another. "Some were OK, others were bastards. I've worked mainly in *shipputzim*. I know all the places to stand where you can be picked up by someone who is asking for day laborers. We look like the prostitutes, standing and waiting to be picked up." He later started dating Ilana, who is fifteen years older than Nico, a divorcee with three children, the youngest in high school. She lived in the same building in Givatayim. "We saw each other in the staircase, and I helped her with her shopping bags." Before long, he moved in with her, and after many hassles with the authorities, they married in Cyprus. Nico is bitter about the ordeal and reluctant to talk about the "huge" legal fees that Ilana had to pay to make it possible for them to marry. "*Schitut*" [corruption], he spat. "Just like in Rumania. It's the same here. If you want something from the *pkidim* [bureaucrats], you have to pay." But Nico is content now. Employed by a placement agency to oversee various building sites, he drives a company car and comments: "no one can touch me."

Community

Stephen Castles (2002) outlined two main models of the incorporation of migrants. The *settler model* relates to immigration as a long-term project, in which migrants work toward integration into a host society by forming families and communities. The *temporary migration model* describes a situation where migrant workers view their presence in a host society as temporary and for the single purpose of earning income. The migrants' affiliation and reference points remain their home country. However, globalization, which is associated with permeable borders and ongoing cross-border flows, has changed the nature of migration. Boundaries between different categories of migrants have blurred, with new transnational communities being formed.

The new migrant communities represent more diverse patterns of mobility and incorporation, characterized in particular by multiple identities as well as social and civil statuses. In this respect, undocumented migrant communities, although based on temporary migrant workers, may challenge

the sovereignty, policy, or regimes of the host country and the immigrant struggle for integration and assimilation (see Harris 1995; Sassen 1999; Portes and Rumbaut 1990; Waldinger 2004). This depends on tendencies for social exclusion or inclusion as expressed by the host societies as well as the migrant communities, the size of the respective groups, the timing of their arrival, and their ethnic distinctiveness or nationalist versus postnationalist ideology (Sanders 2002; Toro-Morn and Alicea 2004; Joppke and Morowaska 2003). Lower levels of integration in the host society are associated with immigrant groups that are clearly distinct from the majority in terms of culture and ethnicity but also are willing to reside in segregated urban spaces (Sassen 1999).

Undocumented workers who have attempted to settle in Israel have regularly encountered a reality that reconstitutes a policy and social climate of prejudice, discrimination, and social rejection, both in the labor market and in the social realm. A series of studies on the Israeli public's attitudes toward migrant labor (Raijman and Semyonov 2003, 2004) contended that the magnitude of perceived economic and cultural threats of those of relatively low socioeconomic status influences their negative attitudes and approval of discrimination toward labor migrants. Furthermore, the prospects of incorporation of labor migrants are almost nonexistent, as the national ethnic regime in Israel that restricted citizenship to Jews (Kimmerling 2004; Shafir and Peled 2002) guards against any changes in citizenship and naturalization entitlement.

Similar results were gleaned from Schnell's (2000) study on attitudes among low-skilled Israeli workers living in close proximity to labor migrant communities in the southern suburbs of Tel Aviv. This segment of Israel's population has expressed fear of economic competition from foreign workers and has adopted racist sentiments in response. Studies on ethnic integration suggest that numerous factors influence the extent to which ethnic minorities are accepted in an overtly hostile host country.

The issue of settlement refers to the consequences for Israeli society of the long-term residence of undocumented labor migrants, conceived as the creation of alien communities in the midst of Israel's cities, namely, Tel Aviv.

As the country's largest city, Tel Aviv has taken considerable advantage of the division of labor between central and local government and has used it to devise more efficient programs aimed at integrating the labor migrant community into the urban landscape. The approach adopted was one of practicality: how to adjust or shape the labor migrants' urban lifestyle as well as their relationship to the municipality. One unforeseen consequence of this project was a greater awareness of the city's responsibility toward all of its poor residents.

Broadly speaking, undocumented labor migrants engage in social activities—churches, football clubs, social clubs, kindergarten or credit and self-help workers' associations—whether participation is formal or informal. A notable example is the plight of the African Workers Union. Once purely a

labor representative, the union has been working with the immigration police to facilitate voluntary departures of undocumented workers ever since the recent deportation campaign was inaugurated.

Consequently, the immigration police have granted three months' "grace" for those immigrants who express their willingness to leave Israel voluntarily. Another example is the churches. Geographic segregation has transformed churches into the major social institution serving the labor migrant community. For instance, the churches ministering to the diverse African community, whose members come from countries such as Ghana, Nigeria, the Democratic Republic of Congo (Zaire), Sierra Leone, South Africa, Liberia, and Kenya, have helped install a sense of community that provides what may be the only social safety net available for its members.

Contrary to the fairly tight (albeit remote) social organization of the African community, the Latin American community tends to be looser, less geographically segregated, and better integrated into Israel's social life. Why? Latinos are apparently less vulnerable to ethnic and racial prejudice (Schnell 1999; Schnell and Binyamini 2000). In Tel Aviv, the Latino community "consists of isolated and fleeting socio-cultural associations"; in Jerusalem, the Latino community centers around the church, being more insulated from local society (Roer-Strier and Olshtain-Mann 1999). Furthermore, in contrast to the more structured African community that can be rallied for purposes of social action, the Latino community is more fragmented and less formally organized, which hindered its ability to promote its collective interest and action within the host society (Kemp and Raijman 2004).

While central government ministers endlessly debate optional policies, the Tel Aviv municipality has striven to deal with the single largest population of foreign workers in Israel—estimated at 60,000 people—living in its southern neighborhoods. No formal state policy guides Tel Aviv's provision of social or educational services to foreign workers. E. Sulami, Tel Aviv's deputy mayor in the late 1990s, and [now] the head of the Committee on Foreign Workers in Tel Aviv, described the city's situation as follows:

Our dwindling resources are insufficient for the growing urban problems we are facing. We spent NIS 10 million from our [local] budget for direct services for foreign workers. We must find ways to force the [national] government to face up to its responsibilities. Either it gives us a plan and the resources to implement appropriate responses or we will have to find our response and then charge the government for them. The government treats foreign workers like unwanted children, left on the orphanage doorstep. (interview, December 10, 1996)

Thus despite the lack of official guidance or financial support, the three different municipal administrations serving Tel Aviv since 1997 have

remained consistent in their commitment to provide the basic welfare services required by labor migrants and their families. Consequently, although the responsibility for controlling the size of the labor migrant population technically rests with the national government, Tel Aviv's local government has borne the lion's share of the costs and provided most of the services to its illegal as well as legal residents.

Testimony, E. Sulami, Tel Aviv's Deputy Mayor

In Tel Aviv, the highest concentrations of foreign workers are found in the weakest neighborhoods. The trend is cyclical. The strongest population from the southern neighborhoods leaves as the weakest settles in. The result is a community riddled by alcoholism, massage parlors, prostitution, and all sorts of criminality. For years we've been nurturing this neighborhood in an effort to reduce the socioeconomic gap; but now, the population is suffering in ways beyond our capacity to confront, not only in housing but also in health, welfare, and education.

Services provided to foreign workers are not budgeted by the [central] government, so it falls on the shoulders of Tel Aviv's residents. When the [Jewish] immigrants came, we enjoyed governmental support. In the case of the foreign workers, we are obligated by international treaties [to meet their basic needs]. . . . We in Tel Aviv are taking these responsibilities upon ourselves with inadequate help.

The foreign workers are a ticking social time bomb. Southern Tel Aviv has been taken over, de facto, by foreigners. The neighborhoods are deteriorating still further; they're greenhouses for social problems, urban disasters, and criminality. It is dangerous when a community with no rights develops in your city. With the worsening economy and the reluctance of the [central] government to provide support, I would not be surprised if the situation explodes in our faces.² (August 21, 1997)

Tel Aviv's predicaments and the lack of aid from other governmental authorities began in tandem with the upsurge in foreign labor present in the city. The sudden influx of undocumented labor migrants during the 1990s brought with it social tensions between the migrants and the already established, predominantly poor urban groups, communities of both Israelis and Palestinians.³ As previously described, the incursion of throngs of labor migrants into southern Tel Aviv stimulated the out-migration of the stronger veteran population to other neighborhoods (Schnell and Alexander 2002).

Yet because of high demands among foreign workers for housing in these neighborhoods, rents rose precipitously. Southern Tel Aviv now appears as a hodgepodge of ethnic subcultures and services instead of as a unified community. Numerous declarations have been issued by municipal authorities

calling for better coordination of policies regarding welfare, public health, and education. With minimal to no central governmental funding, inadequate information, and in particular the low priority of foreign workers on the public agenda, Tel Aviv's urban leadership has been unable to formulate or administer a systematic response to the pressing needs of foreign workers.

Indeed, the local approach toward communities of foreign workers is far from consistent, as a review of official city documents reveals. Undocumented labor migrants have been described as "unavoidable burdens," demanding management and, alternatively, indications of the city's need to rid itself of this population's presence and its burdens. The first view calls for the allocation of resources, investment in community upgrading, and, above all, acceptance of ethnic communities as part of a pluralistic urban environment. The second view regards foreign workers, but especially undocumented labor migrants, as a danger to both the city and to Israel, rooted in the belief that these communities foster problems that are beyond municipal duties and capacities to amend.

Testimony: D. Geva, Head of the Planning Authority, Tel Aviv Municipality

With the developing recession, foreign workers are going to create a severe problem. With unskilled workers laid off, a battle for unskilled jobs will ensue between three sectors: the Jewish, Arab, and foreign. This situation could lead to violence against foreign workers. . . . [An] entire industry has developed that profits from the presence of foreign workers: construction companies, placement agencies, business owners, and the doctors that give them medical care. Each group has vested interests in having foreign workers remain. . . . But we in the municipality have to call for the expulsion of foreign workers as they threaten to overwhelm our infrastructure. (January 21, 1999)

Studies on the settlement of labor migrants indicate that initial national policies of exclusion—and sometimes harassment—have forced labor migrants to adopt a "defensive" strategy, based on strong ethnic ties and the recruitment and institutionalization of various modes of civic participation (for an overview, see Light and Gold 2000; Sanders 2002). This stance has compelled active engagement on the part of local authorities. Tel Aviv, for example, has begun to experiment with new ways to cater to the social welfare and educational needs of undocumented labor migrants. In creating a hospitable social environment and a specialized unit (Mesila, the Center for Aid and Information for the Foreign Community of Tel Aviv) to respond to identified needs, the city has progressed in the de facto long-term recognition of this community. In addition to the necessary civic engagement, this acknowledgment has directly challenged national rights policies. It is fair to say that the degree of positive local government engagement—in at least one city—has been shaped by negative national attitudes.

Testimony: Sara, Social Worker for the Southern Neighborhoods

When I was first assigned to work in the neighborhood around the old central bus station,⁴ no one told me what I was supposed to do about the conflicts between the veteran residents and the foreigners. I found such hostility! The area had become filled with brothels and bars, and personal security had deteriorated. Residents feared not only the foreign workers, they also feared the many criminals and drug addicts who were attracted to the place. Burglaries were also on the rise. The foreign workers were and still are afraid to complain to the police when victimized. Worst off were the children.

The government hasn't allocated any funds for the care of foreign workers' children. . . . My feeling is that this lack of policy is the real policy. Official policy is to ignore them, to treat them like a temporary phenomenon. We've become like ostriches, putting our heads in the sand. . . . It's time we acknowledged the existence of this population . . . they must be given tools so they can approach us, and not suspect that everyone from the municipality is about to deport them. But it is vital that we help, at least for the sake of the children. I've recently received an anonymous phone call about a foreign child who is being sexually exploited. How am I to respond . . . [if everything I do jeopardizes these people]?

On a personal level, I have good relations with the community. I can speak with anyone on the street, but no one allows me to visit at home. One woman about to give birth recently showed up at the hospital suffering from complications, but she refused to give her address. The hospital called me, but I refused to send a welfare worker there. I knew that if I did, none of the women would go to the hospital again, fearful as they are that the authorities will use the opportunity to deport family members. (interview, July 2001)

A massive, well-funded government campaign to criminalize and deport illegal migrants en masse began in mid-2002. Since then, migrants' presence—and their very persons—has become increasingly criminalized. Literally hunted down on the streets, at work, and even in their own homes late at night, illegal migrants have become the target of sophisticated state techniques of surveillance and discipline, and looming clouds of vulnerability and uncertainty overshadow their everyday lives.

One of the most prominent changes in illegal migrants' lives with the initiation of the deportation campaign was the development of a persistent, embodied tension and anxiety that virtually all adults—and many Israeli-born children of undocumented workers—experience in their everyday lives. This experience expressed itself in an intensified sensory and bodily vigilance, different methods of hiding one's body while in public spaces, illegal migrants' fears of arrest and deportation not only during waking hours but sometimes also creeping into their sleep in the form of insomnia as well as nightmares of

being arrested. Illegality also has affected migrants' experiences of time, including the quotidian rhythm of days and weeks. They developed awareness to differences in risk taking between weekdays and weekends, when the immigration police are less active (Willen 2007). Another dimension Willen observes in undocumented workers' experience following the 2002 deportation campaign was a change in their experience of space—spaces shared with the host society were experienced as vulnerable and exposed. While homes are still important sites for the cultivation of sensory familiarity and “homeliness,” they also lost their role as safe havens from the outside world.

Thus in Israel the undocumented illegal immigrants have difficulty integrating into even the lowest rungs of local society. At times, community cohesiveness, based on a common ethnic background, provides the internal social capital needed to somewhat balance the lack of human capital by providing the minimal conditions for ethnic entrepreneurship with its potential for the accumulation of wealth, a resource needed for social integration (Light and Gold 2000). Another natural vehicle for the accumulation of social capital by the second generation of immigrants is the education system, a major avenue for socialization into the host country.⁵ The education system has a singular impact on the way in which the second generation (in particular, women) integrates into society (Willis et al. 2000). The earlier the children enter the system, the better their chances for effective assimilation, as expressed in migrant children's perceived identification with the host country, in addition to their academic achievements (Crul and Vermeulen 2003). The next section illustrates the peculiarities of labor migrants' incorporation into Israeli society by focusing on the most vulnerable segments of its population: the children.

Modes of Incorporation of Labor Migrants: The Case of Their Children

The prospects for the integration and assimilation of the second generation can be better understood within two major and complementary contexts, the first being their native community structure (Sanders 2002), and the second being the policy environment of the host country. Various communities have been studied for their unique assimilation patterns. For example, the closed, highly coalesced ethnic communities originating in Muslim countries (e.g., the Turks and Pakistanis) tend to integrate better as communities. The pattern of economic integration these communities have employed, although limited in its effectiveness in the first generation due to reliance on ethnic niches, nonetheless provides a springboard for the elevation of the second generation to at least the lower middle class (Leslie et al. 1998; Light and Gold 2000).

However, various studies indicate that a substantial ethnic labor market disadvantage is still apparent, even in the second generation (see, e.g., Lindley 2002). One of the negative aspects of such an insular ethnic structure is the limitations it imposes on the individual. Migrant communities tend to force a heavy measure of social seclusion on their members, which shapes intergenerational relations and the identities and activities of the second generation.

Furthermore, integration of second-generation migrants is closely associated with the social, economic, and political environment provided by the host country in which assimilation is to take place (Crul and Vermeulen 2003; Herzog-Punzenberger 2003). It seems that Western civil society is more amenable to social and cultural change by allowing second-generation migrants to take advantage of the opportunities available only in the host country, like higher education for both genders. Migrant communities often engage in politics of recognition to defend cultural and civil rights, access to public resources, and needs stemming from being a minority (Vertovec 1999, 2001). Here various factors have substantial impact on the integration of second-generation migrants. Studies point to the tension caused from living in declining or poor urban neighborhoods, plagued by crime and offering limited possibilities for social development, the exposure to Western education, culture, and values and dissatisfaction (or extreme interpretation) of religion and traditional ways of life as the formative dialectics that shape the identity of second-generation migrants.

The enforced political and social exclusion of Israel's labor migrant communities raises doubts about the ability and will of the state to renounce a policy that has destined children to the same disconnected civil and social reality as their parents. The patterns of exclusion, reproduced in the second generation, prevent the assimilation of these children into Israel's social fabric. This ideological context has been pithily described by Supreme Court Justice Elyakim Rubinstein as follows: "The country is perceived as a *medinat aliya*,⁶ meaning a country of *shvut*⁷ [return], not a country of immigration" (*Haaretz*, June 30, 2005). This stance has exerted direct influence on a citizenship regime that draws the children of labor migrants into a sociopolitical maelstrom that deprives them of a social legitimacy, a sense of belonging, and feelings of permanence.

The complexity of the relations established between undocumented labor migrants and the Israeli polity at the national and local levels reaches fruition in the problems faced by the children of migrants workers. In recent years, with the burgeoning number of labor migrants and their families residing in Israel's cities, especially Tel Aviv, major issues pertaining to the civil status and welfare of these children have become acute. A memorable moment that captured the predicament occurred at a press conference in Tel Aviv called by a group of teenagers, all children of undocumented foreign workers. Speaking in fluent Hebrew, these teenagers, some of whom were born in

Israel, made a public plea to be allowed to stay in the face of the pending deportation of their parents. Nofar Gutiers-Bampa, the thirteen-year-old daughter of a Filipina mother and Ghanaian father, spoke on behalf of herself and her eleven-year-old sister and ten-year-old brother: "All of us were born here; Israel is my country. I want to complete my matriculation exams and serve in the army, in the air force." Although her mother wanted to leave Israel for fear of being arrested, Nofar insisted that she "wants to be an Israeli citizen." She explained: "I feel Israeli. I'm like everyone else. I wasn't baptized and I don't go to church" (*Haaretz*, July 7, 2004; *The Jewish Week*, September 9, 2004).

Israela Pegio, seventeen, a leading organizer of the public campaign, and her sister Mekenli, fifteen, were children of a Filipino couple who had worked in Israel as house cleaners for twenty-five years. Israela strengthened Nofar's argument: "We want to live here, and we are willing to serve in the army. This is our country too" (*Haaretz*, July 7, 2004).

Johanna Mussengi, thirteen, was born in the Philippines and entered Israel at a young age. After her father was deported, she read a moving letter before her classmates at Rogosin High School in Tel Aviv, in which she declared:

All I ask is to be treated like any other person my age, not to be persecuted because of the color of my skin or the shape of my face, not to have to hide every night in a different place for fear of the police. We, the children, have done nothing wrong to anyone . . . we deserve to be treated differently.

Febi-Sing Fan, thirteen, of Thai parents, echoed Johanna's plea:

When I'm at school with my siblings, and my parents are out working, I don't even know if they're going to come home. Maybe they'll be caught, and we'll be left stranded. If I go to my parents' country, I will feel like a foreigner. I don't even know how to speak or write the language. I don't know anything about [Thailand]. (*Zman Tel Aviv*, August 25, 2004)

These children bear the sorry fate of belonging to families with parents who have no citizenship rights in a country where such rights are based on ethnic and religion affiliation. They are trapped in a social and political reality that will almost certainly destine them to remain underclass, unprivileged aliens, with few prospects for inclusion in the Israeli society.⁸

If the fate of children of labor migrants—legal and illegal—is directly determined by the fate and status of their parents, then how do these conditions affect their lives and social identity? Studies on second-generation migrants in the global north point to two fundamental possibilities: assimilation and integration, perhaps through upward mobility and the perpetuation and reproduction of social and civil marginality.⁹

The number of these children has been estimated to be in the thousands.¹⁰ In conjunction with the troubles of their parents, their plight has entered the political agenda, driven by support from the mobilized public. The majority of children were born to parents belonging to three distinct communities: African, primarily Ghanaian; South American, mostly Colombian; and Asian, predominantly Filipino. Very few children have been born to Eastern European foreign workers' families, which might be related to the communities' weak social structures and the tendency of only males working abroad. Most families with children have made their homes in southern Tel Aviv's poor neighborhoods, where rent is especially low (Schnell and Binyamini 2000).

In addition to the de facto recognition of their civic duties by the Tel Aviv authorities (Kemp et al. 2005), the civic response to these children's basic needs is anchored in the UN's Convention on the Rights of the Child, ratified by Israel in 1991. The convention stresses the universal rights of the children to health care (para. 24), social security (para. 26), and education (para. 28). Yet the climate in which Israel tends to implement these rights for the children of undocumented labor migrants also must be considered against the institutional and budgetary constraints imposed on public institutions. The regulations and procedures that define who is entitled to which services, together with funding issues, tie the hands of official service providers, even when the readiness to understand and cooperate exists. The provision of services for these children has consequently shifted largely to volunteer organizations but still depends on the personal flexibility, awareness, and compassion mainly of the "street level bureaucrats" who manipulate their bureaucratic structures in order to respond to the reality in the ground and the institutional vacuum. Their challenge is to tackle contextual conflicts and the government's "avoidance" policy. The environment created may well be described as Kafkaesque.

*Testimony: Deliberations at the Israeli
Knesset's Committee on Foreign Workers*

On December 16, 2003, the Israeli Knesset's Committee on Foreign Workers held a public hearing on the status of the children of undocumented foreign workers; attending were government ministers, Immigration Administration officials, NGOs representing foreign workers' interests, and academics. The meeting began with the presentation of findings from research commissioned by the committee and carried out by the Knesset's Center for Research and Information. The report, *Children of Foreign Workers: The State of Affairs and International Comparisons* (2003), argued that Israel lacked a comprehensive policy regarding foreign workers in general, and foreign workers' children in particular. This lack of policy, it continued, was due to an underlying fear that any concessions to illegal foreign communities would go beyond legitimating

their presence: “[G]iving rights to the children of those who illegally reside in the country would encourage immigration and the growth of families among illegal residents. . . . [G]iving services to children would be an incentive for entries and residence in Israel.” The report also claimed that the relatively high level of Israel’s education system attracted foreign workers to the country.

The hearing commenced with a debate over the number of foreign workers’ children, ages zero to eighteen, living in the country. The final, agreed-upon estimate was 2,100–2,500. The research team then reviewed some targeted issues. They noted that several formal entitlements address the health needs of foreign children: national health insurance laws were inclusive, with basic services available through health care organizations (HMOs) or sick funds. Such coverage applied to about 1,200 children, half of the estimated total. Preventive health care also was available to infants and very young children through the municipalities’ Mother and Child Health Centers, which reached 95 percent of all foreign children. Emergency rooms in public hospitals also provided treatment to all. Victims of HIV, hepatitis, and tuberculosis were treated by various NGOs and the Ministry of Health, however, according to the data, despite the encouraging steady and incremental improvement, children of foreign workers continued to receive significantly fewer and/or substandard health services.¹¹

With respect to education, the children of foreign workers were formally entitled to an education under the Compulsory Education Law (1949) and were being successfully integrated into neighborhood kindergartens and schools. Tel Aviv’s municipality also provided bilingual teachers and multicultural curricula in the schools. It likewise funded organizations such as Mesila, which supported extracurricular activities such as La-Escuelita, an educational and cultural center initiated by the Latino community to teach Spanish and Latin American culture. Also available were enrichment programs provided by local community centers and the Scouts. While some progress was observed in the official responsiveness to the educational needs of children up to age sixteen (education is compulsory up until that age), older students continued to be neglected. Although the principals of some schools helped seventeen- and eighteen-year-old students graduate on a case-by-case basis, matriculation examinations were closed to these teenagers because registration required identity cards, documents that foreign workers’ children do not have. Fictitious identity card numbers often had been assigned as a ploy to enable these children to sit for the exams.

Regarding welfare services, the research team reported that services to youth “in distress” or “with disabilities” were given on an ad hoc basis, sometimes by NGOs. During this phase of the discussion, Amira Yahalom, the principal of the Bialik elementary school in Tel Aviv—50 percent of its students were children of foreign workers—commented: “Our school employs a social worker but she is not authorized to work with children of foreign work-

ers.” She went on to explain that in practice, the school’s social worker served all of the children at her school, even though her official job description restricted her responsibility to only Jewish children.

Ran Cohen, the committee’s chair, reacted by commenting:

We are lucky to have people with such kindness in their hearts . . . [that] guides them . . . to help where needed. . . . [However,] there are no rational policies and administrative arrangements.

According to the research team, the lack of civil status was the fundamental problem for the foreign workers’ children. The laws defining the boundaries of citizenship in Israel are based on the principle of *jus sanguinis*—citizenship sanctioned by parentage, specifically Israeli or Jewish parents. This meant that in Israel, all children born to undocumented non-Israeli parents (illegal aliens) also were illegal aliens.

Furthermore, strict application of the *jus sanguinis* principle left many citizenship problems unresolved for other immigrants as well. For example, approximately 90,000 of the children who had entered Israel from Russia, the Ukraine, and other East European countries have no civil status.¹² This anomaly was the result of not complying with stipulations included in the Law of Return, such as being born to non-Jewish mothers (who had married Israelis) or being the grandchildren of Jews, but not being Jewish themselves (*Haaretz*, July 22, 2004).

Most problematic were the children of foreign workers who had parents who were citizens of countries where citizenship was granted according to the principle of *jus soli*, that is, given only to those born within their respective territories. Such children, even though born in Israel, had no citizenship rights whatsoever (see Shachar 2000, 2003).

Cohen summarized the situation thusly:

We have children born in Israel that cannot be given Israeli citizenship nor be recognized as citizens elsewhere. . . . We have a problem on our hands. We have children who do not belong anywhere in this world.

A representative of the Israeli Association for Civil Rights responded by charging:

The problem exists even where an (Israeli-born) child has foreign citizenship, as such citizenship has no meaning.

One of the researchers, Annabel Fridland-Lipsik, went on to explain:

It begins with birth certificates. Unlike Israeli children, who are assigned identity cards on the day that they are born, [foreign workers’] children

receive no identification documents of any kind other than a certificate stating that they are a “living creature.” This is the only official document hereon available to them.

This prompted a series of indignant exchanges on the floor:

UNIDENTIFIED: “With this certificate [foreign children] register at school?”

COMMITTEE CHAIR COHEN: “With the ‘*living creature*’ certificate?”

FRIDLAND-LIPSIK: “Yes.”

CHAIR COHEN: “Without a number?”

FRIDLAND-LIPSIK: “Just the document.”

CHAIR COHEN: “I would like to understand. This child is not a *resident*?”

FRIDLAND-LIPSIK: “No, he has no legal status.”

CHAIR COHEN: “He is like a goose born in this land?”

FRIDLAND-LIPSIK: “Sort of.”

CHAIR COHEN: “Yes, a goose is also a ‘living creature’.”

UNIDENTIFIED: “Geese do not receive certificates from the Ministry of the Interior.”

CHAIR COHEN: “They get them from the Ministry of Agriculture.”

Following the sarcastic quips, Cohen concluded, more solemnly:

This discussion must speak to our hearts and the humanity in all of us. If we don’t take care of children, what else—for God’s sake—must we be left to deal with . . . ? We cannot allow a situation in which children born in this country are called *living creatures*. This is appalling. I plan to approach the Minister of the Interior and the Attorney General to request immediate resolution of this problem. . . . We can’t accept a situation where the identity and status of children cannot be defined. Secondly, most of the existing responses [to the needs of foreign workers’ children] are given out of goodwill . . . by various organizations, but not [led by] policy or [official] decisions. . . . Children between 0–3 and 16–18 fall into the gaps of the Education Law. . . . These children demand a policy response. . . . We want children born in this country to enjoy basic human rights.

In July 2004, a panel of ministers proposed that youngsters who had lived in Israel for more than ten years and were expected to complete high school satisfactorily be given the status *permanent resident* and inducted into

the army to complete mandatory military service. The panel also proposed that those who were more than twelve years old and had resided for at least five years in the country be given the status *temporary resident*. The parents of these children also would be recognized as temporary residents and thus exempted from threats of deportation.

The significance of this decision should not be overstated, but it did mark the first time central government formally acknowledged the predicament of children born to foreign workers, who saw Israel as their home. The decision acknowledged that these children were innocent victims of the global phenomenon that is the very subject of this book. Yet the core of previous policy remained.

Zvulon Orlev, the Minister of Labor and Social Affairs, introduced limitations that indicated the one-time nature of the proposal:

Anyone who is not of the stipulated age—for example, children in primary or nursery school—will be deported from the country, together with their parents, after the committee confirms the proposed decision . . . the State of Israel currently faces a sensitive situation, and it must defend its Jewish identity carefully. We are demographically threatened by the Palestinians, and we don't have the luxury of taking on an additional demographic threat posed by foreign workers who are not Jewish. (*Haaretz*, July 7, 2004)

Orlev's statement foreshadowed what was to come. Less than a month later, the Ministry of Justice issued an opinion recommending that the proposal be rejected. The opinion was based on newly introduced amendments to the citizenship laws that denied naturalization to Palestinians married to Israeli Arabs. It was reasoned that an earlier decision, which had barred residence to the children of such marriages, would be considered discriminatory if similar privileges were extended to the children of foreign workers. The Ministry of Justice, objecting to the perceived preference of foreign workers' interests to those of the Palestinians, remarked: "There is a need to take into account the difference between living conditions in the state of Israel and those in Judea, Samaria, and the Gaza Strip, including the humanitarian aspects that directly affect the lives of Arab children" (*Haaretz*, July 26, 2004).

In a preliminary vote held around the same time, the Knesset unanimously passed a new law to toughen immigration restrictions. The rationale that reportedly motivated the law was, according to the Minister of Interior,

[to] prevent the worsening of the demographic problem by awarding citizenship to foreigners having family ties with Israeli citizens that, had they been [judged] independently, they would not have qualified for citizenship according to the Law of Return or the Law of Entry. After obtaining citizenship, [foreigners] seek citizenship for other family members having no

legal status in Israel. In this way, many foreigners and their relations who are not Jews are [inadvertently allowed] to settle in the state of Israel. (*Haaretz*, July 22, 2004)

The law's principal aim was to prevent entry of two groups: Palestinians from the Occupied Territories and East Jerusalem who had married Israeli Arabs and foreign workers and their families. The law also would exclude non-Jews married to Jews, the parents of spouses who married Jews, and children of divorced couples with a non-Jewish spouse.

Among its advocates, the new law was seen to be a technical correction of existing laws, including Clause 12 of the Regulations of Entry into Israel (1974), which states that the citizenship of a child born in Israel must be identical to the citizenship of his or her parents. The new law thus reaffirmed that the children of illegal foreign workers also were to be considered illegal aliens. In addition, it nullified the authority held by the Ministry of the Interior to grant exemptions and confer citizenship to the children of foreign workers and Palestinians on a case-by-case basis (see Kemp 2007).¹³

The measure confirmed the Israeli legislature's determination to uphold the *jus sanguinis* citizenship principle as the only basis for a child's right to permanent residence in Israel. It officially welcomed foreigners who were Jewish, irrespective of any true desire to live in the country (recall the not-so-imaginative story about our heroine from Ushuaia or Sakhalin), while ordering the expulsion of children who had known no home other than Israel but were not of Jewish ethnicity.

Conclusion

By the mid-1990s the media had begun to report widespread, systematic, and often quite severe abuses of foreign workers' human rights: abysmal housing conditions, low levels of job safety, insufficient medical care, exploitative wages, physical abuse, and illegal deportation. This kind of attention culminated in a series of prime-time TV programs that portrayed foreign workers as helpless victims of rapacious and often immoral employers. The entire phenomenon became associated with exploitation and misconduct and was even characterized as "modern slavery." At the same time, public attention was drawn not only to the victimization of foreign workers but also to the threat they supposedly posed. Numerous reports documented the social problems associated with the influx of foreigners: the evolution of slumlike foreign worker communities in the depressed areas of Tel Aviv and of other urban areas, and the emergence of crime, alcoholism, prostitution, disease, and so forth.

Other interest groups also began to participate in the public debate. The issue began to reflect various policy cleavages and agendas not necessar-

ily or directly related to the issue. Religious authorities, ever-wary of the sources of contamination of ethnic purity, began to express their concern over the impact of a large number of “non-Jews.” Business interests periodically made public attempts to defend the contribution of labor migrants to their firms. The national labor union parent organization, the Histadrut, torn between the need to defend workers from exploitation but also to protect Israeli workers from the effects of competition, also attempted to formulate its own approach. And voluntary organizations were concerned with civil rights and thus took it upon themselves to champion foreign workers’ rights, health, and well-being.

The emergence of activities surrounding foreign workers could not fail to attract the attention of politicians, who responded with both legislative and administrative initiatives (see next chapter). Thus almost a decade after the beginning of their arrival in Israel, foreign workers, and in particular their communities, were, somewhat belatedly, becoming part of the recognized social and institutional realm. The public debate over their presence reflected the conflicting and often chaotic forces that Israeli society brings to the management of its problems. The place of undocumented labor migrants in Israeli society is not an exception; public debate on the issue has come to touch upon some of the deepest themes in the Israeli collective experience.

The illegal domain thus emerged from structural conditions along with individual considerations and interests. Lacunae in the legal domain provided the infrastructure for the exploitation and violation of basic human and employment rights. Although the foreign labor market is perceived by the government as closed, rigid, and circumscribed by explicit procedures and rules covering every aspect from recruitment to exit, the market has, in practice, become flexible and open, reaching beyond the sphere of work into the sphere of the community.

The common interests of government and employers—originally based on the government’s role as a facilitator in economic development and the employers’ role as sentinels, safeguarding the rules of the legal labor migrant game—have soured. Officials have realized that the current system has generated (1) growth of an illegal market, (2) unethical dehumanization and exploitation, (3) an institutionalized cheap labor market with the potential to undermine local employment and impede technological advances, and (4) the establishment of labor migrant communities straddling the line between temporary and permanent residence. The last point in particular jeopardizes Israel’s national identity and socioeconomic balance.

More immediately, however, the institutionalization of two parallel migrant labor markets has exposed a policy predicament unanticipated in the early 1990s, when foreign labor was encouraged as a ready-made solution to labor market shortages. With central government unable to redress the damage, local government has intermittently taken its place.

The nature of national identity is still embedded in an enduring commitment to the Jewishness of the state. It is in relation to the moral dimension of this commitment that concern over the presence and naturalization of children of labor migrants can be understood. The moral choice of preserving the exclusivity of the state is not made in isolation but under influence from the social, political, and economic contexts. A pragmatic nationalist scenario takes into account various contexts that militate against the presence of these children in Israel.

First is the hegemony of the Jewish majority. In this regard, the citizenship laws create a distinct demarcation from those who are entitled to be part of the community and those who are not. These laws serve as “gatekeepers,” distinguishing between civic memberships granted on grounds of ethnicity, favoring Jews (including those who are not Israeli citizens) over non-Jewish Israeli citizens, in order to sustain Jewish majority dominance in the nation of Israel.

Thus citizenship laws exclude non-Jews from joining the community unless they undertake the appropriate conversion and eliminate the possibility of assimilation of non-Jews into Israel through naturalization—based on birth in the country (*jus soli*)—or prolonged living in the country. Entitlement to membership in the Israeli society, while highly restricted to those who are not part of the Jewish fate, is overly open to those who are affiliates.

NINE

Deportation

One night, Chou and his friends—all Chinese illegal workers—were sleeping when they heard loud knocks on their door. “We immediately knew that it was the police. We all woke immediately and jumped from the window. I couldn’t allow myself to be deported as I’m only now close to covering the loans I took to get here.” One by one, each jumped out the window of their second-floor apartment. Two of Chou’s friends were captured by the police. Two others escaped, though their legs were badly injured. Now they are in hiding. Chou broke a vertebra in his back, an injury so serious—he couldn’t move—that he was taken to the hospital.

—Interview, March 2, 2003

Since 2002, with the establishment of the Deportation Administration (or immigration police, as it is popularly known), deportation has become aggressive and brutal. Illegal foreign workers have been picked up at bus stations early in the morning, dragged from their apartments after doors were broken down in the middle of the night, or met by police as they arrived at work. Advice on how to avoid the police is easily available. On one of the Web sites dedicated to beating the system, the following is written:

Don’t open your flat door; carry little weight so you can run from the police; regularly send your entire savings home; if you work in Tel Aviv, take taxis to work; collect your salary daily; prepare a bag with personal belongings; if caught, avoid paying airfare by claiming that you don’t have the money and let the government pay for it; sell all valuables at any price, because if caught by the police and detained, you will lose everything.

Haunted by these fears, some have turned to the immigration authorities to ask for clemency, thereby earning a few weeks to settle their affairs and

leave at their own free will, avoiding the anguish of spending time in jail (which could stretch into months) before deportation.

Although deportation has been a cornerstone of government policy since the mid-1990s, implementation was initially sluggish. With the rising numbers of illegal foreign workers—an estimated 150,000 in 2000 (CBS 2002)—and their residential concentration in Tel Aviv (see Schnell 2002; Kemp and Rajzman 2004), the implications of their presence have become a key issue on the government's political agenda.

Deportation reflects attitudes toward two major issues that circumstance has chosen to intertwine. The first is economic in nature. Labor migrants, it is argued, were substitutes for low-skilled Israeli workers, a fact that encouraged the latter to drop out of the labor market. This process has been portrayed as contributing to local unemployment, with the subsequent overburdening of the welfare system. The second issue captured by deportation is that of citizenship and national identity. Deportation has come to be viewed as an efficient mechanism to avoid confrontation with a large religiously and culturally alien population residing within the country and therefore threatening Israel's Jewish identity.¹ What may be considered unique in the Likud government's presentation of this argument was that it managed to portray the weighty civil issues as inherently associated with the economic issue, a specious combination that transformed all foreign workers, but particularly illegal workers, into targets for political action.²

Deportation: Process and Practices

The policy of deportation had made itself felt through the manhunt attitude adopted by the immigration police. Specific practices have been adopted according to the nature of the illegal migrants' social space, daily habits, and employment patterns. In bureaucratic terms, deportation involves establishing a system based on a "top-down" and "bottom-up" approach that, according to the testimony of one immigration police officer, is:

based on raids at any place, at home, work, bus stations, streets, wherever our intelligence indicate, and backed by a whole system which is based on these components: prevention of the entry of illegal workers, dissemination of information to employers on the dire consequences of employing illegal workers and to workers and their community leaders on the more dire consequences of being caught and deported. The last component involves the actual process of deportation. Each component entails costly and intricate operations. (interview, February 2005)

Thus the deportation methods of illegal labor migrants are a highly complex cultural process that is developing and changing along the modifica-

tions in policies. A turning point in the way immigrants are handled can be dated to the summer of 2002, when then Prime Minister Ariel Sharon initiated a mass deportation campaign as a response to rising unemployment and partly as a strategy for safeguarding the country's Jewish majority. More than 40,000 immigrants were arrested at that time and forcibly deported as well as many more who were "encouraged"—that is, regularly and systematically intimidated—to leave "voluntarily."³

These practices of deportation are organized and implemented systematically within the following stages of deportation:

Stage 1: Gathering of Intelligence

The Ministry of Interior issues on a daily basis a list of workers whose work permits have expired and who have left their legal employers. This list is distributed to the Foreign Labor Administration in addition to (as of July 2002) the special Deportation Administration, a branch of the Israeli police. Information about illegal workers, including reports from employers and the community, is compiled by the police as well as the Ministry of Labor and Social Affairs.

Stage 2: Raids

A team, composed of police officers and officials from the Ministries of Labor and Interior, carries out what has been described by the Israeli media as "army-style" raids. The intensity and scope of the raids change in accordance with intelligence and operational considerations. Targets may be single males with no dependents, returnees who had previously been deported, those illegally employed at particular job sites, cafés, or public meeting places, where large numbers of foreign workers are known to congregate, or residences identified as illegally employing particular individuals. The team conducting a raid examines the documents of those suspected of being illegal foreign workers; based on its review, an arrest may be made. Strict rules prohibit the use of physical force or handcuffs; nonetheless, advocacy and human rights watch groups report receiving many complaints from foreign workers who claim that they have been treated like criminals, even in cases where they were legally authorized to work and reside in Israel (Association of Civil Rights in Israel 2001).

Stage 3: Detention and Deportation

The issued detention warrants direct illegal workers to detention centers (euphemistically referred to as *Mishmoret* [Guardianship] Centers). Upon arrival at these centers, a special team from the Ministry of Labor attends to each worker's needs for the purpose of reclaiming or replacing a passport,

collecting personal belongings (up to two suitcases), and transmitting any outstanding wages and a plane ticket from employers. The detention period is officially slated to last no longer than twenty-four hours, but because workers have the right to appeal and postpone their deportations, their period of detention at the centers often is prolonged.

In practice, deportations are more time consuming and difficult to carry out than suggested.⁴ An illegal worker can delay deportation for months by requesting judicial hearings for reasons such as grievances or disputes with employers or claims to familial relations living in Israel. Deportations also can be delayed due to problems of identification (many workers enter Israel under a false identity) or difficulties in obtaining new passports through the respective consulates. Detainees can wait months, or even over a year, for the arrival of required documents. For instance, the Russian and Ukrainian consulates require an average of one month to confirm the status of their citizens in their home countries, with especially lengthy delays for individuals originally living in rural communities.

Given the scarcity of spaces in detention centers (a total of 400 in July 2000), the pace of deportations between 1996 and 2001 was far slower than envisaged by ambitious government plans. However, this rate accelerated in 2002, mainly due to the establishment of the immigration police. Table 9.1 documents the discrepancies between annual deportation targets and the actual number of deportees; it also summarizes government policy on the subject.

The fragmentation of government typical to Israel has obviously incapacitated the implementation of large-scale policy directives (Pressman and Wildavsky 1984). Criticizing governmental inconsistency in this respect is Yuri Stern, former chair of the Foreign Workers' Committee of the Israeli Knesset:

[E]nforcement of the labor laws against employers who breach them and exploit workers is practically nonexistent. Yet the law is enforced, quite forcefully, against undocumented foreign workers who are detained and deported. To reduce the numbers of illegal workers, we must first enforce the laws targeted at employers. (*Yediot Aharonot*, October 9, 2002)

Ephraim Cohen, director of the Foreign Workers Administration since 1997, who views the issue from a different perspective, believes that the mass deportation policy has intensified previously entrenched political divisions:

It is almost impossible to deport approximately 150,000 illegal workers. The odds against doing so are enormous—the hundreds of millions of dollars [at stake] and the ease of entry entice workers to enter and return into Israel with false identities. . . . [On top of] this [is] our bureaucratic culture, which

TABLE 9.1
Deportation Policies and Practices, 1996–2005

<i>Period</i>	<i>Recommendations</i>	<i>Government Decisions</i>	<i>Actual No. of Deportations</i>
1996–1997	Deportation target: 500–2,500 illegal foreign workers a month Construction of special transfer camps for deported workers A freeze on work permit quotas	Deportation of 1,000–2,000 illegal foreign workers a month Use of “transfer camps” is denied to avoid international criticism	953 in 1996; 2,765 in 1997 Estimated number of illegal workers in Israel: 80,000
1998–1999	Deportation target: 2,000–4,000 workers a month	To coordinate activities of the police and the Ministries of Labor and Interior, increase penalties to employers of illegal foreign workers	6,707 in 1998; 7,144 in 1999 Number of estimated illegal workers: 120,000
2000–2001	Deportation target: 1,000 workers a month	Increase number of work permits for legal foreign workers following severe reduction of workers due to border closures necessitated by the Palestinian uprising	1,544 in 2000; 2,731 in 2001 Number of estimated illegal workers: 150,000
2002–	Deportation target: 50,000 workers a year	Creation of Deportation Authority (DA) as a specialized unit within the Ministry of Police	129,065 in 2004–2005

Source: Ministry of Labor and Welfare 2002.

[is] territorial, with each agency maintaining its own rules, procedures, and interests, not to speak of political affiliations and loyalties. So if you have a Minister of Labor from Shas [a conservative religious party] that views deportation as a tool against ethnic mixing . . . and a Minister of Internal Security from Labor [a center-left political party], you can expect conflicts

in implementing deportation policies. Each will have a different ideological stance that translates into divergent priorities and an unwillingness to cooperate and coordinate activities in the field. (interview, June 8, 1999)

Aggressive implementation of the deportation policy began soon after Benjamin (Bibi) Netanyahu took office as Minister of Finance (July 2002). He led the formation of the special Deportation Administration, with a staff of 430, a unit within the Police Department, which soon earned the epithet the "immigration police." In its first day of operation, the new unit rounded up 200 suspected illegal workers (*Bambili*, September 3, 2002). Between 2002 and early 2005, 129,065 workers and their families were deported.⁵

Deportation also has incurred heavy financial costs: massive increases in spending to maintain the immigration police and detention facilities and to cover the cost of airfare have amounted to NIS 670 million between 2002 and 2004. Such readiness to allocate these sums at a time of drastic budget cuts indicates the government's determination to deport illegal workers at all costs.

The Implications of the Politics of Deportation

Since 2002, when enforcement became stringent, the debate has intensified regarding the economic effectiveness and normative fairness of such deportation policies. Deportation of undocumented foreign workers has been rationalized as a means of regaining governmental control over the resident population's makeup; those without the legal right to stay have been expelled. Nonetheless, these methods go against the international laws and covenants formally rectified by Israel (Fisher 1999). Some examples follow.

The Convention for the Rights of Children (1991) declared that all children, including those of foreign workers and illegal residents, are entitled to receive free education. International Labor Organization (ILO) treaties guarantee the basic rights of documented and undocumented immigrants; Treaty 97 (1953) declares workers' rights to fair remunerations, employment conditions, and welfare benefits (i.e., health insurance, injury and disability insurance, maternity leave, pensions) in accordance with the country's standards and norms, and the freedom to organize labor unions. Treaties 117 and 118 (1962) call for equality of social and employment rights and conditions among all workers, including legal and illegal residents, aliens, and citizens. Treaty 48 (1963) requires equality of pension rights for all workers, regardless of citizenship status. Treaty 143 (1975) calls for equal opportunities for jobs for all workers. Various other ILO declarations (e.g., Treaty 151 of 1975) strongly advocate inclusion and are against discriminatory policies in employment conditions. They likewise demand just provision of social and legal rights for workers' families.

Protection of foreign workers is clearly mandated by Israel's official commitment to each of these international agreements it has signed. However, the failure to uphold international standards is simultaneously supported primarily by two dimensions: First, Israel's domestic law contains some lacunae regarding the regulation of employment practices and working conditions, reinforced by inadequate or nonexistent institutional arrangements. Second, stark inequities characterize the allocation of basic human rights and worker protection depending on status, that is, whether a person is a native Israeli or a foreigner. Thus the reality of the foreign labor presence, but particularly its deportation policy, indicates that Israel is neither upholding traditional Jewish ideals meant to avoid discrimination and promote compassion and respect for humanity nor fulfilling the claims associated with its modern national aspirations of operating as a credible democracy, a responsible member of the international community, or a nation that maintains its international commitments.

On the most practical level, the deportation policy stems from the Israeli government's failure to control and regulate the employment of foreign workers, a direct outgrowth of the "binding system." Such an arrangement was originally created with the aim of delegating the control of foreign workers—from entry through exit—to employers. This system enabled employers to enjoy almost complete control of the foreign workers' labor market, and employers, as partners in a network, including employment agencies, were able to manipulate the terms and conditions by which foreign workers were hired, traded, and repeatedly replaced by a new inflow of workers. This endemic "revolving door" made it possible for employers and agencies to extract profitable fees from all those desiring to work in Israel. The severe exploitation and abuse of foreign workers prompted many to desert their legal employers and enter the informal (undocumented and illegal) labor market, which offered better wages, working conditions, and more personal freedom and human dignity. The associated costs—the risk of detentions and deportation if caught—appear to have been considered worthwhile by many. Institutionalization of this system of exploitation is the bedrock upon which the aggressive deportation campaign is built.

Deportation policy likewise suffers from the endemic deficiencies of the quota policy, namely, the tendency to bow to pressures exerted by stakeholders interested in adjusting allocations to their own needs. Thus whereas a harsh deportation policy, and the expulsion of thousands of labor migrants, has been implemented on the one hand, lavish quotas of "fresh" workers have been approved, on the other. This "revolving door" system has reinforced pervasive cynicism about the government's willingness and capacity to regulate migrant labor markets or, alternatively, to protect the local labor force.

Deportation as a problem-solving device has been accepted by all of the major players in the Israeli political scene, including the Histadrut (the major labor union cover organization) and, to some extent, several advocacy groups,

such as Kav La'Oved (the foreign workers' hotline). The reasoning behind such support is, in part, political—key stakeholders view the government's economic policies, especially since 2000, as repressive in their treatment of the weakest segments of Israeli society. Put simply, the foreign worker issue has been viewed as a platform from which to air wider grievances.

The considerable public debate regarding the deportation of foreign workers can be divided into two main camps. The first calls for immediate and aggressive action to deport all illegal foreign workers, based on labor market and employment considerations. Accordingly, the Likud government has woven deportation into the mesh of instruments aimed at offsetting the economic recession that began in 2002 with the outburst of the second intifada, the Palestinian civil uprising. Minister of Finance Benjamin Netanyahu announced a series of economic reforms, including increased privatization and cuts in public spending. These measures reduced the social safety net crucial for the minimal existence of many economically disadvantaged Israelis.⁶ Among the sources of the soaring unemployment (12% in 2003), Netanyahu pointed to the foreign workers present in Israel. His demagoguery—"Foreign workers are a cancer," and "It is not true there are no jobs. There are 300,000 work places. They just need to be evacuated for Israelis" (*Jerusalem Post*, June 24, 2004)—infiltrated the press reports and speeches. Such rhetoric also was used to justify the stringent crackdown on illegal foreign workers, a measure supported by religious and other parties, despite their different political and ideological agendas.

Illustrating the pro-deportation stance is this statement made by an official of the Immigration Administration: "We must deport them quickly and unconditionally, before the number of illegal families they established reaches the point of no return. We have enough problems without them; just look at our economic situation, the soaring unemployment [rates] and problems in our health, welfare and education systems. Our people come first" (interview, December 1, 2003).

These words express the belief held by many Israelis, that foreign workers, especially illegal workers, have no legal or moral claims to enjoy the benefits of Israel's social welfare system. This belief is sustained by another—that foreigners do not have the right to work in the country because they fill jobs at the expense of local residents (see Rajzman and Semyonov 2003).

Government policy and public attitudes have not, however, gone uncensored. In criticizing the mass deportations, the right-of-center *Jerusalem Post* published the following editorial (June 24, 2004):

Foreign workers are not some kind of infestation in the Israeli body politic. They came because they were in demand, because Jewish workers had become prohibitively expensive to employ, because Jews no longer wanted to perform the tasks foreign workers were willing to perform, and because it

was politically difficult to give such work to Palestinians. Most of us know foreign workers as extremely hardworking, honest, and fundamentally law-abiding people, whose single crime is to flout immigration laws to seek [a] better future.

Deportation, as a policy and practice, therefore reflects some of the core conflicts in Israeli society and the definition of its identity. Arguments raised, both pro and con, rest on moral positions rooted in Judaism as religious, ethical, or political phenomena.

Ophir Pines, a former chair of the Knesset's Committee for Foreign Workers, while acknowledging the controversies surrounding the deportations, explained why the government's ability to conduct mass deportations is doubtful:

We are dealing here with a complex emotional issue, which touches the foundations of our history of persecution, our humanistic ideals and harsh social and economic realities that call for acting in accordance with the ancient proverb: "The poor of one's own town is given preference [over the poor of distant towns]." Many public and advocacy organizations are against deportation and would like to give some illegal foreign workers legal status. Others see this as a disastrous threat to the Jewish character of the nation. They worry about religious purity and want to deport foreign workers in order to prevent mixed marriages.⁷

Zvi Weinberg, a former Knesset member who supports deportation, has stressed the values of identity and justice that provide the ethical bulwark for twentieth-century Zionism in a speech made at a meeting of the Knesset Committee for Foreign Workers:

I have the impression that people in this country tend to forget their history. We are the Jewish people. Not long ago, during the Holocaust, we suffered persecution. The foreign workers of today are equivalent to the refugees [we were] in the past. (The Knesset Committee for Foreign Workers 1998)

Others who endorse deportation are more sensitive to the human and international implications of forced mass migration. In a personal interview held in October 1997, Ran Cohen, a member of the leftist Yahad Party and chair of the Knesset's Labor Committee, stated:

We must control the increasing numbers of illegal workers and return them to their countries of origin. However, we should be careful to avoid being brutal, and to observe their natural rights as human beings. Government policies should take into account both the need to reduce the number of

illegal workers and their basic needs such as health insurance and gas masks.⁸ We should not allow those who live among us to be treated like human rubbish just because they are not citizens of our country.

The Implications for Labor Migrants

The highly publicized hunt for foreign workers, coupled with derogatory remarks made by leading politicians, has fostered public hostility against foreign workers in general, observed in the documented rise in racist acts. The heavy hand of the immigration police in its pursuit of illegal workers has resulted, by and large, in the de facto demise of community life and social institutions; it also has engendered numerous personal tragedies. The following story about Lucy illustrates life under the threat of deportation.

Testimony: Lucy

Lucy, thirty-two, is Colombian; she has a daughter, Gloria, who is five years old. Her daughter was born in Tel Aviv but now lives in Colombia, with Lucy's mother, so Lucy can remain in Israel and work a while longer. Lucy works more than twelve hours a day, cleaning one house and one apartment each day; sometimes she also works on the Sabbath. She has worked for some of her six "regular" employers for years; they share the cost of her health insurance package.

The telephone rings; Nili, her landlady answers and then passes the phone to Lucy. Lucy starts to cry in a low voice: "*Madre mia, madre mia.*" It is Sonia, Lucy's friend, also from Colombia. Apparently, early that morning, after Lucy had left her apartment, the immigration police broke in and arrested her husband Miguel. He is about to be deported. Lucy is deeply frightened. She is afraid to go to the police to see Miguel before his deportation; she also is afraid to go back home to pick up her clothes and belongings. Sonia is married to an Israeli, so she volunteers to go to the police to say goodbye to Miguel, and to pick up Lucy's things from the apartment. Six months pass. Lucy continues to arrive at Nili's house on Thursdays at seven, as usual. Miguel has opened a restaurant in Bogota. Gloria is still with Lucy's mother. Lucy continues to send her earnings home to them. She longs to return to Colombia to be with her family but cannot. "I'm stuck here," she explains, because "my mother needs the money." She is upset with Miguel because the restaurant is not doing well, and she is frustrated to have "poured money into it, God knows for what." Lucy is constantly worried. The immigration police have become very hard-hitting, and many of her friends have been deported. Some chose to leave Israel "voluntarily," to escape a deportation record. Lucy does not want to leave yet, insisting that she needs just "six more months."

Deportations have created a shortage in housecleaning workers. After learning that many employment agencies charge households NIS 40 an hour for the cleaners they supply, Lucy has begun to charge the same rate. She is very proud of her earnings. "In a good month, I make approximately \$1,500. In Colombia, that's more than a full professor makes," she "chirps." Lately, Lucy is constantly on guard: "I'm riding taxis rather than buses. I wear my Israeli glasses all the time. I shop only in my employees' neighborhoods and have moved into an apartment closer to Sonia, who lives in a neighborhood where the immigration police don't go." She feels as if she is playing a game of cat and mouse that will end in capture and deportation. Until then, she will remain here and continue to work hard. Her major worry is not so much the immigration police but the fate of the money she sends to Colombia.

Early one morning, Lucy is picked up by the police while waiting at the bus stop. Her glasses are of no help in the end. Because there are no vacancies at the nearby detention center, she is sent to a center in the south, a three-hour drive from Tel Aviv. She is initially in a state of shock, unable to speak, her sobs heard through her cell phone. As the phone's battery fades, she stammers: "I'm not a terrorist! Why do they treat me like a terrorist?!" Ana-Maria, another of her friends, has a little boy who was born in Israel, so she cannot be deported. She and her Israeli boyfriend, Moshe, a taxi driver, go to Lucy's apartment to collect her things, about \$2,000 donated by various employers, and the clothes Nili has given for Gloria. Lucy decides not to wait for the government to provide her with a departure ticket and purchases one at the travel agency located within the detention center. After four days of incarceration, Lucy tries to call to say good-bye, but her cell phone has gone dead.

Back in Columbia, Lucy plans her next voyage. This time, she says, she will head for either the United States or London. The last time we spoke she was calling from Frankfurt. The Israeli government upholds lawful treatment of legal residents while effectively allowing—through a mixture of ineptitude and complacency—illegal actions by Israeli citizens against non-Israelis. As long as non-Israelis are undocumented and therefore illegal in status, the government seems unconcerned about upholding any of their "legal" rights. Yet even citizens who are imprisoned following conviction for criminal acts enjoy a range of rights while in detention; upon serving their sentence, Israeli ex-convicts may be assured of full restoration of their civil rights, including basic protections regarding fair wages, provisions of basic welfare needs, and fundamental medical coverage upon employment.

Clearly the lack of protection for foreign workers cannot be explained merely by the "illegal" status of some. Moreover, the extreme and extenuating circumstances under which many foreign workers become "illegal" hardly seem comparable to those associated with "traditional" criminal activity. Yet individual responsibility and accountability associated with these categorically different illegal acts seem out of proportion in the case of foreign workers.

Those who simply lack a passport and the ability to produce documentation of their licensed entry into Israel (often the result of illegal confiscation of work permits by employers), or who have been cynically ignored by labor importers and left on their own upon arrival in Israel, are casually detained and deported, “guilty” not by any “act” but only by their *lack of status*, a condition established by rules and practices stacked against them from the start.

Emmanuel, a Ghanaian labor migrant in Israel under UN auspices entitling him to refugee status, describes his worries:

Now I feel like you Jews in the Diaspora, unwanted. The immigration police always hunted us. Now they are using us as scapegoats for the problems here, as if we are contributing to unemployment but are also threatening the population makeup. People in the street are beginning to believe it. I’m hearing more and more comments such as “go back to Africa.” (interview, April 29, 2005)

Restrictions on the permissible entries of foreign workers have certainly strengthened the competitive edge of Israelis willing to take advantage of a market based on the extraction of fees from eager noncitizens and employers looking for cheap labor. The pull of supply and demand, exacerbated by political as well as economic inequities, thus appears to support the argument that the granting and denying of citizenship have both reflected and perpetuated local and global inequality.

Conclusion

[I]mmigrant labor offers several important advantages to a country. Foreign workers demand fewer social services than national workers [do]. . . . Their presence does not require additional expenditures by the government or private capital. This is especially true in the initial phases of immigration. . . . Immigrant workers produce more in relationship to what they consume than native workers. Furthermore, some of the foreign workers can be repatriated when they are no longer needed or when their physical or mental health prevents them from working. The costs associated with unemployment, workers’ disability, and medical care can be partly exported. Moreover, social discontent can be exported. In short, the possibility of repatriation and the below-average demands of immigrants generally exempt the receiving country’s economy from the need to build the kind of infrastructure and service organizations that would be required by an equal number of national workers. . . . This issue, however, is complicated by the presence of children born to foreign workers and the number of these workers who become more or less permanently settled. (Sassen 1988, 39)

Sassen's (1988) description of Western European responses to the early and later phases of immigration during the 1970s mirrors the shifts in Israel's official position regarding the desirability of foreign workers. Three distinct phases in government policy are observable: (1) Between 1988 and mid-1996, policy stressed the allocation of quotas to enable the entry of foreign workers; (2) From mid-1996 to 2001, largely unsuccessful attempts were initiated to reduce the foreign worker population; (3) Since 2002, mass deportations have been expedited to totally eradicate the phenomenon of illegal foreign labor. During the first period, the huge need for labor diverted government attention away from enforcement of laws, regulations, and procedures associated with the employment of foreign workers. Instead, policy was heavily influenced by employers and employment agencies seeking short-term solutions to sudden labor shortages in the construction and agricultural sectors. Between 1994 and 1996, the number of foreign workers rose so dramatically a shift in policy was triggered, with new priorities aimed at drastically reducing the legal and illegal foreign worker population through improved coordination between the Ministries of Labor and Social Affairs, Interior, and Internal Security. Efforts to expel illegal workers were inadequate and erratic; in effect, they served to encourage employers and workers alike to operate a black employment market. During the period 2003–2004, the government was able to uproot labor migrant communities, reducing the number of work permits and maintaining a “closed sky” policy.⁹ Furthermore, the deportations came to be orchestrated by the immigration police, a centralized institutional setting better able to coordinate as well as implement such a policy.

Reactions of stakeholders to the deportation of illegal foreign workers can be grouped into two categories. The first is linked to the actual deportation system, which has been portrayed as a “manhunt” by advocacy groups and the media. The tactics applied by immigration police are frequently immoral and inhuman, associated with police brutality and breaches of human rights. In Israel, these issues are emotionally loaded, as they are saturated with symbolic meanings stemming from Jewish history and Israel's recent past (see chapter 11). Advocacy groups are therefore continuing to function as normative watchdogs of government policy implementation. The second reaction is related to the institutionalized industry—importation of foreign labor, legal and illegal—that has benefited from weak regulation. As a burgeoning economic sector conducting a lucrative trade worth billions of dollars, its participants include employment agencies and employers, but also mediators, lawyers, political brokers, and politicians. This factor has proved crucial in determining the shape and outcome of Israel's labor migration policy.

Deportation has helped the government cut the Gordian knot of economic interests tying the administration to employers. Conflicts of interest have arisen over the deportation of illegal workers, and concerns of national identity have gradually transcended economic considerations.

However, contrary to expectations, mass deportation is unlikely to alter the current structure of Israel's labor market, especially in those sectors already heavily employing foreign workers, as a second wave of illegal workers will eventually enter and settle in Israel. In the twenty-first century, labor migrants have become an integral part of Israel's labor market structure. Their presence in industry composition and their contributions to specific sectors as well as the economy can no longer be ignored. Their presence and the need for their labor are no longer in question. In effect, the latest governmental clampdown on illegal workers indicates a continued failure to recognize that reform and the regulation of labor migration are challenges that cannot be confronted through cosmetic changes in labor law or border control practices.

So, if it is not an issue of regulation efforts, then what should govern Israel's labor migrant deportation policy? A closer look at the foundations of that policy not only indicates the moral grounds that might underlie it but also reveals the profound changes Israeli society has undergone, and the implication for the import of foreign labor. What has changed most significantly since the establishment of the Immigration Administration is the official acknowledgment that the illegal foreign worker market cannot be eliminated solely through deportation. Policy makers have come to realize that the employers who consistently engage in the illicit trade of human labor are the major cause for the expansion of the phenomenon. As a result, the Immigration Administration has been complementing deportation with much stricter enforcement activities directed against the guilty employers and agencies.

From the perspective of Israel's social fabric, the mass deportations have practically eradicated any prospects of labor migrant settlement in Israel. More than anything else, deportation reflects a fundamental shift in government assessments of the social implications of uncontrolled labor migration. The economic interests that nurtured the quota and binding systems have been replaced by a more ideological view on the part of government, namely, that the social consequences of the integration of labor migrant communities into Israeli society outweigh any economic benefits. Fears for national identity have replaced law and economics as the key motives for aggressive deportation.

TEN

The Rhythm of Policy and the Employment System

In June 2006, in yet another twist, the Israeli government decided to ease the naturalization of children of labor migrants and lower the age threshold for citizenship entitlement from age ten to six. Also entitled for citizenship are children who had been living in Israel for at least six years and legally arrived before reaching age fourteen. It is estimated that about 1,400 families will be naturalized and become permanent residents of Israel (*Haaretz*, June 20, 2006). Two opposing views were heard around the government table regarding the naturalization changes. The first, which echoes the words of Prime Minister Ehud Olmert, presents a “humanistic” approach and favors entitlement to children of migrant workers on the grounds of cultural affiliation and compassion.

Accordingly, any child who was brought up in Israel, speaks the language, has no other country citizenship, and is fully integrated into its culture and society (for example, expressing his willingness to serve in the army) should be an Israeli. The second argument, expressed by Eli Yishai, the Minister for Industry and Trade, who also is the head of the religious party Shas, proposes that any compromise on the nature of the Jewishness of the Israeli state is the beginning of its end.

Integration of non-Jews into the Israeli society would lead to a deterministic path of losing the state’s Jewish identity. Usually the proponents of this uncompromising view also describe the labor migrants as a “social and economic time bomb,” competing with less-privileged Israelis. The differences in the Israeli governmental policies also manifest in the nature of the policy environment and the reconstitution of the employment system, on the one hand, and the formation of labor migrant communities, on the other. This chapter presents a conceptual framework that links the policy environment to the formation of employment system and modes of integration.

The Reconstitution of the Institutional Environment and the Employment System

In earlier chapters of this book I discussed the ways in which the Israeli government delegates its policy gatekeeping role to the migrants' employers. In particular, this has been carried out through "bondage arrangements" (see chapter 3), which assign individual workers to designated employers, consequently reducing the government's ability to monitor and effectively enforce appropriate terms and conditions of the employment of labor migrants. Furthermore, the government has lost its grip over the "entry-exist" cycle of migrants and for years has been unable to control the slippage of workers into the thriving informal labor market.

Weak regulation has unleashed market forces that have created a parallel informal labor market, institutionalized according to neoliberal rules of market economy, namely, that labor migrants are seen as economic assets, cheap and disposable labor. The skewed government quota policies, as manipulated by employers, feed workers into the informal market—contrary to policy intentions and objectives of control and tight regulation (see Hilgartner and Bosk 1988). The consequences of the quota system, and the fierce competition it has generated among the various stakeholders, constantly renew heated public debates, thereby fortifying the problem and prolonging its stay in the Israeli public agenda. The consequences of policy and the reconstitution of the exploitative employment system have brought to the fore various public actors, in particular, advocacy and human rights groups, which have become active players in the labor migrants' policy environment. Thus in Israel the policy environment reflects a tapestry of "rhythmic" movements of various stakeholders who attempt to pursue conflicting strategies of action, aimed either at influencing the government to maintain its "free-market" policies or designing new, liberal policies toward those undocumented labor migrants who already form communities in Israel.

By rhythmic, I refer metaphorically to the predetermined moves of policy actors within a known script and agenda, which rapidly compete over policy resources (see Sabatier 1999). However, as in Lewis Carroll's "Dodo race" in *Alice in Wonderland*, breathless they reach the finish line and are still puzzled over the question of who the winner is. As E. Levi, the former director of the Foreign Workers Authority, claimed: "[In the contest to win] the public attention in a quest of leveraging and promoting policy, policy actors associated with labor migrants have a tendency to create a messy policy dynamic which is plagued by corruption" (interview, July 2001).

Corruption

Corruption, as a "political pathology," is the abuse of power in public life. In simple terms, corruption means favoring an individual or a group in return for

political support, money, or other benefits. However, when trying to study corruption in practice, this definition is insufficient. Corruption—or the perception of it—is very much dependent on culture. Corrupt acts at one place and time may not be considered as such elsewhere, or even in the same society, by different groups or individuals.

Even so, some aspects of corruption—such as bribery, extortion, tax evasion, and the illicit exchange of favors—seem to be agreed upon. Most legal systems address only the material and monetary aspect of this phenomenon because they are more easily identified and enforced. Constrained to those dimensions, legislation is limited, inadequate, and inefficient, and the result may well be thriving corruption.

Testimony from the Israeli Press

Regarding corruption at the National Employment Service, 1996:

The Ministry of Labor and Social Affairs commissioned a special inquiry committee to investigate the role of the National Employment Service in the inflation of the number of foreign workers from 13,000 in 1994 to 105,000 in 1996. The committee allegedly found a general manager in the Employment Service guilty of considerable misconduct regarding his responsibilities. According to the report, the manager changed regulations, was directly involved in issuing certain permits, and approved permits beyond authorized quotas to caregiving, tourist, and agricultural industries without appropriate approval. He is also said to have given an employer permission to hire 3,000 foreign construction workers with[out demanding any] explanation regarding the whereabouts or circumstances by which previous recruits had been “lost,” leading to the supposed need to hire the large number of replacements. He also assigned a “foreign expert” to issue permits for foreign workers taking up jobs in various forms of unskilled work, including waiting on tables. (*Haaretz*, March 7, 1997)

Regarding corruption that “starts at the top,” Shlomo Benizri, Minister of Labor and Social Affairs, gave the following account in an interview broadcast on Israeli television in 2002:

I am sorry to say that it starts at the top. There are interested parties in the highest places, in the Knesset and in business. . . . [B]ig money is involved. Importing foreign workers is the most profitable business that exists today . . . the foreign workers industry is a business valued at \$3 billion a year . . . the money lies not [just] in mediation fees from the workers but from thousands of dollars paid by employers to those who are able to influence those in the government. (*Exposure*, Channel 1, February 27, 2002)

Labor Minister Benizri is accused of taking bribes.

Haaretz, February 20, 2002:

... (Benizri) is suspected of receiving benefits and payments from a friend, a employer to whom he had given inside information to enable the entry of foreign workers with a permit.

Haaretz, February 26, 2002:

The Director General of the Employment Service tells a reporter that he has been sacked from his job under the Minister of Labor because he refused to distort the results of the tender for the importation of foreign workers.

Yet another important aspect of corruption is normative-cultural (Pardo 2005). For example, in some circumstances, corruption may not necessarily be perceived as immoral and illegitimate; instead, it is perceived as an agreed-upon mutual arrangement to expedite adaptation in the field when the possibilities for drafting adequate legislation are minimal or overly complicated. One problem with corruption is the inconsistent attitude ordinary citizens, elected representatives, and officials take toward the phenomenon. Behavior condemned at one point in time by a group or an individual may be embraced at another. This atmosphere also has a tendency to feed upon itself, as rising corruption encourages people to engage in corrupt acts.¹ Recent reports on corruption associated with permits for labor migrants indicate that its prevalence is not only at the peak of government but also part of political favoritism as the following incident illustrates.

The Knesset Committee on Internal Affairs and the Knesset Committee on Foreign Workers jointly convened a meeting on June 23, 2004, following accusations aired on the state television channel (Channel 1) that former minister Gideon Ezra had “pulled strings” to help Shuli Pinchas, a farmer, secure permits for the importation of foreign workers. The meeting was requested by Minister Ezra. Also participating were Judge Eliezer Goldberg, the state comptroller; MK Ran Cohen and MK Amnon Cohen presided. The meeting was meant to serve as a kind of public hearing.

Testimony of Minister Gideon Ezra

On February 24, Shuli Pinchas, a farmer from Moshav Shachar [a cooperative agricultural settlement], went to the Ministry of Interior to request permission to hire eight foreign workers as he had been given approval to do so by the Ministry of Agriculture and Ministry of Industry, Trade, and Employment. Since the “closed skies” policy had been instituted in 2003, the Ministry was obliged to look for workers in the existing pool of illegal work-

ers awaiting deportation. This process normally takes about a month. If the Ministry of the Interior determines that no suitable workers are available from the deportation pool, individual employers are given permission to import new workers.

February passed, and then March and April . . . still, Pinchas had no answer. He wrote to and called the Ministry of the Interior but got no answer. This was because the Ministry's office, which is located at Ben Gurion Airport, cannot be entered without a special invitation to do so. The staff there is so busy that they can't take calls from the public. So on my way to my office in Jerusalem, I stopped by the airport to accompany Pinchas to Ministry offices.

. . . We spoke with the manager, who claimed that the office never received Pinchas's request but assured us that the desired permit, which was due to him, would be issued. So I was able to help a citizen who felt estranged by the government bureaucracy. There was no significance to Pinchas's membership in the Likud's Central Committee. I simply saw it as my duty to help an individual in need of assistance.

Following Ezra's testimony, Ophir Paz-Pines, a Labor Party Knesset member (Labor is a rival party), complained:

A Likud member gets into trouble and his way of dealing with it is to go to Minister Ezra for help to resolve his problems with low-ranking officials at the Ministry of the Interior. This is not normal. This is not how the country should be governed; this is madness.

The discussion continued as H. Gedz, director of the Population Administration, located in the Ministry of the Interior, was called.

Testimony of H. Gedz

Gentlemen, members of the Knesset, Ministers, the Honorable State Comptroller: For more than ten years, the mishandling of foreign workers has poisoned our country. . . . Many interests were mixed with the most terrible of undercurrents. . . . [There have been] hundreds of millions of shekels that the government allocated for the purpose of deporting all of the illegal aliens settled here for years. . . . We have a slave trade, a phenomenon that we are trying to eradicate. . . . We have employment agencies which would like to import as many workers as possible [and so] coerce the employers. We have fixers, with those who care about law and order but actually strive for less—*Do you know why?* Because the more foreign workers are dependent on them, the more they can monopolize the media and other things. We have political and nonpolitical elements . . . everybody wants to deal in it.

A heated debate ensued between committee members on whether governmental inefficiency and incompetence or ulterior motives had initiated Pinchas's approach to Minister Ezra. They concluded that the minister's intervention was acceptable if it was in response to cumbersome bureaucratic procedures. Committee members continued to argue about bureaucratic inefficiency and the various overt and latent interests that made the regulation of foreign workers a complex and messy activity.

They eventually called for a dismissal of the charges of favoritism against Minister Ezra, while expressing sympathy for farmers who were faced with fruit rotting on their trees in the worker shortage.

Judge Goldberg, the state comptroller, held a different view and reached the final judgment that regardless of the difficulties faced by the average citizen, it was inappropriate for one minister to bypass the decision of another minister and to attempt to interfere with the work of low-level administrators.

His final words were:

Someone complained because he felt his complaint was warranted; otherwise he wouldn't have complained. The complaint was justified on the grounds that when the common citizen sees a minister interfere in favor of a party member, it erodes the government's credibility.

Thus the policy environment surrounding labor migration in Israel encourages corruption for various reasons. First, policy is ambiguous regarding the interface between policy measures and their clients (Rose-Ackerman 1989; Feld 2000). Second, the dynamics of power, social pressure, political ideology, networked loyalties, and moral and political obligations are part and parcel of the Israeli political system; together they have created ample opportunities for the interdependence between "capital and governance," reflected in the prevalence of individual favoritism and sectoral preferences (Aharoni 1994).

The Rhythm of Policies

The rhythm of policy actors developed into a dynamic of the redefinition and reposition of stakes in order to retain and take advantage of blurred and short-sighted labor migrant policies. A lack of coherence in government policies (indeed, they are often ambiguous if not contradictory), forces civil servants to sort out various discrepancies and constraints. For example, the government simultaneously allocated permits while declaring a "closed sky" policy that banned the importation of new foreign workers. As H. Gedz, the former director of the Population Administration, noted:

Those who import foreign workers are not interested in drawing workers from an existing pool of illegal workers. They prefer "new blood" so that the

trade in humans can go on because they profit from the hefty mediation fees collected from workers and employers [for the importation of new workers]. I can tell you that dozens—no, *hundreds*—avoid hiring workers from among the detainees; instead, they wait and wait until there are no workers available from the pool. Then they can import new foreign workers. (interview, July 2003)

Thus the policy environment represents conflicting interests between the government and the employers, and any modification made by the government toward their objectives of reducing the number of labor migrants is circumvented by the employers. The policy of reduction implies direct confrontation with employers and associations that see the government's intent as a direct threat to their businesses. Of particular concern is the potential survival and growth of the construction and agricultural sectors. Those involved within the government and those from the outside are engaged in an ongoing negotiation process, arbitrage mechanisms, and trade-offs ruled by economic interest from one side and an ideological outlook on the other.

Eventually the policy that emerged has involved a moderate lowering of quotas and mass deportations but retains the system of "bondage" by strengthening the placement agencies' control over the workers. This is done mainly through transferring the allocation of permits for workers from the direct employer to the placement agency, thus bestowing upon the placement agency the role of regulating an internal labor migrant market.

This "division of policy implementation" stimulated an emotional outcry and a public debate about the issue, touching upon multiple interests. There are those who fight for human and worker rights, such as Kav La'Oved and the Association for Human Rights. Within the Knesset, a few members support the legalization of foreign workers, while others advocate for expulsion. Labor migrants dragged into the issue of unemployment are being used as scapegoats, blamed for taking jobs from Israelis. Arguments are slipped into religious and nationalistic challenges or presented in the Knesset for the sake of an ideology of peace, namely, alleviating the economic hardship of the Palestinians as a gesture of goodwill, whereby foreign workers should be replaced by Palestinians.

The government's inability or mere unwillingness to effectively regulate the foreign worker labor market has shifted the task of championing migrant laborers' rights to the NGOs sector. Organizations such as Kav La'Oved, the Hotline for Migrant Workers, the Association of Civil Rights in Israel, and Doctors for Human Rights operate in those domains where workers are especially vulnerable: human and employment rights, civil rights, and health and legal advice. As is, the official employment system contains no proactive institutional mechanism aimed at guarding workers' rights—despite the exposure to exploitation that the system itself promotes.

Their criticism and processes of accountability have taken place in regard to three major issues. The first was an open debate, including the public, academia, the government, the Knesset, and other institutions such as the Bank of Israel, and debunked the “binding system.” Various studies and reports have exposed the maladies of the system. Consequently, the government, the Bank of Israel, and the NGOs came forward with a recommendation: eliminate the binding system through allocating visas—in accordance with the predetermined quotas for each industrial branch—to the workers themselves and not to the employers.

The second issue relates to the process of detention and deportation. Various NGOs relentlessly fought, mainly in the court and in the Knesset Committee of Foreign Workers, to streamline the procedure of detention and deportation and to put a stop to the malpractice characterizing the deportation process. Through actual presence in detention centers and close monitoring of individual cases—dealing with the authorities, representing workers in court, and maintaining the issue in public discourse—these organizations were able to expose violations in the system and to demand and get a response. Issues include the deportation procedures, workers’ rights to legal assistance, hearing procedures before special tribunals, detention periods, and the government’s failure to inform deportees of their rights and conditions in the detention centers and police custody facilities—mainly crowding, or failing to separate foreign workers and criminals.

There also is the creation of awareness, and representing individual workers in court and other forums in cases of malpractice and violations of the human rights of the worker. The Hotline for Migrant Workers, for example, issued an extensive list of cases, either dealt with in court or on the public agenda, which solicited responses from the related ministries, among them, the unlawful trafficking of foreign workers, the “private” deportation of workers by their employers, the skewed living conditions, the confiscation of workers’ passports, police brutality, violation of foreign workers’ rights, and outrageous mediation fees.

The voluntary associations that have embraced the mission of helping foreign workers in their confrontations with employers and the authorities have formed a self-contained community that views itself as a service provider and social advocate, intent on broadcasting the plight of these people to the public either through actual advocacy or “shaming” the government for its malpractice or the malpractice of the employers (Kemp and Rajman 2001). Academic institutions and the media, particularly the daily press and television, have likewise taken an active role in raising public consciousness.

These organizations have a variety of perspectives. Kav La’Oved, the dominant organization, adopts a distinctly humanitarian approach. It helps individual workers prepare briefs against employers, primarily in the area of wage disputes and dehumanizing acts, such as not providing full medical care

or severance pay. All organizations serve as interest groups, promoting policies and practices aimed at reforming the symbiosis established between employers, placement agencies, and the government. In their collaboration with the political community, these voluntary agencies are considered “expert witnesses” and frequently appear before Knesset committees and hearings. Another aspect of their mission is to influence the normative behavior and practices of employers and public authorities alike, including the police, labor courts, schools, health care insurers, and municipal agencies.

In filling the void left by the authorities, the voluntary organizations focus almost exclusively on humanitarian aid to workers and reform of the related policies. They do not represent any ideological position either for or against the import of foreign workers to Israel. Their focus is on human rights, while attempting to remain vague about the ideological issues that ultimately will determine the civic status of labor migrant communities in Israel, and the relationship between foreign workers, local unemployment, and Palestinian labor.

Despite their attempts to skirt ideological issues, the diverse associations have formulated a distinct policy agenda, common core values, and a defined worldview (Sabatier 1999). Other key policy issues vigorously advocated include the following:

1. Elimination of the binding system that assigns a work permit to the employer, not the employee. The alternative proposed is an open market in which foreign workers will receive permits with visas for designated periods of time; these permits will give workers a choice of employers. In addition to awarding foreign workers a minimum of mobility and the exercise of free will in employment arrangements, these reforms will eliminate a good deal of the exploitation prevalent under the current system. Recently (March 3, 2006), the High Court of Justice nullified the binding arrangement.
2. Introduction of a grace period for those undocumented workers who reside and work in Israel and would like to either appeal for a changed status or arrange their leaving.
3. Elimination of the restrictions that prevent inclusion of foreign workers within the national health insurance plans, the provision of written information about rights, procedures for dealing with basic breaches of these rights—especially regarding the confiscation of passports—compensation for work-related accidents, receipt of legal advice prior to deportation or in disagreements over wages.

Contrary to the active participation and effectiveness of the volunteer lobbies, the Histadrut, Israel’s labor union cover organization, has been rather passive. The voluntary associations’ constituency is compatible with the union’s terms of reference and mission: helping those whose rights have been

violated and those who have no means to help themselves. However, the Histadrut's constituency is the entire organized labor force; it views the issue of foreign workers mainly from the perspective of the well-being of the Israeli worker who belongs to one of its unions. During periods of soaring unemployment, the Histadrut's mission is to first and foremost protect Israeli workers. In its broader mission as a labor representative, however, the Histadrut is expected to further universal values regarding worker rights and conditions. This implies creating a proactive environment that promotes the enforcement, preservation, and enhancement of all workers' rights, including those of foreign workers.

The Histadrut has declared its intention to equate foreign workers' rights to those of Israeli workers. In this respect, the Histadrut and the government see eye to eye in their ultimate goal; the two realize that enhancing foreign workers' employment rights will eventually destroy the system of bondage, increase foreign workers' salaries, and limit opportunities for exploitation. Such changes will make foreign workers less attractive to employers and will rebuild the appeal of local labor at the expense of foreign labor. Hence, the Histadrut is interested in influencing the regulation and reduction of foreign workers from its position as the major protector of Israeli workers.

Modes of Integration

In Israel, the foreign labor market, which is perceived by the government as contained and closed, has become open and has expanded from the sphere of work to the sphere of the community. The relationship of the government and employers, which was based on the government's role as a facilitator in the development and growth of the economy, and the employers' role in preserving the borders and regulations of the legal foreign worker market, has soured. The government has realized that its policy has led to (1) the expansion of the illegal market, (2) discomfort with the phenomena of dehumanization and exploitation, (3) the institutionalization of a cheap labor market, threatening the local labor force and inhibiting technological advances (Ben-David 2002), and (4) a threat to Israel's socioeconomic fabric and religious identity (Raijman and Semyonov 2004). The institutionalization of the two foreign labor markets, the legal and the illegal, exposed to the Israeli society and establishment a predicament that was not taken into consideration in the early 1990s, when the government decided to substantially increase the number of invited workers. Ultimately, the foreign workers institutionalized their stay by developing the illegal market, backed by their own communities, such as those in southern Tel Aviv (Kemp and Raijman 2005; Schnell 2002).

Life and work for undocumented labor migrants reflect the shared understanding that they are in Israel on a temporary basis to fill cheap, unat-

tractive job slots. They are therefore predisposed to “living on the edge,” in constant fear of deportation. Within the Israeli ethnic national state (Smootha 1990), labor migrants of any sort will never be considered members in the community of citizens. Israel’s institutional environment exhibits exclusionary ideological and cultural trends that challenge the foreigner and make the battle for inclusion in the local polity and society a decisively uphill battle (Favell 2002).

Recent research explores patterns of settlement of undocumented migrants in the United States and Europe, describing the process as oblivious to policy and depending on a community mechanism of settlements. For example, studying the processes of settlement and incorporation of undocumented Mexican and Central American migrants in the United States, Chavez (1991), applying Benedict Anderson’s notion of “imagined communities” (1991), shows how undocumented migrants imagine themselves as part of the community. The longer they stay, they develop more and more linkages to American society through work, the purchase of property, familial networks, and American-born children. However, larger society is reluctant to view them as members of the “national” community, so immigrants remain in their liminal status, as marginal members of American society.

The role of ethnic communities proves crucial in undocumented migrants’ chances of acquiring a relatively secure position in their receiving society. Research on the city of Rotterdam (Burgers 1998) shows that the fate of undocumented immigrants is dependent to a large degree on established migrant communities. Because undocumented immigrants seldom find steady jobs, and significant numbers are found to be unemployed, many are dependent on relatives and friends in the legal migrant communities. Engbersen and Van der Leun (2001) alternatively argue for the existence of distinctly different modes of incorporation of undocumented migrants within ethnic communities. In the “communal sharing” mode, intensive transnational relations with an exclusive group of relatives lead to substantial support in cases of undocumented migration. The “bounded solidarity” pattern is characterized by limited support that is given to a larger circle of migrants. In this case, there are weaker ties between legal members of the community and undocumented migrants, and help is granted in the form of incidental favors and support. The third pattern is based upon “market relations” between legal providers of employment and housing and the undocumented recipients.

This book has documented the context and process of the integration of undocumented labor migrants in Israel, as affected by the exclusionary, evasive, and xenophobic policies adopted by consecutive governments. As the number of undocumented labor migrants has grown and become more noticeable, policy shortcomings and general avoidance show a lack of receptivity on the part of the government to cater to the growing social needs of this community. Official solutions to the quandaries are *prima facie* simplistic in character and rooted in ideology. Ethnic closure and exclusivity (*jus sanguinis*) have

been translated into a deportation program, and the challenges of dealing with the complex social conditions of labor migrant communities, in addition to their specialized needs, were delegated to the local authorities. This transformed local authorities into relatively autonomous policy actors, with each local government acting in accordance with its own distinct agenda and interests (Kemp and Raijman 2005). The debate over illegal migration has been associated with interrelated issues in particular: citizenship and settlement. The former relates to the fact that Israel is not simply a country of immigrants but the homeland of the Jews, a country with the unique mission of absorbing or integrating “foreigners,” but only if they are Jewish (see chapter 11). Regarding settlement, the government policy toward illegal foreign workers and their communities seems to be motivated by an interrelated, underlying assumption. The challenge to the Israeli societal structure is associated with the fact that illegal foreign workers are “outsiders” and by definition are not part of Israeli society. The major concern of policy makers is not to look for ways to incorporate labor migrants into the Israeli society but how to exclude them, namely, through deportation or by ignoring their special social and cultural realities and curtailing any attempts for citizenship. Another huge factor in governmental settlement policy is the clear and immediate fear of the foreigners, as described by one of the officials of the Immigration Administration, known also as the “Deportation Police”:

We have to deport them fast and unconditionally, before the illegal families will take roots to a point of no return. We have enough troubles without them—just look at our economic situation, the souring unemployment, and the problems in our health, welfare, and education systems. Our people come first. (interview, December 1, 2003)

These words echoed a perception within the Israeli public and among politicians, who view the presence of illegal workers as both a threat and burden, believing that illegal foreign workers have no legal or moral right to “exploit” the ever-dwindling resources and social amenities of the Israeli social systems (Raijman and Semyonov 2003). Such an approach ignores the economic and social contributions of labor migrants. In most cases, labor migrants are not competing with the locals for the same jobs but are instead responding to the urgent needs of the economy for low-skill services. Although they remit their earnings to their home countries, they are still contributing to the local economy (Massey 1999).

The state policy has created a vacuum in two critical realms. The first relates to the provision of specific basic needs of the labor migrant community, and the second relates to the consequences of the employment system and its policies, namely, the state and employers breaching employment and human rights and exploiting workers.

To counter exclusionary government policies, the NGOs and the municipalities are filling the gap. According to Kemp and Raijman (2004), the NGOs and the municipality sectors, in filling the policy vacuum created by the government and the employers' skewed practices, have created a "new politics of labor migration" (Kemp and Raijman 2004). The NGOs undermine the exclusivity of the "ethno-national policies of the state" by taking action on behalf of foreign workers. By doing so, these NGOs actually force the reluctant government to face abuses of the law and international standards, or the beaching of workers' employment conditions and human rights. By working within the "rules of the game" set by the country's institutional framework, however, the various NGOs are subjected to these rules, and usually their actual achievements are, by and large, determined by the boundaries set by the government. With the avoidance policies of the government, the city is forced to care for the labor migrants and to recognize them as bona fide city dwellers with equal rights to health care, education, and other welfare services and social amenities (Kemp and Raijman 2004; Raijman and Semyonov 2004).

Conclusion

The nonstate actors, as discussed earlier, attempt to promote two streams of argumentation to advocate for the incorporation of labor migrants. The first is associated with the agenda of universal individual rights—seen as transcending local-national rights (Jacobson 1996; Favell 2000). The second is associated with an agenda that stresses contribution. Labor migrants are "good citizens" in that they are contributing economically and socially to the country. The role and importance of the "postnational" discourse—which offers an alternative mode of labor migrants' incorporation in Israel, ignores the citizenship rights bestowed by the government, and instead relies on city residency (Kemp and Raijman 2004; Soysal 1994)—have been overly exaggerated. The labor migrants pose a threat to the state's ethnonational identity, and eventually it decisively acts against them. As Ran Cohen, a member of Yahad, the major leftist party in the Israeli Knesset and the former head of the Knesset Committee for Foreign Workers, has commented:

We [those who champion labor migrants rights] were beating our drums too loudly. We already envisioned a "state for all of its citizens," fooling ourselves that Israel will have to comply with the world's trend of converging towards universal rights for foreign workers. We fall prey to the naiveté of the arguments which put forward the claim that eventually foreign workers will be part of us. We are guilty of vanity. We entertained ourselves with a dream about a cultural colorful southern "soho" of Tel Aviv. We, the more

astute critique of the dreadful reality of foreign workers, did not realize its true nature, and see what we believe in, that their [foreign workers], integration into the Israel society is unstoppable. (interview, November 2004)

Soon the government tackled the labor migrant communities, relentlessly pursuing the workers and implementing aggressive deportation. However, the rhythm of the various policy actors has a strong imprint on the normative policy climate in Israel:

Although malpractices towards labor migrants are still prevalent, and the nature of the employment system is exploitative, the institutional environment—mainly the government, the Knesset, and the courts—contains a more carefully regulated policy of rights. More stringent bureaucratic control over employers has been instituted and practices such as confiscating of passports are less acceptable. As Y. Granot, the former director of the Immigration Authority, has claimed, “The government realized that mass deportation has to go hand in hand with visible measures against the employers who have carried the lion’s share of responsibility for the creation of 250,000 illegal aliens. You can’t deport masses without guarding their lawful rights.” (interview, December 2004)

Thus the rhythm of labor migrant policy making in Israel has made room for nonstate actors to advocate for corrective policies and to become the gatekeepers of normative practices. At the same time, the perceived threat of labor migrants to the very nature of the Israeli identity guards against any concession regarding an entitlement to citizenship, as described in the next chapter. The nongovernmental actors have envisioned a path resulting in labor migrants’ incorporation as distinct communities, but this road has been blocked.

ELEVEN

Labor Migration Policies and National Identity

A year ago, 23 people were murdered in Jerusalem when Bus No. 2, which brought worshippers from the Wailing Wall, exploded in the ultra-Orthodox neighborhood of Beit Israel. Yesterday, when the memorial commemorating their death was unveiled, we found out that not all the victims were equal. The name of Maria Raphaels, a foreign worker from the Philippines, who was murdered in the terrorist event, was engraved at the bottom of the memorial, separated by 10cm from the others. Rumor has been circulating that some of the families who lost their dear ones in the explosion objected to having the name of the Philippine woman, who was not Jewish, appear with the others. In the end, a compromise was reached and her name engraved, but apart from the others. Raphaels is also the only victim whose name is not preceded by the word *kadosh* (“martyr”). Furthermore, vandals have attempted to obliterate her name, as shown by the thin cut marks observed on the plaque.

—Bambili, August 9, 2004

Ubi est pane, ibi est patria (“Where there is bread, there is my country”). This ancient Latin maxim both captures and personalizes the forces that have propelled uncounted millions throughout history to seek their fortunes beyond their native lands. However, the precedence of economic considerations binding those individuals to their communities, as reflected in that saying, tells only part of the story. History teaches us that affiliation and community are forces no less powerful than economic self-interest. While many may have found bread, acceptance has proven far more difficult to achieve. Whereas some newcomers ultimately found new homes and a new motherland, others have found only rejection, racism, oppression, and ethnic marginalization.

In order to assess, to tackle, the “new” phenomenon and form of labor migration, one must take into account the complex interplay of economics and nationalism taking new form as the world undergoes the dramatic changes commonly referred to as *globalization*—the emergence of an international marketplace that aspires to transcend the limitations placed by borders, culture, politics, technology, and geographic distance. The *global marketplace* stimulates not only unprecedented exchanges in goods, capital, knowledge, and information, but it also creates economic incentives and political realities that encourage the flow of labor across borders (Sassen 1988).

Mobility takes many forms, such as legal and illegal immigration, temporary and seasonal work, and contract labor (Piore 1979). Its consequences introduce profound changes in the lives of the individuals who migrate but also in the political and cultural foundations of the societies they leave; perhaps the same can be said of the countries in which they make their temporary or permanent home. Here, too, the forces of nationalism, affiliation, community, and institutional power react in intricate ways to the economically driven waves of immigration. In this vein, Israel’s labor migration policy is rooted in the nation’s institutional environment as well as in the responses of stakeholders to revisions in policy. Policies are, therefore, the outcomes of Israel’s citizenship regime, social and ethnic structure, political checks and balances, and economic ideology. This point of departure takes into account the complex and controversial nature of labor migration, a phenomenon that has become a major lever for neoliberal competition in a global economy. At the same time, labor migration contains the potential to erode the essence of national citizenship here as elsewhere.

The integration of migrant workers into the receiving society has recently become a thorny subject for practitioners and academics alike. The morality, viability, and effectiveness of policies, as well as the nature of this integration and its effect on the nation-state, are among the issues firing the debate (see, e.g., Favell 2001; Joppke 1999; Soysal 1994, 2000). One stream of research advocates immigrant integration based on universalistic social rights. Jacobson (1997) in particular notes that transnational migration is transforming the way in which social and political communities are constituted as the nation-state becomes “unpacked.”

Thus the separation of community, polity, and centripetal order is based on a common moral (human rights) code. The human rights discourse, as a basic corollary of immigration, echoes the leftist position that has emerged in the wake of postnationalism. Favell (2001), one of the leading advocates of this approach, argues for the eradication of national particularities regarding immigrant rights and political status, to be replaced by convergence. Nussbaum (1995) likewise claims that an uncompromising commitment to human rights is necessary to provoke a consciousness of the need to consider social alternatives and to cultivate a sensibility for justice.¹ Similarly, Castles (1993)

and Papastergiadis (2000), among others, promote normative-universalistic approaches to rights and citizenship in the postnational age. Transnational migration has thus come to represent an ideological position, due to the claim that in the era of globalization, immigration policies must assimilate a normative-social stance that advocates universal human rights and ethnic integration (Vertovec 2004). This argument clearly presents a political and an institutional challenge to traditional concepts of the nation-state. Israel is no exception, as is immediately apparent when one looks at the multiethnic composition of the Israeli citizenry, which reflects a heritage of a diasporic people who have “returned” after dispersing across all nations to take on all colors and cultures. If the majority of Israel’s earliest citizens shared a collective heritage of postwar trauma and Zionist hopes as “a people,” then subsequent Jewish immigrants have been less unified and more diverse, including those whose families remained untouched by the Holocaust or by Jewish religious rituals for generations. For example, years of public debate and religious deliberation preceded the official recognition of the Flashmura people of Ethiopia as Jews.

At the outset, universalistic human rights arguments served as ideological responses to the global north’s neoliberal policies, policies that promoted an exploitation of the economic opportunities offered by globalization, notably, the recruitment of cheap labor from the global south (Borjes 1989, 1999; Portes et al. 1999; Vertovec 2004). From a practical perspective, some have argued that the nation-states belonging to the global north are unable to design or implement universalistic rights and citizenship policies. Instead, these states put their faith in supranational entities such as the EU, or advocacy activities undertaken by social movements (Castles 2000; Jacobson 1999).

Alternatively, Faist (2000b), in extending his observation that transnational migration also has implications for citizenship and identity, urges reconsideration of the three main types of transnational societies: *transnational kinship groups*: their resource is reciprocity, and they are characterized by upholding social norms.² Remittances are an example of such relations; *transnational circuits*: their resource is instrumental reciprocity, and they exploit insiders’ advantages. Trade networks are an example of such relations; *transnational communities*: their resource is solidarity. They are characterized by the mobilization of collective representations. Diaspora can be one such community.

Labor migration policy originated as a response to economic needs; as perceived by Israel’s governments, it represented the Israeli equivalent to Europe’s *guest worker* system. In general, the policy’s social outcomes can be viewed through two different dimensions: First, as an opportunity to employ and control the flow of cheap labor, it led to skewed employment practices and thus raised the need for thorough enforcement. Second, the presence of foreign workers stirred racial tensions, primarily by providing easy objects of blame for high unemployment rates and unfair competition over jobs in addition to

introducing “unsocial” behavior into neighborhood life. The latter attitudes became associated with the overwhelming presence of labor migrants in southern Tel Aviv, a highly deprived area. Racial tensions in particular were politically exploited, with the presence of foreign workers becoming a salient issue in the government’s declared policy against surging unemployment.³ Within the Israeli political theatre, political actors, for example, religious political parties soon converted labor migration into a vehicle for the promotion of their causes, which quickly expanded beyond the economic to the social sphere and eventually to citizenship and national identity. The fundamental argument of this chapter can be stated as follows: The policies and practices regarding foreign workers in Israel do not necessarily reflect any desired economic or social reality but rather the fundamental issue facing Israeli society—its national identity and citizenship model. Hence, the respective theoretical lines of argument must be juxtaposed before attempting to provide even partial answers to the dilemmas.

The Consequences of Policy

A critical understanding of the Israeli government’s continued failure to effectively regulate the entry and activities of foreign workers requires disentangling the influences of two sets of policy constructs, namely, those concerning citizenship and others regarding employment. Israel formed as an ethnic state to serve, first and foremost, its majority population of Jews, as it fended off competing claims of its territories from regional rivals. The importation of foreign workers was prompted by the Ministry of Labor’s calculations of short-term industrial needs for labor following the intifada, with the drawing up of strategies to bind workers to their employers, with little regard for the regulatory and administrative infrastructures required to monitor and manage the inflow of new workers.

The binding system restricted workers’ rights to employment to be solely under the employers to whom they were originally assigned, regardless of illegal practices of exploitation or various breaches of contract on the part of employers. Such an arrangement was originally created with the aim of deferring to employers the control of foreign workers from entry to exit. This led employers to enjoy almost complete control over the foreign workers’ labor market, enabling a network of employers and employment agencies to manipulate the terms and conditions by which labor migrants were hired, traded, and recruited. The consequences of the government’s failure to regulate Israel’s foreign labor market, leaving it under the control of employers and employment agencies, may be enumerated as follows:

Captive labor: Foreign workers were indentured and bound to their employers both in terms of employment conditions and personal freedom

(Rosenhek 2000). Employers could maintain low wages for the workers within a closed labor market, which operated by its own self-serving rule of getting the most labor at the lowest costs, with minimum welfare benefits and without union protection (Bartram 1998; Yanay and Borowski 1998; Amir 2002). In addition, employers and employment agencies imported workers to profit through illegally taking exorbitant fees from workers seeking opportunities to enter into Israel for work. In some cases, foreign workers were misled into believing that there were job opportunities for them when in fact there were no jobs.

Dehumanization: Foreign workers were treated by Israeli employers as mere instruments for work and a source from which to extract revenues through practices that were exploitative, violated basic human rights, involved the imposition of degrading living conditions, and reflected the treatment of foreign workers as *Avak-Adam*, or “human dust.”⁴

A large population of undocumented aliens: At the apex in 2002 there were an estimated 150,000 undocumented aliens in Israel, most of them illegal foreign workers. These included (1) tourists who stayed beyond their legal stays per their visas to settle and work in the country, (2) legal workers who stayed beyond permitted durations, and (3) legal workers who deserted their original employers or became illegal as a result of actions taken by their employers or employment agencies. Many workers faced unbearable employment and personal situations and unfairly low wages; this prompted many to “run away” from their employers. It was commonplace for employers to confiscate (illegally) workers’ passports upon their arrivals into the country to deter workers from deserting of their jobs, as any worker without a passport was left unable to remain in or exit from Israel legally.

Dual labor market: The influx of foreign workers to Israel, both legal and illegal, fostered the formation of a foreign workers labor market separate from the formal, mainstream Israeli market. The foreign labor market served specific industrial sectors, mainly construction, agriculture, caregiving, and services involving relatively low wages (usually below the legal minimum wage); there was a lack of basic employment rights as well as poor working conditions for workers.

Intensified policies of deportation: The government’s main response to the growth in the population of illegal foreign workers was to introduce and intensify its institutional capacity to deport illegal workers and their dependents. In 2002, the Immigration Authority was established to accelerate the rate of deportation, resulting in a sharp increase in the number of workers deported, from 9,830 workers in 2002 to 36,169 in 2003 (CBS 2004). In addition to deportations carried out by public authorities, workers often were ejected from the country by employers so new workers could be recruited to replace undesirable ones, to deny workers their due wages or coverage of medical expenses, and to extract fees from those seeking entry into Israel.

Public debate: Public outcry concerning foreign workers emerged in diverse forms. Spurred debates included those involving Israelis who called for protecting workers from abuse and ensuring their human rights, employers who insisted on the need to continue to hire temporary foreign workers, and others who demanded the expulsion of all foreigners. Nongovernmental organizations such as Kav La'Oved and the Association for Human Rights advocated for the rights of foreign workers. Within the Knesset, a few members showed support for legalizing the status of illegal foreign workers, while others advocated for increased deportations on the basis of religious and nationalist interests, public order, or the need to preserve jobs for Palestinians to promote regional peace.

The binding system encouraged many legal workers to enter into the illegal labor market. With the emergence of large communities of undocumented workers that followed, these illegal residents demonstrated that they would not remain passive players in determining their lots. Many of them helped establish vibrant communities complete with new businesses, social institutions, organized employment networks and communication channels, self-advocacy groups, and even their own press.⁵

While some Israelis welcomed the opportunity to launch profitable joint ventures with entrepreneurial immigrants to serve these new communities of consumers, indications of the new immigrants' intended long-term stays caused alarm in others, as seen in the following report:

A special joint Interior-Labor Ministry Committee, hurriedly set up by the general management in July, is supposed to recommend a policy—any policy—by this month to deal with foreign workers. Meanwhile, their numbers climb, and officials warn of a growth in the industry of false papers. Aided by Israeli manpower agencies, the Interior Ministry reports that both here and abroad, foreign workers are procuring documents indicating that they are Jewish so they can remain in Israel as immigrants, or enter into convenience marriages to secure Israeli citizenship. Numbers alone don't explain the panic. What scares cabinet ministries and top bureaucrats is that foreign workers are settling in, building communities, having children—*acting as if they have no intention of going home because home is here*. This includes many who come illegally, along with growing numbers who arrived with legal permits but have no plans to leave when they are due to do so. A whole class of phantom Israelis could well be forming: People who have lived here for years, speak Hebrew, have families, and yet have no legal status and no chance of obtaining this. Their children may lack even basic inoculations. And they could eventually become very angry about their status. (*The Jerusalem Report*, August 22, 1996)

As suggested in the preceding account, the children of labor migrants were a matter of special concern to the government. Some of these children

had grown up in Israel to consider it home, as shown in the accounts presented in the previous chapter. The coming of age of an entire generation of undocumented residents who called Israel “home” attests to the reality that for almost a decade, foreign workers heightened the diversity already existing in Israel and further transformed the makeup of Israeli communities.

The incoherent and ineffective policies have left employers, employment agencies, NGOs, and municipal workers (such as teachers, social workers, and medical professionals) to shape, in more direct and consequential ways, the circumstances by which foreign workers reside in Israel. Thus the government’s refusal to acknowledge the presence of illegal foreign workers has resulted in an institutional vacuum, prompting various advocacy groups and NGOs to adopt roles as the guardians of labor migrants’ rights. The central government’s continued avoidance of illegal resident issues also has led municipal leaders (particularly those in Tel Aviv) to institute measures for not only responding to the needs of labor migrant communities but also formally recognizing foreign workers as residents entitled to governmental responses as members of Israel’s society. Such municipal efforts to meet the needs of labor migrants and their families have been in tension with the aggressive deportation campaign launched in 2002 by the central government.

To acknowledge administrative flaws in instituting a set of policies is not to deny the existence of a rationale behind those policies. Many of Israel’s early policies to allow the entry of foreign workers were designed to provide certain industrial sectors with the needed labor force following the intifada on a temporary and limited basis. However, the resulting binding system led to the evolution of employment and recruitment practices that encouraged the formation of a large, illegal labor migrant market. To reform the situation, the government drew up a variety of mismatched policies to better regulate both the processes by which foreign workers were issued legal permits for entry and deported to reduce illegal populations. Most recently (in 2004), the government introduced new policies designed with the following goals:

1. *Reduce the number of legal and illegal foreign workers.* To reduce the number of foreign laborers in Israel from 15 percent of the labor force (as estimated in 1997) to 1–2 percent by 2006 through increased deportations and cuts in workers’ permit quotas.
2. *End worker bondage to individual employer.* Introduce a cartel of licensed employment agencies to improve control over the entry of foreign workers in accordance with predetermined quotas. These agencies would be held accountable for upholding employment conditions and regulations in accordance with the law. Workers also would be free to take up jobs under employers other than those they initially were hired by.
3. *Punish employers for illegal activity.* Those employing illegal workers would be fined with substantially heavier penalties. This was an acknowledgment

of employers' roles in encouraging the growth and perpetuation of the illegal foreign workers' market. Unless employers refrained from illegal practices of hiring, policies of deportation would be insufficient for reducing the population of illegal aliens.

4. *Promote the employment of Israelis.* Based on the belief that foreign workers take up jobs to encourage high unemployment rates among Israelis, a sequential set of policy measures was to discourage dependence on unemployment and other welfare benefits among Israelis, while stepping up the deportation of foreign workers in the industrial sectors that hired the most foreigners. (interview with Avigdor Yizthaki, general manager of the Prime Minister's office, June 2004)

As previously noted, these policy adjustments were unlikely to bring about substantive change. While greater centralization of institutional controls may enable better coordination of mass deportation policies, the new policies failed to address the structure of the Israeli labor market's dependence on a continued supply of foreign workers. Foreign workers continue to be in demand among the industrial anchors of the Israeli economy; this means that it remains in the interest of both private companies as well as the government to sustain the competitiveness of their leading businesses, particularly in a time of general economic crisis.

The widely reported "crisis" of the "population explosion" of illegal aliens in Israel might thus be presented as the outcome of a series of institutional and administrative failures, or as the result of the purposeful sustenance of a cheap labor pool to provide short-term economic advantages to selected industrial sectors. However, it will be contended here that the Israeli government's failure to establish basic conditions enabling the entry and employment of noncitizens within Israeli territories also reflects the nation's inability to acknowledge, without embarrassment, the exclusionary stance of Zionism, which established the nation as a "refuge" for Jews in the aftermath of the Holocaust and British colonization in the region. Rivalry against non-Jews shaped Israeli notions of citizenship inextricably tied to hard-won and fiercely defended rights of entry, as well as rights to jobs, with the capacity to settle and remain in the region.

The Legacy of a "Defensive" Nation

"Only anti-Semitism had made Jews of us."⁶ The establishment of Israel as a state was sought by the Zionist movement seeking to reclaim the historic "Homeland" and transform it into a zone of safety and security for Jews. Zionist leaders from Europe began calls for *aliyah*, the "ingathering of the exiles," for dispersed Jews to repopulate Ottoman and Mandatory (British)

Palestine, which had an Arab majority. Between 1919 and the founding of Israel in 1948, nearly a half million Jews entered the region, including 100,000 unaccounted for in the British records—through many of the means used by undocumented and illegal aliens today via unrecorded entries or entry as tourists who would remain. Since the Balfour Declaration (1907), the formative experience of the *Yeshuv* (Jewish community in Palestine before independence) has been defined by the struggle among Jews to secure rights to immigrate, without restrictions, into the region. The Zionist movement evolved to grow increasingly insistent. It convinced in its calls for Jews to enter into Israel—illegally, if necessary—and culminated in a large campaign to gain international support for the return of Jews to their homeland, on the grounds that the world was morally obliged to ensure a safe haven for a people in dire need of a refuge following the Holocaust.

It was an attempt to establish the rightful place of Jews as citizens in the new state of Israel, a claim secured through contemporary battles over land and work and legitimated by an ancient heritage that tied Jews to the place. Citizenship laws were introduced in 1952 in a formulation that would deny a similar linkage between Palestinians and the region to prevent Palestinian refugees (estimated to be between 600,000 and 1 million by various sources) from returning to their homes (see Shachar 2000, 404–405). Thus since its inception, the immigration issue in Israeli society was characterized as having deeply ideological dimensions connected to the political interests of maintaining a Jewish majority and ensuring the security of the nation as a truly “safe haven” for Jews.

The practical challenges of upholding such principles became readily apparent not long after statehood, when Israel found itself overwhelmed by the unrestricted influx of immigrants. The state was unable to respond adequately to the medical and welfare needs of the large numbers placed in hastily constructed shelters. By 1949, Israelis recognized an emerging crisis in the continued failure to address the high rates of infectious diseases among new immigrants. Despite popular calls for limits to immigration, governmental consideration of such limits was kept secret from the public. Later calls to curb immigration were based on similar concerns about the national capacity to absorb new entrants, with some calling for entrance to be granted only to those with the potential to contribute to the interests of the state, and not only on the basis of ethnic affiliation.

From the perspective of the Zionist movement, empowerment and protection for the Jews could only be secured in a nation in which Jews could choose self-rule over dominance by a non-Jewish majority. This in turn necessitated a position of strength in the face of non-Jews in the region, namely, Palestinians and Arabs who were opposed to the presence of a Jewish state.

The founding Zionist vision of modern Israel was based on the creation of a distinctive national identity with the revival of the Hebrew language, and

secular, universal moral codes (based on “enlightened” modern socialist ideas) that guided ideal political and sociocultural structures (Ben-Rafael 1998; Yaar-Yuchtman and Shavit 2001).

This vision has been defined with reference to a number of credos, including *Mizug Galuyot* (“merger of diasporas”), *Kibbutz Galuyot* (“ingathering of the exiles”), *Kur Hituch* (“cultural melting pot”), and *Kibush Haadama, Kibush Haavoda* (the “redemption and conquering of land and work”). Each of these national slogans emphasized the need to foster and sustain a unified national identity through hegemonic mechanisms and state actions (Eisenstadt 1966; Smootha 1978; Kimmerling 2001, 2004; Horowitz and Lissak 1977, 1989). Israeli citizenship laws concretized such ideological tenets by calling for all Jews to enter into Israel and become Israeli citizens. Such policies of immigration and absorption (*Klitat Aliyah*) were of the utmost symbolic importance, designed to show the world that the existence of Israel enabled these Jews to return “home.” More practical demographic, social, and cultural considerations were secondary to this priority.

Israel has been widely described as an “ethnic democracy” (Smootha 1987; Peleg 2000), a democratic regime in which civil rights are given to all citizens, but with preferential status and privileges granted to members of a particularly desired majority group. An inherent contradiction exists between these two principles: representative governance with civil and political rights for everyone, on the one hand, and structural subordination of the minority to the majority, on the other. The practical effect is that the state serves the majority first, and the minority only secondarily, or not at all; the majority is able to influence the state to promote its own interests, while the interests of minority members are compromised, if not neglected altogether. In a multitude of ways, statehood established that the right to belong in Israel was a privilege exclusively for Jews.

The Law of Return served as the backbone of the governing ideology, which equated the existence of Israel to the sustenance of the possibility for all Jews to reclaim their Jewish identities as modern Israelis in the Homeland. As resolute as this position was, there arose two sets of practical problems: first, confusion about who could claim to be a Jew, and second, how to assimilate a diverse group of immigrants into the development of a unified and democratic community.

“Who is a Jew?” This was a recurring question raised throughout the 1960s and 1970s, and again during the late 1980s and early 1990s, tied to related questions about the roles of religious (*Halakhic*) rules, governmental policies, and individual preferences of self-identification in determining who the state ought to recognize as a Jew and citizen (Shachar 2000, 400). Throughout these years, it also became increasingly apparent that, in practice, Israeli culture was dominated by Ashkenazi (European Jewish) traditions, because the majority of the Israeli population upon the establishment of statehood were Jews who had entered Israel from European countries. However,

many of the Jews who immigrated after statehood included those from the most disenfranchised and poor, less developed regions in North Africa and Asia. As many of these returning Jews were motivated more by hopes for improved economic opportunities and greater security than by Zionist convictions, they found it difficult to assimilate into what could seem a highly Westernized society (Della Pergola 1998; Peled 2002).

Jewish immigrants with a multitude of ethnic and multicultural backgrounds were to be unified through *mizug galuyot*, the “mixing of the Exiles,” a kind of “melting pot” to enable the unification of all Israeli citizens through a common language and culture. Israeli policy makers debated whether Arabs of the region who continued to live in Israel should be included in the assimilation process, which would be used to acculturate Oriental Jews with a culture similar to indigenous Arabs (Al-Haj 2004). This option was ultimately rejected in favor of what has been described by Al Haj as “controlled territorialization,” an allowance to live within Israel within separate (excluded and marginalized) subterritories (Al-Haj 2004, 66).

Institutional discrimination in Israel has led to its resident Arabs being disadvantaged by every socioeconomic measure: as individuals, by sector, and as a community as a whole (see, e.g., Lewin-Epstein and Semyonov 1993; Schnell, Sofer, and Drori 1995). Palestinians also have remained, historically, at the bottom of the Israeli labor hierarchy, occupying jobs in industries such as construction in agriculture—jobs marked by physical labor, low wages, poor working conditions, and minimal economic security, with frequent layoffs. Most recently, the already limited pool of jobs for Palestinians has been further reduced, with employers now favoring foreign workers for these jobs.

In short, instead of the secular unification of all Israeli citizens along the socialist ideals of the founding Zionist leaders, Israeli society has come to be hierarchically demarcated along lines of ideology, socioeconomic status, political agency, religious and ethnic identity, and the duration of residence in Israel (Peled 2002). Furthermore, a series of labor market indicators regarding socioeconomic and demographic characteristics reflects the inequalities between Palestinian noncitizens, Israeli Arabs, Mizrahi and Ashkenazi Jews, and foreign workers, a sharp indication of the limited potential for changing the hierarchical order between groups (Gronow 2002).

Following the 1967 war, the entrance of Palestinian noncitizens (discussed further, later) into the Israeli labor market resulted in two interrelated sets of outcomes. First, the upward movement of all other groups in the labor market—though the gap between Mizrahim and Ashkenazim was maintained, gaps between the two groups and Israeli Arabs widened (Lewin-Epstein and Semyonov 1987, 1993). Second, the employment of large numbers of Palestinian noncitizens resulted in lowered wages in industries such as textiles, construction, food, and agriculture. Consequently, Israelis left jobs in these industries (Semyonov and Lewin-Epstein 1987; Peled 1990).

The Effect of Citizenship on Rights to Enter, Work, and Reside in Israel

The idiosyncratic nature of Israel's governing ideology and citizenship laws spurred further peculiarities in the ways new waves of immigrants would enter into the country and pursue employment, settlement, and acceptance in the country. The early Zionist leaders spoke of a vision idealizing the socialist prospects of a nation built through the toil of Jewish returnees on agricultural farms and the fostering of new communities throughout Israel. In reality, the early labor and settlement movements did not involve class struggle in the tradition of most socialist movements but provided ideological justifications for strategic takeovers of Arab-controlled industries and territories (Shafir and Peled 2002). The government also provided considerable subsidies to favor Jewish ascendance in sectors that had been firmly controlled by middle-class and wealthy Arabs as residents of Palestine. These subsidies were almost always guided by nationalist interests rather than by more economically rational interests of job creation or the strategic acquisition of properties.

The official governmental agenda was to build the nation's economy through the labor of Jewish citizens; as such, the government was reluctant to be associated with the employment of Arab workers. Yet it recognized the advantage to Jewish employers of hiring Arabs at low wages for menial jobs, which the majority of new citizens (who were from Europe and were accustomed to greater affluence) were unwilling to take up. The government indirectly endorsed such practices by establishing and supporting the Histadrut, the Israeli workers union, which would demand and ensure that Jewish workers be entitled to "civilized wages"—wages higher than those required for Arab workers, and at rates that might deter Jews from emigrating to countries where income levels were likely to be higher (Shafir and Peled 2002, 53). High living standards to attract and retain Jewish immigrants were further underwritten by government subsidizations of the economy made possible through foreign aid, diaspora revenues, and international loans (Shafir and Peled 2002, 54).

Religious and cultural pressures required the perpetuation of costly conventions, such as governmental support of Orthodox Jews, including *charedi* men, who, by way of religious orders, are prevented from joining the labor force or seeking secular education until at least age thirty-five and are exempted from military service. In 1993, 2.3 percent of all working-age Israeli males were not only failing to contribute to the Israeli economy as workers but were a considerable economic burden on the government—estimated to include a loss of NIS 3.5 billion (roughly US \$750 million) of potential labor contributions and NIS 684 million (about US \$170 million) in government subsidies in 1998 alone (Shafir and Peled 2002, 144).

Needless to say, the Israeli economy has never been true to its founding socialist ideals of self-sufficient and self-sustaining growth. Even modest

attempts to encourage economic improvements have faltered in the face of ethnic compulsions. For example, subsidies to encourage Israeli employers to hire new workers from among the approximately 1 million immigrants from the former Soviet Union during the 1990s ended in failure. Only a few thousand immigrants took up jobs in construction, most of them on a short-term basis. This was because the immigrants quickly learned of and claimed their entitlements to social welfare supports as Jews, which ensured their security without having to succumb to accepting jobs “for Arabs” (Peled and Shafir 1987).

Not surprisingly, Israeli Jews became increasingly dependent on non-Jews to fill unappealing jobs over the years. It is highly emblematic that following Israel’s victorious conclusion of the Six Day War in 1967, some 120,000 Palestinians were incorporated into Israeli businesses and industries as low-wage “guest” workers—workers who were employed in Israel by day but returned to their separate territories by night. By the late 1980s they comprised about 8 percent of the Israeli labor force, concentrated mostly in low-paying jobs in construction, agriculture, and menial services (Semyonov and Lewin-Epstein 1987). These Palestinians were, as previously noted, Israel’s first “foreign workers,” noncitizens with few rights who worked for wages and under conditions designed to maximize advantages for Israeli employers. Even with the introduction of a minimum wage to promote fairness for Palestinian workers, there was little monitoring of actual working arrangements, and Palestinians continued to be paid considerably less and treated very poorly in comparison to Israeli workers.

The Palestinian uprisings had the effect of making Israelis feel once again as members of a “society under siege,” prompting previously peripheral political agendas (opposed for being extreme in “anti-Arab” and ethnonationalist sentiments) to become more widely accepted as legitimate, mainstream stances (Al-Haj 2004). Ironically, while Israeli society became more insular and wary of the threats posed by non-Jews who threatened the well-being of a Jewish state, Israel began to recruit foreign workers from outside the region to replace the Palestinians in menial, low-wage jobs. Israelis felt more secure hiring people from distant places who would not pose territorial claims or political difficulties the way the Palestinians had.

Employers and employment agencies soon discovered the profitability of recruiting, hiring, and selling rights for others to hire foreign workers. This discovery encouraged them to manipulate governmental institutions to foster a new industry, that involving controls over the entries and placements of foreign workers. What was intended by the Israeli government to be a source of cheap labor for predetermined, controllable and, above all, *temporary* periods of time brought about the unanticipated result of a large, undocumented, noncitizen, and illegal resident population.

The Israeli government was ill prepared to respond to the presence of such a population. Policy makers failed to draw up sensible policies to control

illegal entries and diminish their numbers, and few measures were administered as directed. A significant part of the problem was a lack of clear authoritative force by which to direct policies to manage a foreign population. This was because Israel was founded as a nation to serve as a Homeland for Jews, with citizenship and labor laws entitling Jews to enter and work in Israel, while vehemently denying such possibilities for non-Jews. Such exclusionary principles were aimed at keeping out the only non-Jews seeking such rights at the time of national formation: indigenous Palestinian and Arab rivals who opposed the creation of Israel and sought to occupy the territory themselves. There had never before been a need for Israel to address the place of a foreign community within its boundaries.

In fact, it was a betrayal of Zionist principles for any non-Jew to be given the opportunity—much less recruited—to work in the Homeland. For the government to acknowledge the presence of a foreign community in Israel was to acknowledge the reality that the nation had been operating with significant departures from official Zionist principles for some time. Because Israel had prioritized the immigration of Jews as the principal means to strengthen Jewish presence in the territories under contestation with the Palestinians, early calls for new citizens to sacrifice their self-interests in favor of the nation's needs were quickly discarded. Instead, the government ensured Jewish immigrants comfortable living standards and freedom from undesirable toil so they would remain and settle in the nation. Such policies led to dependence on non-Jews to fill labor needs—first by Palestinians and subsequently by labor migrants.

The government was left to confront an impossible combination of pressures. Industries and employers sought to continue the profitable exploitation of foreign workers, insisting it was needed to maintain the competitiveness and viability of their businesses. The government's continual support of the interests of the Israeli industries on this matter would threaten the very legitimacy of the state. Israel, after all, had been established with the purpose of upholding rights to enter, work, and settle in Israel as entitlements reserved strictly for *Jews* and citizens. To compromise these principles would call into question the status of Israel as the Homeland for Jews. Moreover, acknowledging and allowing the continued presence of a non-Jewish community within Israel would risk prompting Palestinians to clamor for similar rights as non-Jews who sought opportunities to enter, work, and reside in Israel, and allowing entry to *these* non-Jews would threaten the security of the nation.

Adding to the complexity, Israel had signed a number of international mandates obliging it to protect the rights of minority individuals and alien residents so that exclusionary practices against noncitizens would invite international criticism and sanctions. Locally, municipal authorities pressed for official acknowledgment of the presence of labor migrants and de facto allocated resources to meet their specific needs. These were formidable pressures

for a government—particularly one made up of a coalition of leaders with wide-ranging commitments and ideologies—to respond to.

However difficult it may be for Israeli leaders to reform the nation's policies, which are largely to blame for the creation of a population of statusless residents, it is imperative that they do so without further delay. The reality of the lives of labor migrants in Israel indicates that the nation has neither upheld its traditional Jewish promise to promote values of compassion and respect for humanity nor its modern secular principles to function as a credible democracy, a state that upholds the rights of its non-Jewish minority residents. Today, Israel is an insecure nation, not only due to political threats from external rivals but perhaps, more seriously, due to its own domestic policies that have nurtured both private and public dependence on the unsustainable exploitation of non-Jews, individuals from whom cheap labor and exorbitant fees for rights to enter and work in the country continue to be unjustly extracted.

The gradual embedment of foreign workers is part of globalization and its different outcomes. While some social groups in Israel are forming a global, cosmopolitan identity, others are searching for a local identity, situated in a specific historic context of land and space. The foreign workers become the social agents that stir this debate in Israel. Their life and work in Israel are a living testimony of how the global and the local become a real social, political fact, yet another context for debating national identity and the basic tenants of Israel as a Jewish state.

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Notes

Chapter 1

1. Graham Murphy, "Understanding the riots in France," *IRR News*, January 18, 2006.

2. See, for example, Sanders (2002).

3. "The Declaration of the Establishment of the State of Israel," May 14, 1948, *Official Gazette*, 1. See http://www.knesset.gov.il/docs/eng/megilat_eng.htm; State of Israel, 1950, The Law of Return, 4 L.S.I. 114. See http://www.mfa.gov.il/mfa/mfaarchive/1950_1959/Law of Return 5710-1950; State of Israel, 1970 The Law of Return (Amendment No.2), 24 L.S.I. 28. See http://www.mfa.gov.il/mfa/mfaarchive/1950_1959/Law of Return 5710-1950.

4. The ongoing debate conducted in Israeli society and the Jewish world about what constitutes Jewishness and *who is a Jew* is of considerable importance due to the privileged status of Jews and the Orthodox strain of the Jewish religion active in Israel. Traditionally, a Jew is someone who was born to a Jewish mother, or who converted to Judaism. However, Reform Judaism considers a person a Jew even if only the father was Jewish. Consequently, Orthodox Judaism generally does not recognize the validity of conversions performed by more liberal movements.

However, secular-Zionist views of Jewishness emphasize self-identification with the state and national affiliation with traditional religious practice. The official definition of Jewishness for purposes of the Law of Return (the law that grants automatic citizenship to Jewish immigrants) was originally identical to the Orthodox definition. This law was amended in 1970, so that one Jewish grandparent was a sufficient criterion for recognition as a Jew. Contrasting definitions have repeatedly incited conflict within Israeli society and between Israelis and Diaspora Jews. The issue gained renewed prominence when many recent immigrants from the former Soviet Union were not recognized as Jews by the rabbinical authorities. For further analysis, see chapter 10, as well as Elam (2000), Peled (2002), and Shachar (2000, 398–402).

5. The forging of the new nation was accompanied by a melting pot ideology meant to integrate the broad pool of immigrants into a single shared identity. Assimilation mechanisms were designed to "modernize" and resocialize waves of new immigrants from Arab countries by attempting to impose a particular Ashkenazi (Eastern

and Western European) identity. For further discussion, see Kimmerling (2003, 148–50), Hever, Shenhav, and Motsafi Haller (2002), Shohat (1988), and Ram (1995, 23–46).

6. Though it could be expected that the Palestinians from Gaza and the West Bank would be bitter toward the foreign workers who took their jobs in Israel, Palestinian sociologist Salim Tamri states that complaints are apparently directed only against Israel for preventing Palestinians from entering the state: An unemployed Palestinian does not really care who replaced him or her. Similarly, the Palestinian Authority does not have an official policy regarding foreign workers; what policy exists is targeted at Israeli government border closures. Hanna Siniora, editor of the *Palestinian Jerusalem Times*, has frequently made comments about foreign workers during his visits to East Jerusalem and its churches: “We don’t have an argument with them, we don’t feel bitter toward them, and there’s no reason for quarrels” (*Haaretz*, December 1, 2003). The Gaza Workers Association Chairman, Rassam Albiari, has declared that employing Palestinians was better for the Israeli economy than importing foreign workers: “In contrast to foreign workers, Palestinian workers return home every day, don’t reside in Israel, speak Hebrew well, get paid in shekels, and don’t export foreign currency” (*Globes*, October 5, 2004).

7. The issue of foreign workers’ actual share within the Israeli labor force has suffered from the “politics of numbers,” as different estimates are provided by the separate stakeholders: governmental agencies, employers, and human rights organizations. For example, in May 2000, the CBS announced the presence of 70,000 documented foreign workers and another 70,000 unauthorized workers in Israel. Kav La’Oved, a human rights group, disagreed; it estimated the number of unauthorized workers to be double the official figures (Kav La’Oved 2000a, 1).

8. Israeli national television (Channels 1 and 2) has broadcast several programs of in-depth coverage on the employment and living conditions of foreign workers in Israel. These programs, such as *Exposure* (July 2002), prepared by prominent journalists, have spurred widespread public interest and concern. Other influential media coverage has included a series of reports by Einat Fishbein, entitled “The New Tel Avivians,” in *Ha-Ir*, Tel Aviv’s weekly local newspapers, and periodic reviews of foreign workers in *Yediot Aharonot* and *Haaretz*, both major dailies.

9. Public attention was drawn not only to the victimization of foreign workers but also to the threat they presumably posed. Numerous reports have documented the social problems associated with the influx of foreigners: the development of slumlike communities in depressed areas of Tel Aviv and other urban areas, together with crime, alcoholism, prostitution, and disease. The Israeli media have not only portrayed the foreign worker phenomenon as a “ticking social time bomb” (*Haaretz*, March 22, 1996), they also have given a broad platform to politicians and government bodies who have made incendiary remarks against foreign workers.

Thus, an item in *Maariv*, a daily, quoted an “intelligence report” provided by “security forces” claiming that foreign workers were tightening their links to Palestinian terror organizations with the intention of earning large sums of money while aiding the terrorists to carry out attacks in Israel (*Maariv*, March 2, 2004).

Studies about public attitudes toward foreign workers (see Nathanson and Bar-Zuri 1999) have compared the results of surveys conducted in 1995 and 1997 and

found deterioration in Israeli public attitudes concerning foreign workers. Although the majority of respondents in 1997 supported the deportation of foreign workers, they still acknowledged their moral responsibility toward these workers and supported the allocation of social services for them.

Semyonov, Raijman, and Yom-Tov (2002) found that a considerable number of Israelis view foreign workers as posing a threat to their economic interests, and that they approve using discriminatory economic measures against them. The claim that the perception of threat is more pronounced among disadvantaged and vulnerable populations was confirmed by Schnell (2000), who studied attitudes among low-status Israeli workers living in close proximity to enclaves of foreign workers. These views are supported from above, through public statements and media campaigns aimed at provoking feelings of threat and hostility.

A recent study by Semyonov and Raijman (2004) focused on attitudes toward granting social rights to foreign workers while distinguishing between perceived threats to social and economic well-being and perceived threats to the national character of the state. Their study, which compared majority and minority views, revealed that a substantial number of Israelis, both Jews and Arabs, are resistant to the idea of granting social rights to foreign workers. These exclusionary attitudes are motivated by perceptions of threat either in the social and economical arena (especially evident among individuals of low social-economic background) or to the ethnonational character of the state (among Jews). However, considerable evidence also was found for xenophobic sentiments that cannot be explained by perceptions of economic threat, especially among individuals of low education and low income and individuals holding right-wing political views. When perceptions of threat are controlled, Arabs were more likely than Jews to deprive foreign workers of access to social rights, a phenomenon that can be explained by their unique status in Israel as an ethnic and a political minority.

10. The humane treatment of foreign workers as a minority group is promoted mainly by NGOs and researchers engaged in questions of identity, citizenship, and migration. Y. Dahan, who studies the working conditions of foreign workers in Israel, has declared that Israel has to grant citizenship to everyone who is born there in addition to those whose center of existence has long been Israel: "There can be strict criteria," he said, "but these cannot be ethnic criteria that deny basic human rights" (Mualem 2003; Dahan 2001; Raijman, Schammah-Gesser, and Kemp 2003).

Chapter 2

1. Various temporary guest worker schemes have been studied in depth, for example, Japanese (Shimada 1994), American (Martin 2002), and Canadian (Basok 2000). For a review of the regulatory principles behind such schemes, see Bohning (1996) and Martin (2003).

2. The Israeli media regularly report on the malpractice and the exploitation of foreign workers, uncovering the employers' tactics and the wide repertoire of practices. Furthermore, endless reports by NGOs meticulously document breaches in employment conditions and human rights (see, e.g., Kav La'Oved 2002a and b).

3. Looking at the dual migrant labor markets in Israel, Bartram (1998) claims that the Israeli case suggests a *cumulative model* in which structural factors create a predisposition for employment of foreign labor, while political factors determine whether and how that predisposition will be realized. The concept *cumulative causation* (Massey 1990; Myrdal 1957) suggests that while individual migration decisions and actions take place within a specific context, their cumulative effect may alter the social context within which subsequent decisions and actions will be made. Socioeconomic and cultural transformations—in the sending as well as in the receiving countries—will then facilitate further migration. For example, in receiving societies, jobs held primarily by immigrants tend to acquire culturally negative labels—“immigrant jobs”—accompanied by the refusal of local workers to fill those same jobs. Entire occupations—whatever their characteristics—acquire social stigmas that further deter local job seekers, a phenomenon that reinforces the structural demand for migrant labor (Massey and Donato 1993; Piore 1979).

4. See, for example, Annual State Comptroller Reports (1999–2004).

5. See also Cornelius et al. (1994), Freeman (1995), Jacobson (1996), and Soysal (1994).

6. On the role of stakeholders in shaping and distorting the intention of government labor migration policy, see also Castles (1995, 2004a, 2004b), Freeman (1995), Joppke (1999), and Soysal (1994).

7. See, for example, Chiswick (1988), Piore (1979), and Sassen (1988).

8. The complex situation of transnational motherhood (i.e., of mothers who leave children behind to secure a better future for them) is a third and crucial dilemma confronting undocumented migrant women. The situation of migrant domestic workers has raised considerable interest (Cohen 1997; Gamburd 2000; Yeoh, Huang, and Gonzalez 1999). An intensifying flow of domestic workers is prominent in many parts of the world, with 1.7 million female domestic workers thought to have left the Philippines, Sri Lanka, Indonesia, and Bangladesh in the early 1990s (Boyle 2002). In studies on the gendered division of labor within the context of globalization, Parreñas (2000, 2004) situates Filipina domestic workers in the middle, between their employees, middle-class women in receiving countries, and other women in their countries of origin who cannot afford migration; these women sometimes fill the migrants' place in the local labor market. As Parreñas notes: “Many (Western) women are able to pursue careers as their male counterparts do because disadvantaged migrant women and other women of color are stepping into their old shoes and doing their household work for them” (2000, 577–78). Yeoh, Huang, and Gonzalez (1999) write about domestic helpers (mainly from the Philippines, Indonesia, and Sri Lanka) in Singapore who are trapped along with their mistresses in a gendered division of labor roles. Migration also has been found to have different and contradictory effects for women. Although improving their status by providing better access to resources and a greater sense of autonomy, their lives continue to be dominated by patriarchal norms and practices (Foner 1998). The rich and extensive literature about gender and migration, especially transnational migration (Ho and Henderson 1999; Pessar 1999; Pessar and Mahler 2003), has revealed many more avenues of research, such as relationships and dynamics between spouses across borders (see, e.g., Hondagneu-Sotelo and Avila 1997; Mahler 2001).

9. For reviews and a summary on migrants' strategies, the dynamics of immigrants' networks, and the institutions maintaining and developing immigrant communities, see, for example, Aldrich and Waldinger (1990), Light and Gold (2000), and Sanders (2002).

10. See also Brubaker (1989), Min (1996, 1998), Owusu (2000), Portes and Stepick (1995), Soysal (1997, 2000), and Waldinger (1996).

11. There are competing theories regarding the issues of ethnicity and nationality. Favell (2001) claims that within the discipline of sociology, the issue has become increasingly fragmented. He points out that the *identity politics* associated with the postmodern post-Marxist critique are heavily politicized and detached from the mainstream empirical approach to state immigration and welfare policies.

12. As labor migrants' communities are consolidated in the receiving country, challenges to the traditional order enter the political discourse—either slowly or abruptly—over issues of citizenship, national identity, and multiculturalism (Favell 2001). That is, the constitution of such communities soon fragments the unrealistic assumptions now underlying policy toward foreign workers: that their stay is temporary, uncontrollable through tight entry-exit regulatory mechanisms, and is containable in a parallel labor market, isolated from the state, polity, and society.

Chapter 3

1. The binding system essentially creates total subjugation of the worker to his or her employer, embedded in the fact that the work permit is issued to the latter. The malpractices associated with the system, such as exploitation and breaches of human and employment rights, have been meticulously described in various reports by agencies such as Kav La'Oved and Hotline for Foreign Workers.

2. There are basically two forms of control over labor migration—overt and covert, depending on their association with bureaucratic measures and their implied meanings. Control may include repressive measures toward illegal immigrants, tight border control, and a selective visa policy. These and other measures also are expressed in the normative domain and hint at either exclusionary or integrative policy (see Brochmann 1999; Miller 1999). Criteria for implementing specific forms of control, although representing administrative decisions, are dependent on the national-historical context, the socioeconomic situation, and the political culture. For the Israeli case, see, for example, Bartram (1998) and Asiskovitz (2004).

3. "Every Jew has the right to come to this country as an *oleh* [a Jew immigrating to Israel]," states section 1 of the Law of Return (1950), thereby establishing the unique nature of Israeli immigration policy: Any person of Jewish origin is entitled to settle in Israel and obtain Israeli citizenship. This law has become the quintessential embodiment of Israel's constitutional definition as a Jewish state and the cornerstone of its citizenship principle. As an inclusive law, expanding potential citizenship to every Jew and his or her family members, the Law of Return is also an exclusionary device regarding non-Jews, mainly Arabs, but especially Palestinian refugees who wish to return to their former homes in Israel. Other relevant labor laws include: the Wage

Protection Law (1958), the Annual Vacation Act (1951), the Sickness Benefits Law (1976), and some social security laws. For more details see Fisher (1999). Numerous Israeli labor laws are inclusive and aim to protect workers' rights regarding their legal status. These laws have been violated regularly by employers. For example, according to the state comptroller report (1998, 279), 69 percent of foreign workers earn *less than* minimum wage.

4. The Knesset, Law of Foreign Workers, January 30, 1991, 130. See also Labor Migrant in Israel and the Law: Implementation, Enforcement and Violation, Van Leer Institute, Jerusalem 2002.

5. On the relationship between the employment of foreign workers and the unemployment of poorly educated Israelis, see Gottlieb (2002).

6. See Hotline for Foreign Workers and Kav La'Oved, August 2007.

7. The quota system has been the building block of the government's foreign worker policy and its major instrument for meeting market needs, regulating the number entering the country and monitoring employment from entry to exit. For criticisms of the system in Israel, see Drori and Kunda (1999), Dahan (2001), Kav La'Oved (2002a), and Hotline for Migrant Labor (2002). See also Hilgartner and Bosk (1988) with respect to the entire policy context.

8. For extensive review and criticism of the Endorn Report, see the joint document of the major advocacy NGOs' concerns with labor migrants; Hotline for Migrant Workers (2005).

9. On the first of January 2007, "Liberty Ltd.—the binding of construction workers to human resources corporations," was published, a product of the collaborative efforts of two human rights organizations—Kav La'Oved and the Hotline for Foreign Workers. The 2007 report scrutinized the gap between regulations for hiring and employing working immigrants in construction and how these are implemented in reality. The report argues that the implementation of these regulations is partial and artificial. The empirical data of the report are based on 609 complaints of construction workers and on in-depth interviews with some of them. The majority of workers were from China.

The findings of the report are as follows:

At the time of recruitment, the workers are being told they will have a work permit for 3.8 years to work in Israel. They are not told that after a year their visa will expire, with no promise of renewal. They pay a very high commission in order to be allowed to enter Israel. The new government regulations don't ban such fees but quite the contrary—they add an official sum—3,050 NIS. It was found that while between 2001–2004 the mediation fees were approximately \$9,400, between 2005–2006 the fees became \$15,760. Further than that, 40 workers who arrived after the new corporate arrangement had to pay \$18,000–20,000. The explanation given to that by the human rights association is that another mediator entered the game—the employment corporations. The money to pay the fees is taken from family savings, bank loan, and gray market loans, as well as from friends. Many mortgage all their possessions to secure the loans. A deportation of a worker before he pays back

the loans means a total economic destruction to a complete family. The rise in the mediation fees has no proportion to how much the worker earns in fact. The time it takes to pay back the loan grows longer, reducing the chances of paying it back before one terminates the entire period of work contract.

The report harshly criticizes the state, which installs greater fees on employers but does not consider the living or employment conditions of the workers. What has in fact changed is that the state earns a growing share of the profits by changes and taxes on the employment corporations. In 2006, the state received a 191,771,032 NIS revenue from the foreign worker market, not including the safety deposits given by the corporations of 152,115,600 NIS in 2005 and 117,708,500 NIS in 2006. None of this money was used to improve the workers' condition (Hotline for Foreign Workers and Kav La'Oved 2007).

Chapter 4

1. *Haaretz*, December 12, 1997.

2. It should be noted that there are a few cases whereby large employers, mainly in the construction business, establish a special division that operates similarly to a placement agency. Also, the largest employers' organizations, such as the Association of Builders and Constructors and the Moshavim movement (the agricultural association), have in-house departments that deal with various aspects of employing labor migrants.

3. *Yediot Aharonot*, January 1, 1996.

4. The predetermined workload is attached to its respective price.

5. The argument occurred in the Kav La'Oved offices on January 3, 1997. *Kav La'Oved* (Hotline for Workers) is a voluntary organization that advocates for the protection of the rights of labor migrants employed in Israel. It provides legal assistance to workers whose rights are violated and/or those who are unable to exercise their rights because of their status as illegal workers.

6. Look for the new procedures of employing foreign workers by placement agencies at <http://www.moit.il/Cmt>.

7. In 2006, the total taxes and levies amounted to more than \$2,000.

8. Minimum wage for June 2006 was approximately \$750 a month for 180 hours.

9. For a review of bureaucratic models of implementation of migration policies in Western Europe and the United States, see, for example, Martin (2003).

Chapter 5

1. The Philippines has long been a major supplier of domestic helpers and caregivers for overseas destinations. During the 1990s, an average of 700,000 Filipinos

annually left the islands with contracts for temporary employment around the world. Of these, some 25 percent to 30 percent were domestic helpers, caregivers, and nurses. In effect, like other labor-exporting nations, overseas contract work is considered an important economic sector. Export of labor overseas has alleviated domestic unemployment and provided an important source of income and foreign currency (Go 2002): Remittances from overseas workers contributed more than US \$10 billion to the GNP of US \$63.3 billion for 2001 (Philippine Overseas Employment Administration 2002). By and large, the sector is supported and tightly controlled by the government through specialized state agencies (Martin, Abella, and Midgley 2004). Evidence of the sector's weight in the national economy is suggested by the Filipino government's creation of well-organized systems for collecting and disseminating information about overseas employment opportunities in addition to mechanisms for monitoring Filipinos working abroad (Medina 1984). During the 1990s, more than 7 million Filipinos worked abroad, with the largest contingents located in Hong Kong, Japan, Malaysia, Saudi Arabia, and Taiwan (Korkalainen 2000). On Filipino labor migration, its causes, structure, determinants, and administration, see, for example, Go (1999, 2002); Carino (1992); Ibarra (1979); Parrenas (2001); Semyonov and Gorodzeisky (2004).

2. Although systematic and thorough research of foreign workers in the caregiving sector has not as yet been conducted, estimates are available of the social-demographic profile of Filipino caregivers: 96 percent are women; average age is thirty-five; about half are married; most married women report that their spouses are not in Israel; most married women have one or two children, and 92 percent report that their children are not in Israel; former occupations in the Philippines include sales (44%), nursing (16%), teaching (8%), and the liberal professions (8%) (Heller 2003, 69).

3. The stages involved in hiring a foreign caregiver are as follows:

Stage 1: Employer Initiation

A prospective employer of a foreign caregiver formally contracts an employment brokering agency or nonprofit organization (as required by Israeli law), paying fees of 2,400 to 3,500 shekels (in 2002, equivalent to US \$500–700).

Stage 2: Formal Application Submission

The employment agency representing an employer submits a formal request to the National Employment Service, which screens all requests; upon endorsement, the request is forwarded to the Committee for Employing Foreign Caregivers (within the Ministry of Labor and Social Affairs), which issues work permits. If an application is rejected, employers are entitled to appeal the decision.

Stage 3: Recruitment of Workers

Israeli employment agencies usually work in cooperation with recruiters in the Philippines, or with Filipinos who have previously worked or continue to work in Israel. Recruiters seek out caregivers according to employer-specified criteria.

Stage 4: Collection of Mediation Fees

In spite of both Israeli and Filipino laws prohibiting the collection of mediation fees from workers, each worker seeking employment in Israel pays between US \$2,000 to \$4000 to the profit of the employment agencies in both countries (Kav La'Oved 2000b).

Stage 5: Issuance of a Visa

After obtaining a work permit from the National Employment Agency, the Israeli employment agency requests an entry visa from the Ministry of the Interior. The issued visa, work permit, and contract details are sent to the Filipino recruiting agency, which passes these to the worker, along with prearranged flight tickets.

Stage 6: Arrival and Placement

Upon arrival at Ben-Gurion airport, the worker is received by the local employment agency representative and then usually taken to the family, her or his direct employer. The agency representative explains the client's needs, the worker's responsibilities, and the terms of the contract to the worker and the family; he or she also witnesses the signing of the employment contract by both parties. The caregiver is then left with her or his employer/s, with no further involvement of the employment agency, as a rule.

4. Although confiscation of passports is specifically forbidden in Israeli law (Section 376 (i), Penal Law (1977), amended 1995), the law enforcement system rarely intervenes in cases of confiscation and in effect considers it a secondary offense (Hotline for Migrant Workers 2003, 30–31).

5. The information is taken from a standard employment contract used by agencies in Israel. For more on contracts in the caregiving sector, see Kav La'Oved (2000b).

6. Most Filipino migrants who are working in Tel Aviv, Jerusalem, and Haifa. In Tel Aviv, the Filipinos who do not reside in their employers' homes (generally illegal workers) live in run-down areas such as those near the (Carmel) Market, the central bus station, and in Jaffa. Many are religious, often visiting holy sites and participating in religious services. Filipino worshipers usually attend St. Anthony's Catholic Church in Jaffa, St. Joseph's Church in Haifa, and the Notre Dame Church and the Church of the Terra Sancta in Jerusalem. Prior to the massive deportations during the period 2003–2004, the community was characterized by vibrant social lives, including church-based groups (e.g., *Shaddai*, *Iglesia ni Kristo*, Couples for Christ, Jesus Is the Lord, Philippine Baptist Church), civic organizations (i.e., SAMAKA and UPIMA, the Visayas Mindanao Association [VISMIN], the Association of Igorot Migrant Workers in Israel, and the Filipino Overseas Cultural Art Lessons [FOCAL] group), and sports clubs (e.g., the Philippine Basketball Association in Israel). On Filipino migrant communities and social networks in Israel, see Von Breitenstein (1999). For further reading on Filipino communities, see Aguilar (1998), Barber (1997), and Cominelli (2002).

7. On transnational mothering, see, for example, Parrenas (2001, 2005).

8. On the nature of social networks and migration, see, for example, Light and Gold (2000), Portes (1995), and Sanders (2002).

9. Community leaders have been deported one after the other. Elmer Cainday, who founded the Filipino Foreign Workers' Organization (UPIMA), was deported a short time after establishing the union. His brother, Albert, the editor of the *Manila-Tel Aviv Times*, took his place and was arrested by policemen who arrived at his home with a copy of the newspaper. Elmer's predecessor at the UPIMA was deported two months after he began working. This is part of what appears to be an undeclared goal

of frightening foreign workers away from additional attempts to organize and claim their rights. The UPIMA is a branch of a worldwide organization, established in 1999, of Filipinos working outside of their country. A substantial part of its activity is directed against Philippine government policy, which they claim is not interested in increasing jobs at home nor in protecting those of its citizens who work abroad. In Israel, the UPIMA collaborates with the Histadrut, Israel's labor cover organization, operating from a room in the Histadrut's Tel Aviv headquarters. The Federation of Filipino Communities in Israel (FFCI), formally organized in April 2002, is the umbrella organization of Filipino associations operating in Israel. It works closely with the Philippine Embassy and publishes a monthly newsletter. Its objective is "to establish and nurture harmonious and fraternal ties among Philippine nationals in the State of Israel" (see *Bambili*, January 26, 2000, September 13, 2003; *Haaretz*, May 6, 2003; Kemp and Rajjman [2004]).

10. The Israeli government does not issue work permits for nonessential services such as housecleaning in private homes. With the low wages paid to domestic caregivers, it has become common practice for Israeli households to employ domestic caregivers for other domestic services, even though this is strictly illegal.

11. The literature on domestic migration offers long-standing criticism of the unequal relations forced upon women from the global south due to globalization, with its attendant exploitation and displacement. See for example, Conroy (2000), Grewal (1994), and Litt and Zimmerman (2003). Furthermore, the movement of domestic workers and caregivers threatens the quality of care available to children and families in the sending countries, creating emotional tension and loss of family intimacy for children and their *transnational mothers* (Parrenas 2005).

Chapter 6

1. Numerous studies have documented the transformations in the agricultural sector and the attendant influence on patterns of labor recruitment and labor availability. In the United States, for example, the extensive integration of the farming sector with agribusiness, together with the labor-intensive needs of fruit, vegetable, and horticulture farming, triggered the mass hiring of immigrant farm labor, both illegal and through various guest programs stipulated by the Immigration Reform and Control Act of 1986 (Martin 2002, 2003). In Europe, recruitment of immigrant farm workers has been explained (see, e.g., Hoggart and Mendoza 1999, 540–41) as stemming from the postwar structural changes in rural areas that created more attractive employment opportunities for locals, together with gaps in the agricultural labor supply.

2. Israeli agriculture is highly modernized. Foreign workers are employed mainly in the vegetable and flower greenhouses that comprise approximately 10 percent of the agricultural sector. This sector provides 2 percent of the country's GDP and employs 2.2 percent of the national labor force (CBS 2003).

3. The first Palestinian uprising began in 1987 and was followed by closures that prevented Palestinian agricultural workers from staying and working in Israel.

4. Cohen (1999) has argued that Thai workers actually replaced European volunteers and not Palestinians.

5. The Moshavim movement was the sole importer of Thai workers to Israel. Exclusivity was denied by the National Employment Service and the Ministry of Agriculture. The decision was to open importation to certified private labor brokers. The decision followed extensive public criticism regarding favoritism in allocated foreign workers (*Haaretz*, November 19, 1998) and public scorn of the movement's mismanagement of the workers' money (*Haaretz*, January 22, 1999). In a review of temporary worker programs, Martin (2003) contended that in most industrialized countries, governments have difficulties administering them and tend to shift more authority to employers, including implementing regulations and control over the whole system and process of employment. The allocation of such authority to employers and minimal government monitoring, often, as in Israel (see chapters 3 and 5), resulted in the excessive distortion of the policy and ample opportunities for worker exploitation.

6. *Haaretz*, April 24, 1998.

7. This stereotype was strengthened after a Thai worker raped and murdered a young Israeli woman in Kibbutz Naan (*Haaretz*, April 24, 1998).

8. Geert Hofstede's (1980) model of national cultural dimensions ranks Israel as a low-power distance society, indicating a cultural emphasis on equality and opportunity for everyone.

9. When massive numbers of immigrants arrived from the former Soviet Union in the 1990s, the Israeli government provided them with temporary emergency accommodations in caravans. As the immigrants moved into permanent housing, the government sold the caravans on the free market. These structures soon became popular for housing foreign workers in the periphery. Each caravan consists of one bedroom, a kitchenette, and a bathroom, with basic furnishings. Some employers have upgraded such units with additional furniture, heating, televisions, and radios.

10. On the impact of seasonal migration on the social structure and development of communities in the sending countries, see, for example, Basok (2000).

11. Wages are set at the legal minimum wage, NIS 15 (approximately \$3.40) per hour. After eight hours of work per day, the worker is entitled to overtime rates of 125 percent their hourly wages for the first two hours and 150 percent for subsequent hours. The average gross salary for Thai agricultural workers was US \$700 per month (1999–2005); work hours usually are 12 hours daily, with half-hour lunch breaks, but they do vary widely (sometimes workers are required to work seven-day workweeks), due to seasonal circumstances or special customer demands; about 25 percent of monthly wages can be deducted for basic room and board; deductions for income tax and social security benefits amount to approximately 10 percent; work clothes and shoes are provided by the employer; four vacation days each year are granted—New Year's Day, the Thai New Year (*Son Krabn*, 4/13), the King's birthday (12/5), and the Queen's birthday (8/12)—with the first three being paid holidays. During these holidays, the employer, together with the MM, sponsors feasts and trips organized by accompanying agencies and local coordinators.

12. See, for example, *Haaretz*, April 2, 2003.

Chapter 7

1. For further analysis of foreign workers in the Israeli construction sector, see Amir (1999, 2002).

2. For example, much media attention has been given to the deplorable living conditions provided to foreign construction workers and the terms of their medical insurance (see, e.g., *The Jerusalem Report*, August 25, 1994).

3. The following are the more common practices: Usually the workers get their first salary on their third working month. The placement agencies keep the salary as a guarantee. During the first three months, the placement agencies give the workers a small weekly allowance, mainly for buying food. This allowance is later deducted from the salaries. The placement agencies fine the workers for any discipline problems. The most common problems result from alcohol consumption. The first time results in a warning, the second in a \$150 fine, the third in a fine of a month's salary, and the fourth in expulsion. The placement agencies charge relatively large sums of money for living accommodations.

The usual practice is to house as many workers into one room as possible, each worker being charged for his bed. The placement agencies rent the houses and make about a 50 percent profit on subletting to the workers. They charge about \$50 a month for medical insurance. Together with the insurance companies they have designed a system whereby the placement agency pays a lump sum for a predetermined number of workers. This "collective policy" is activated retroactively when needed. Thus the placement agency pays insurance for some of the workers but charges them all. This arrangement is yet another source of profit; one of the most vicious methods of profiting from the workers is through overtime payment.

Usually the workers tend to maximize the number of working hours, working far beyond the eight hours required by the contracts. There are cases of workers working sixteen hours in one day. The overtime accounts for 30 percent of the salary, with an average working day of twelve hours. The placement agencies use various systems regarding the overtime payment. The most blunt one is not paying a larger fee for overtime. A common practice is for a placement agency to sign a contract with a worker for a fifty-five-hour work week in exchange for \$1,500 a month. Out of this amount, the placement agency charges \$750 a month. Additionally, in each circulation, the daughter company charges an additional \$40 a month as a mediation fee.

4. The trade in construction workers has become a business in itself. For example, the head of the Visa and Foreign Workers Section at the Ministry of Interior has testified that the recruitment of Chinese workers is the most lucrative business in "an industry worth billions. It pays to bring them in with no intention of employing them. Unskilled workers are brought in, although they're not needed at all. [Employment agencies] have contractors or farmers sign application forms [for work permits] . . . and happily pay them for this" ("You got your own unemployed, what do you need us for?," *Yediot Aharonot*, December 7, 2001).

5. Foreign construction workers earned, on average, approximately 68 percent of an Israeli construction worker's salary in 2001 and 76 percent in 2003. The increase in wage costs was due to the increased levies and taxes imposed on employers of foreign workers (CBS 2005).

Chapter 8

1. For studies that explore the multiple ways and practices in which immigration laws produce illegality, see, for example, Coutin (1996, 2000) and De Genova (2002).

2. Interview with Eitan Sulami, deputy mayor of Tel Aviv-Yafo, July 6, 1997. The former head of Tel Aviv's Social Services Administration was more jaded in his comments: "I must admit that the southern Tel Aviv region has been conquered by the foreign workers without a fight. The residents of the area live in fear, the cost of real estate has gone down, the physical and social renovation efforts of the municipality have gone down the drain. The second generation has become a first class time bomb" (interview with Ze'ev Freedman, September 7, 2002).

3. The tension between local residents and foreign workers has acquired racist and xenophobic manifestations. A petition sent by representatives of Tel Aviv's southern neighborhoods to the mayor and city council members stated: "We are approaching you, Mayor Roni Milo, with an urgent call to end the situation of neglect existing in this neighborhood as a result of the "parlors," drugs, and foreigners. There is no need to describe to you the hell that we residents live in as a result of this criminal oversight. The issue is known and public. . . . The area is dangerous and frightening. The situation is deteriorating from day to day, and the whole area is in shambles. The authorities' behavior is incomprehensible and unbearable. We demand you to eliminate the various "parlors," burn the criminal nests, and subdue the foreigners!!! . . ." (Petition of the Residents of Neve Sha'anani and Its Area to the Mayor and Members of the City Council of the Municipality of Tel Aviv-Yafo, June 20, 1996).

4. Following the relocation of Tel Aviv's Central Bus Station, the abandoned area, once one of the busiest in downtown Tel Aviv, became the preferred residence of foreign workers. It now has a notorious reputation for its sex industry.

5. For example, two of the most studied immigrant communities in Europe are the Turks and the Moroccans. Although having different community structures, they both rely heavily on higher education as a means to raise their social status. Significantly, their parents' generation attended primary school at the most; higher education was and still is not available to the same communities in the Homeland (Favell 1998).

6. Immigrant-settlers' nation based on ethnoreligious immigration criteria (see Kimmmerling 2004; Shafir and Peled 2002).

7. *Shvut* refers to the return of the Jews to their historical Homeland.

8. Volume 31 of the *International Migration Review* (1997) was devoted to a survey of the social factors involved in the integration of children of labor migrants. See also Portes (1996) and Gans (1992).

9. Only in the last decade has research on second-generation migrants received prominence in the study of immigrant integration. Policy-oriented research (Brubaker 1992; Faist 1995) has stressed the central role of notions of nationality in national integration policies. Empirical studies have indicated, however, that educational status and labor market positions of migrant youth in various European countries exhibit considerable similarity and weak links to distinctive immigration policies (Fase 1994). Inter-

national comparative analyses are just beginning to emerge; see, for example, Brubaker (1989), Favell (2002), Gans (1992), Foner (2000), Toro-Morn and Alicea (2004), and Waldinger and Perlmann (1998). The articles in the volume affirm that national context has considerable impact on second-generation Turkish immigrants' paths of integration. Different outcomes were not, however, ascribed to special arrangements targeted at migrant youth but to generic educational and labor market policies prevailing in each country (Crul and Vermeulen 2003).

10. Considerable inconsistency exists in the population estimates. According to *Mesila* (2003), in 2002, there were 3,000 children, the majority below age six. The Council for the Protection of Children (2004), an NGO, claims that in 2004, there were more than 2,000 children less than five years old. In 2005, as the public debate over naturalization of these children heated up, the Population Administration, located in the Ministry of the Interior, released an estimate of 8,250 children (ages zero to eighteen), while the Ministry of Education claimed that there were only 770 children studying in grades one through twelve (*Haaretz*, May 23, 2005).

11. In the field of health, children of undocumented labor migrants are voluntarily treated in special clinics operated by the Physicians for Human Rights. Medical care is provided almost gratis at Tel Aviv's municipal hospital. Children also receive medical care through the health insurance (sick funds, HMOs). However, according to a report published by the Brookdale Institute (2003), only 59 percent of the children of undocumented workers are insured. The reasons given are lack of parental awareness of the health insurance options available, the size of the fees (although small, about twenty-five dollars a month, per child), and general suspicion about Israeli institutions. Exceptions are the municipal mother and child clinics, which enjoy high levels of trust. In February 2001, following intensive lobbying by NGOs, an agreement for health care provision for foreign workers' children was formalized by the government. The agreement guarantees equivalent services for these children and for Israeli children. PHR-Israel has followed application of the agreement and found that despite considerable efforts in facilitating registration and provision of services by the HMO implementing the agreement, Kupat Holim Me'uchedet, the number of applicants is disappointing, numbering only a few hundred children. The reasons for these results are believed to be the voluntary nature of the arrangement as well as the required registration and fees, which make it difficult to maintain coverage for long periods of time. See Physicians for Human Rights-Israel (PHR-Israel), *Children of Migrant Workers*, http://www.phr.org.il/Phr/Pages/PhrArticle_Unit.asp?Cat=18&ArtId=227&Pcat=4.

12. "The Transparent Children," *Yediot Aharonot*, June 10, 2004.

13. In June 2006, the Israeli Cabinet decided to rectify two bills that were described as "historic points in Israel's immigration policy" (*Haaretz*, June 26, 2006). The first stated that anyone who either entered or stay in Israel illegally would not receive a residency permit, and the second, which concerned the children of labor migrants, specified that those children above age ten who were born in Israel and already integrated into its society and culture would be granted permanent residency, which follows by naturalization. The bill enables granting legal status to some 2,750 children of undocumented migrants, as well as their parents and younger brothers and sisters.

Chapter 9

1. This fear is seldom echoed by the government, particularly by members of the Shas Party (an orthodox Mizrahi Party), who serve as Ministries of the Interior and of Labor and Social Affairs. For example, Eli Yishai, Minister of the Interior during Netanyahu's (1996–1999) first government, claimed that the influx of illegal foreign workers “will eventually lead to dismantling of the state” (Knesset Protocols 1997).

2. Favel (1998) has argued that against the backdrop of postindustrial societies, the decline of the state, the breakup of unified national political culture, the rise of postnational and regional forces, and the economic crisis, immigration can become a salient issue, effectively taken up by right-wing, traditionalist, or working-class parties, to be used as a funnel for wider grievances (23).

3. The techniques used to deport the immigrants were the following: (1) the establishment of four new detention centers; (2) a propaganda campaign designed to mobilize public support and cooperation in implementing the mass deportations through “public service announcements” disseminated in the print and electronic media; (3) an “information hotline” that some citizens have used to report undocumented migrants to the Immigration Police; (4) police surveillance of public and private areas; (5) “biosocial profiling” (see Shamir 2005) or racial profiling; (6) police informers, including undocumented migrants as well as Israelis; (7) a “Voluntary Departure” campaign that provided subsidized plane tickets to departing migrant families; (8) the systematic arrest and deportation of known community leaders; (9) the marking of apartment doors in preparation for late-night arrests; (10) tens of thousands of arrests and deportations, a proportion of which involved various forms of humiliation and psychological violence; (11) the use of physical violence and brutality during an arrest; and (12) a generalized failure to investigate or punish police brutality (Willen 2007).

4. The police can detain illegal workers for no more than twenty-four hours. Within this period, the detainee should be brought for review before a special tribunal. The tribunal, which cannot overturn a deportation decision, undertakes the judicial review of the decision to keep the person in custody. A report issued by the Hotline indicates the difficulties with the detention process: (1) *Police*: Arrests often entail numerous violations of the law and the dispensing of human rights, including police brutality, entering homes without a court order, the arrest of single parents, denying detainees the right to collect their personal belongings and the right to contact a lawyer or to notify friends and relatives of their arrest; (2) *Detention conditions*: Although not convicted of any offense, migrant workers are kept in jail until their deportation. The conditions under which they are detained are often worse than those of criminal prisoners: they have no access to the canteen, receive only a few hours for fresh-air outings, are given no opportunity to work, and have no TV or cultural activities. Figures collected by Hotline volunteers show that contrary to Ministry of Labor claims, that detainees are incarcerated for an average of seven and a half days prior to being deported, the time that workers are kept in jail averages twenty-one days; (3) *Tribunals*: Tribunal judges are appointed by the Ministry of Justice, from the ranks of the civil service, by the recommendation of the Minister of the Interior. This method creates an unhealthy dependence between the tribunal and the Minister of the Interior, whose decisions the tribunal must review. Restriction of appointments to three years increases

this dependence. Moreover, ministry representatives are consulted by tribunal members before a decision to grant bail is made. Individuals are given twenty-four hours to appeal the decision, and an extra extension (generally three to seven days) if the worker claims to be in Israel legally. These extensions often are extended further, with the detainee remaining in jail. Furthermore, Ministry of Interior representatives are not required to present the tribunal with any proof about the unlawful presence of the detained worker; in some cases, the ministry refuses to recognize the tribunal's authority altogether. See Hotline for Migrant Workers (2003, 35–58). Regarding the deportation process, see Bar-Zuri (1999, 2002).

5. According to the official publication of the Immigration Administration, updated in February 2005 (<http://www.hagira.gov.il/immigrationCMS/>), in addition to those who were forcibly deported, 25,000 people left of their own free will after obtaining three months' clemency to be used for preparation to leave.

6. The economic reforms and recovery plans initiated in 2002 by the Ministry of Finance have altered Israel's welfare policy considerably; to illustrate, social security allowances were reduced, and income allowances were cut by 40 percent. Substantial changes were made in the conditions of the Unemployment Law: a considerable shortening of the period of entitlement for compensation, a decrease in the number of unemployed sent for occupational training, and so forth. A Bank of Israel report determined that the maximum period for unemployment compensation in Israel—175 days—is “one of the briefest in the world,” while the period of work required for qualification for compensation is relatively long (<http://www.ynet.co.il>, accessed December 8, 2003).

7. The Knesset Committee for Foreign Workers (1998), Protocol 18.

8. Following the 1990 Gulf War, Israel provided all of its citizens with gas masks in case of chemical attack. Foreign workers also have been provided gas masks through special distribution centers. In 2002, prior to the war with Iraq, the issue of distributing masks to foreign workers became a cause of controversy. The issue: Should registration of masks be protected from release to the Immigration Administration?

9. Since 2002, the government has decided on various occasions to temporarily freeze importation of all foreign workers to streamline its quota policies in an attempt to control the “anarchy” in the labor migrant trade.

Chapter 10

1. An example of this phenomenon can be found in Pardo (2005), “between morality and the law.”

Chapter 11

1. Nussbaum (1995) dwells on the capacities and needs that unite all humans across barriers of gender, class, race, and nation rather than on the privileges and

achievements of a dominant group, that is, on the needs and basic capacities rather than on power and status (62). Her position is *universalistic* and *essentialist* (63), a normative position that declares “some capabilities and functions as more central, more at the core of human life, than others” (ibid.). Nussbaum delineates a set of human rights due to women of all cultures (ethnicity, citizenship status, etc.) to enable them to pursue the basic elements of a “good life.” See Nussbaum (1995, 61–104).

2. For a review on transnational migration, see Vertovec (2004).

3. In various election campaigns, politicians have portrayed foreign workers as those who deprive Israelis of employment. This tactic stirred heated public debates regarding the nature of Israel's labor market structure. As Shafir and Peled (2002) have written: “. . . potential workers who are citizens prefer to stay unemployed rather than take on employment in the lower tier of the market, where work is low paid, unstable, and sometimes dangerous and dirty. Where ethnic divisions correspond to labor market segments, such employment is further construed as degrading. Citizens have an alternative: They possess social rights which ensure them social protection, even under conditions of unemployment” (325–26). Amir (2002) observed the prevalence of foreign workers as depressing salaries that push low- or semi-skilled Israelis out of the labor market. Alternatively, some see the presence of foreign workers as one of the factors accelerating modernization and improving Israel's competitive advantages in the global economy.

4. A charged term in Israeli culture, “human dust” is mainly associated with the period of mass immigration and nation building in the 1950s, when the term was associated alternatively with Holocaust survivors and Jewish immigrants from Arab countries. Both Mizrahi Jews and refugees from the Holocaust were treated by the local establishment and society as “human dust” to be molded and transformed through the “melting pot” into new “Israelis.”

5. Paradoxically, while restrictive governmental policies and control mechanisms have prevented documented migrants from organizing, the vulnerable and marginal group of undocumented workers formed their own associations. Undocumented migrants, “free” from legal constraints, have succeeded in establishing organizations that represent their interest and place their claims on the public agenda. Analyzing patterns of collective action of the association of undocumented African labor migrants, shows how their representatives use “illegality” as a resource. Standing relatively outside of the sphere of state control, they enjoy some open social space that allows the development of community life and social organizations. Kemp and Raijman (2001, 2004) also discuss the significance of migrant associations in Israel as a vehicle of political participation, focusing on black African and Latin American migrants, two groups that comprise one third of the undocumented migrant population. Contrary to the prevailing assumption that labor migrants tend to be politically passive, the writers emphasize migrant workers' participatory practices through autonomous associations in order to protect their interests, claiming that the fact that migrants find the way to organize and raise their claims despite their problematic situation is politically significant, regardless of their success. Although both the Latino and black African communities have developed a wide array of sociocultural associations, they differ significantly in their organization and in their political ability. The

most interesting political feature that differentiates the two communities is the black African migrants' ability to organize at the pan-African level, opening up a new platform that enables them to gain greater exposure in the Israeli media and to articulate their claims. Roer-Strier and Olshtain-Mann (1999) describe the community of illegal Latin American foreign workers in Jerusalem using an ecological perspective that examines human behavior in various social and cultural environments. They find that although many migrants had no special interest in religion in their homeland, their religious inclination intensified while in Jerusalem, which holds a special spiritual meaning for them. The church and other religious organizations are prominent factors in everyday and social life, operating on many levels as agents of education, health, charity, and social interactions. The unique ecological conditions of Jerusalem—the existence of religious sites and institutions—proved to be strongly influential in community formation. The differences from the parallel community in Tel Aviv are striking. The absence of religious institutions in Tel Aviv forced members of the community there to develop self-support systems and religious organizations by themselves. Football teams and music bands are alternative community institutions developing in Tel Aviv. The significance of religion is at the center of Rajman and Kemp's (2003) study of Latin American undocumented migrants in Israel. Through the creation of Evangelical churches, labor migrants are creating alternative spaces that operate as an alternative family and a "new community of belonging." Furthermore, those transnational religious spaces operate also as channels for advancing claims of inclusion within Israeli society, translating Christian Zionist theology into a demand of incorporation that is not in conflict with hegemonic definitions of belonging.

6. From *The Complete Diaries of Theodore Herzl*, ed. Raphael Patai, trans. Harry Zohn, vol. 1 (New York: Herzel Press, 1960), 196.

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