Guido Panzano

# ETHNIC DOMINATION IN DEEPLY DIVIDED PLACES

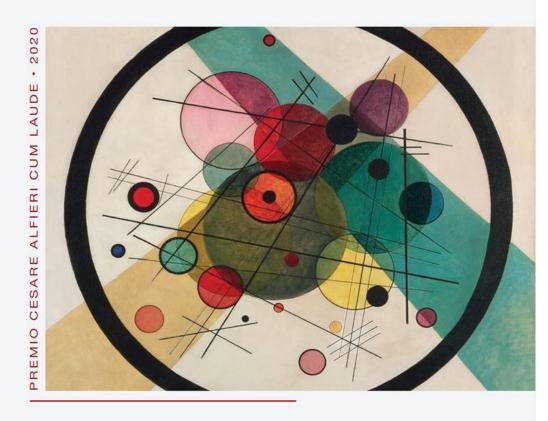## The Hegemonic State in Israel and Estonia

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Graphic design: Antonino Dolce, Lettera Meccanica SRLs
Front cover: Vasily Kandinsky, *Circles in a Circle*, 1923. Oil on canvas, 98.7 x 95.6 cm. Philadelphia Museum of Art: The Louise and Walter Arensberg Collection, 1950, 1950-134-104.

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"Equality, in contrast to all that is involved in mere existence, is not given us, but is the result of human organization insofar as it is guided by the principle of justice. We are not born equal; we become equal as members of a group on the strength of our decision to guarantee ourselves mutually equal rights".

Hannah Arendt

# Introduction

This thesis aims to examine the concept of ethnic domination and its manifestations in deeply divided places. In brief, ethnic domination can be defined as a means of managing ethnic differences in multiethnic contexts through asymmetrical power relations, in accordance with collective distinctions of an ethnonationalist ideology, whereby a group is subordinated to another holding the critical power, albeit not intent to directly eliminate the subaltern.

In the introduction and the first chapter, I shall deal with two core conceptualizations, namely ethnicity and the state, by proposing a 'constructivist-structural' approach towards ethnicity and emphasizing the role of the nationalizing state as an instrument of domination. When this process structures the ordinary politics, a hybrid political regime, the hegemonic ethnic state, could be revealed. Accordingly, I shall analyze Israel and Estonia, two prototypical cases of ethnic domination (also examined as 'most similar' cases). The Israeli and Estonian examples would be helpful to observe six features, detected by operationalizing ethnic domination properties on three political-institutional dimensions: (i) state-citizenship; (ii) government-parliament; (iii) parties and party system. Afterwards, an overarching classification of political regimes and a definition of democracy in plural societies would be articulated.

Secondly, I shall scrutinize the empirical cases in detail. In fact, Israel (considered within the Green Line) and Estonia have sizeable ethnonational minorities: the Palestinian citizens of Israel and the Russian-speaking group of the Soviet diaspora in Estonia. Moreover, they are dominated by majority groups (the Estonian and the Jewish) embracing ethnonational ideologies (Zionism and res-

torationism). The variables of ethnic domination would be thus retraced in the Estonian and Israeli experiences. In fact, both countries (i) adopt state centrism and hierarchizing citizenship policies in constitutional norms that disenfranchise or discourage minority participation; (ii) encompass ethnic majoritarianism in government formation practices despite electoral preferences and the (mostly ethnic) opposition; and finally (iii) reinforce ethnic cleavages in the ethnic party system in order to exclude minority parties or soften, through patronage or co-optation, minority claims.

Finally, I will discuss the findings of the comparison. After having problematized the relations between ethnic domination and political stability, the different trajectories of the two countries considered, namely the tightening of the condition of the Palestinian citizens of Israel and the democratic evolution of ethnic politics in Estonia, will be diachronically connected to internal and external factors.

# Ethnicity and the state

CHAPTER 1
# The framework of the analysis

## 1.1 Ethnicity and the state

A conscious application of analytical concepts to the empirical reality requires clear examinations and a bunch of basic definitions. For this reason, before examining the crux of the book, namely what I shall call ethnic domination and the hegemonic state in Israel and Estonia, I will here expose some preliminary considerations on ethnicity and the state.

To start with, a working definition of ethnicity is essential. Ethnicity is a widely explored concept throughout the social sciences and a controversial category in political discourses. Despite its current utilizations, however, it remains far to be commonly understood. Moreover, its boundaries with 'race' and culture, or nation, remain fuzzy and blurred. For a brief story of the concept, it was during the 1960s that the category of ethnicity received a more accurate attention by social anthropology and other social sciences, in particular in European universities, initially as a viable and less contestable category than 'race', fallen into disgrace after the atrocities of the Second World War (Hylland 1993; Jenkins 1997; van den Berghe 1987). In a conundrum of definitions, partly inspired by a terminological suggestion of Joseph Marko, we can individuate two polar paradigms concerning the study of ethnicity, the 'naturalistic' and the constructivist-instrumental approaches, and then propose a third, namely constructivist-structural, one (Marko 1995; cf. Smith 1986).

Firstly, the 'naturalistic' approach considers ethnicity as the feelings of common descent, though it recognizes the presence of continuous cultural 'stuff' among generations. The most relevant contribution in this first paradigm is the

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work of Anthony D. Smith. According to him, ethnicity has an identifiable core, namely an ensemble of myths, memories, values, and symbols (1986, 54), of which the *mythomoteur*, namely the constituent myth, provides the whole ethnic identity and the group itself with performative meaning (135–54). These myths, memories, values, or symbols, once elaborated by the *mythomoteur*, can endure, by constituting a kind of 'mold' or 'template' for subsequent cultural, social, and nation-building processes (56–7). An ethnic group, in the French term *ethnie*, is thus defined as a named human population with a myth of common origins and ancestry, shared historical memories, one or more elements of common culture, an association to a motherland and a perception of solidarity, at least among the *élites* (Smith 2004, 19; 2013, 191). When the *ethnie* is politicized, thus emphasizing territorial and even civic elements, it is deemed to 'become' a nation (1986; 2013, 196). Although he tried to present his theorization halfway between modernism and perennialism, Smith gets back into our approach of 'naturalism' because, in retracing the history and origins of *ethnies*, they tend to seem objectified or even teleologically defined (cf. Foucault 1971). However, I have referred to this approach as 'naturalism'—with single inverted commas—in order to keep it well separate from perennialism, or naturalism—without single inverted commas—term used by Smith himself in order to depict those (often racist) putative theories considering ethnic identities as primordially given, related to ancestry or even genetics.

Secondly, the constructivist-instrumental approach, based on the post-modern view of culture, relies on the work of Frederik Barth, who firstly placed emphasis on the investigation of the ethnic boundary that defines the group, and "not the cultural stuff that it encloses" (Barth 1969, 5). This pathbreaking idea was part of an intellectual *Zeitgeist* of social anthropology during the 1960s (Jenkins 1997, 13). According to this orientation, ethnicity should not be conceivable as historically given, but rather as an intensively malleable phenomenon. It is indeed a practical resource, which both individuals and groups can opportunistically utilize for their aims, and even discard if other, and more rewarding, alternative ways of bordering communities are available (Cordell and Wolff 2004, 5). According to Barth, in fact, ethnicity is the 'social organization of cultural differences', and the social sciences should study the border creation and maintenance processes. In other words, only when cultural differences make a sensible difference they matter (Hylland 1993, 39), as ethnicity is the product of group contacts and not of isolation (35). Going further Barth's considerations in the deconstruction of the concept, in his seminal works Rogers Brubaker criticized what he calls the common-sense 'groupism' of social sciences (2004). This is the tendency to take discrete and bounded groups as the basic constituents of social life and fundamental units of analytical works, by reifying them as they were internally homogeneous, externally defined and collectively unite (2004, 8–9; 2009). Contrariwise, according to Brubaker, they are not categories of analysis, but rather 'categories of practice', namely, "a key part of what we want to explain, not what we want to think with; in other words, it belongs to our empirical data, not to our analytical toolkit" (2004, 10). The constructiv-

ist-instrumental approach, it could be argued, is thence essential to avoid the frequent stereotypes in social sciences, like the alleged natural polarization of ethnic diversity (cf. Huntington 1997). Anyway, it may have the risk to dilute empirical evidence and relevance of the concept of ethnicity, and make it difficult to be discerned from, for instance, culture.

Thirdly, these two polar 'naturalistic' and constructivist-instrumental approaches are, in my opinion, both helpful and incomplete at the same time. I would hence propose a comprehensive 'constructivist-structural' approach (cf. Marko 1995). This would recognize the importance of the non-fixity of social organizations and ethnicity, but it stands for a conscious application of the concept. I would claim that ethnicity is a process of self- and collective bordering and defining through different, and available, elements. They are mostly cultural, but also religious or linguistic, not *a priori* organized or stratified, but themselves socially built *a posteriori*. Upon these markers, not salient *per se*, politicization by ethnic entrepreneurs or socio-economic pressures may occur, effectively by deciding where to fix the group boundary (Barth 1969, 13) and thus 'making the group ethnic', or ethnonational, if connected to a particular territory. What the constructivist-structural approach proposes, in short, is to consider ethnicity as 'a process on a process'. In fact, ethnicity can mold a collective and individual identity, constructed on what has been previously constructed. Then, it is real (or in the German term, *wirklich*), in the sense that is socially effective (cf. Barth 1969; Hylland 1993). It is so both in terms of a social construction, as an outcome of primary and secondary socialization from the outside based on culture, and also as a sense of kindship, in order to find commonalities and affiliations with other human beings. These two elements are fluid and connected in a biunivocal, complex, and protean relation, where political or economic struggles could boost the salience and form divisions within, or along, these existing structures. These structures of cultural, religious, or other features can, or cannot, become crushed and fixer, according to the available and rewardable opportunity windows. Echoing Brubaker's intuition, it is true that the reality of social constructs does not depend on the existence thereof (Brubaker 2004, 11–2). Anyway, it is equally important not to dismiss the structural bases upon which these relational, processual, dynamic, eventual, and aggregating or disaggregating movements occur. Accordingly, that is the sense of the constructivist-structural approach: *constructivist*, in considering the dynamics of ethnicization of cultures, religions or languages through nationalizing state institutions, minority or majority political parties, and foreign kin states; *structural*, by not ignoring the importance of already established configurations which anyhow determine constraints to social and political agency (e.g., already existing language, religion; cf. Barth 1969, 17). Brubaker's 'groupness as event' is remarkably intriguing but based on another series of circumstantial events. Arguably, ethnicity is a second-tier stratification process, based on something that does not exist but is nevertheless real. Indeed, "ethnicity can be manipulated but not manufactured" (van den Berghe 1987, 27), because nobody, especially ethnic entrepreneurs and political *élites*, acts in the vacuum (Smith 1986). Through this approach, I believe,

it is possible to better understand the powerful and moving force of beliefs of common descent, that become salient throughout social and political processes. As noted by Jenkins, this conclusion seems to remember a Weber's suggestion that ethnicity, facilitating group formation, is then a consequence of political action (Jenkins 1997; Weber 1922). In fact, acting together defines belonging together, starting from any 'cultural stuff' (language, ritual, kinship, economy, way of life, or even labor): "ethnic group are what people believe or think them to be" and "cultural differences mark 'groupness', [but] they do not cause it (or indelibility characterize it)" (Jenkins 1997, 10–1).

Having clarified the understanding of ethnicity in this book, let me underline (and anticipate) the importance of the state as an instrument of ethnic domination and hegemonization—the second preliminary step of this conceptual framework. As already recognized by the comparative politics literature specialized on democratic transition and consolidation, and although it remains the necessary condition of democratic and other regime-types, the 'stateness' of the political system often epitomizes an insufficiently theorized variable (Linz and Stepan 1996).

Indeed, thinking about the relation between democracy, the state, and the hegemony of one ethnic group in a multiethnic settling as the 'crucial triangle', Peleg gives us fundamental insights about the role of the contemporary state and the concept of hegemony (Peleg 2004, 2007; cf. also the triadic nexus connecting national minorities, nationalizing states and external national homelands, as proposed by Brubaker 1996). In fact, the modern state is built on individualistic political conceptions (e.g., the Rousseau's social contract and the Hobbesian Leviathan) that would seem at odds with collective relationships like ethnicity. However, in multiethnic contexts in particular, the hegemonic state is often deemed likely to "channel social resources" and convert them "into state action on behalf of the dominant ethnic group" (Peleg 2007, 57; cf. Kaufmann 2004, 3). In these places, the nation-building process (come it after or before the establishment of public institutions) is all but inclusionary. *Vice versa*, it seems a kind of struggle for political power among ethnically defined groups, due to contextual incentives. As I will highlight throughout the second chapter of the book, the struggle to seize all the instruments of the contemporary state is the crucial passage towards the realization of a control system by the dominant *ethnies* (cf. Lustick 1980). Thence, once formed, the state is neither an impartial arbiter, nor an instrument of domination over the civic society specifically in Gramscian terms (cf. Cospito 2016; and for his analysis concerning the connections between Gramsci and Bourdieu, cf. Pennucci 2017). In fact, in plural societies or deeply divided places, where ethnonational cleavages play a constitutive and salient role in politics (cf. Choudhry 2008; Guelke 2012; Nordlinger 1972; Rabushka and Shepsle 1972), this interaction is often structured mostly in ethnic terms. More in detail, the state becomes an instrument of domination of a 'superior' ethnic group (not only the *élites*, be them political, economic, social, etc.), which determines the official symbolism of the state and the allocation of resources according to an ethnonationalist ideology (that does make difficult the formation of other counter-narratives or interethnic alliances on other is-

sues, like class, the environment, and so on, cf. Langer 1996). Finally, the hegemony is effective since the status of domination by the state, as we will see, is accepted as given, and natural.

Albeit avoiding the 'pitfalls of groupism' (Cianetti 2014), we need to recognize that the ethnic domination through, and then the formation of, the ethnic hegemonic state is a continuous process of 'otherization' of the enemies individuated in ethnic terms, and an ethnonationalist appropriation of resources (cf. Cianetti 2015). In these practices, the discrepancies between the dominant nation (or even the determination of the subaltern minority) are continuously and ambiguously re-adjusted for maintaining the power and limiting democratic pluralism. In this work, I will therefore deal with these conceptualizations of ethnicity and the state, in order to understand ethnic domination in three political-institutional dimensions (the state and citizenship policies; governmental and parliamentary institutions; political parties and party system dynamics). I will better define the category of control, hegemony, and domination in the second chapter of the book. There, I will also discuss the hybridity of this political regime. In fact, hybridity, although slightly differently conceptualized by scholars as the interplay between democratic and authoritarian institutions (cf. Diamond 2002), could be a useful concept here, since in our cases the political system embodies a combination of political mechanisms (indeed, democratic or authoritarian) for different ethnic groups specifically (cf. Peleg 2004, 2007).

## 1.2 Cases of ethnic domination: Israel and Estonia

Unlike territorial pluralism, power-sharing and other democratic instruments of ethnic conflict management, settlement or regulation I will survey later (cf. Basta, McGarry and Simeon 2015; McCulloch 2014a; McEvoy and O'Leary 2013; Weller, Metzger and Johnson 2008), the concept of ethnic domination was rarely, and less directly, systematized (with the remarkably exception of, the crucial inspiration of this work, McGarry 2010; it also remained object of theoretical studies only, cf. Brubaker 2004; Kaufmann 2004). In fact, building on literature concerning, among others, hegemonic control (Lustick 1979), the ethnic democracy-ethnocracy debate (Anderson 2016; Peled 2013; Smith 1996; Smooha 2001; Yiftachel 2006), and the category of *Herrenvolk* 'democracy' (van den Berghe 1967), an overarching analytical framework on ethnic domination is necessary to disentangle some contemporary (and other past) phenomena, by bridging and systematizing different literatures and semantic fields. Because of this abundance of connected, albeit partly communicating, scholarly contributions and for clarifying relevant and prominent issues, a strong methodological foundation is necessary, in order to correctly address the topic of the thesis, and its manifestation in Estonia and Israel. The working definition of ethnic domination I shall propose in this book is then the following: *ethnic domination is a means of managing ethnic differences in multiethnic contexts through asymmetrical power relations, in accordance with collective distinctions of an ethnonationalist ideology, whereby a group is subordinated to an-*

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*other holding the critical power albeit not directly intent to eliminate the subaltern*. Throughout the book, I will therefore test the validity of this definition. It has not been elaborated *a priori*, but it should be rather conceived as ideal-typical and thus empirical in emphasizing some properties observed in the reality. In fact, descending the abstraction ladder, conceptual properties will be specified and operationalized along three institutional-political dimensions, each one with two detectable features, as I will specify, theoretically in the second chapter and empirically in the third one (cf. Collier and Gerring 2009; Collier and Levitsky 1997; Sartori 1984). The analysis will be historical-institutionalist, qualitative, and synchronic at the beginning, and diachronic in the third chapter, and shall investigate the Israeli and Estonian cases, two examples of ethnic hegemonic state, in order to find manifestations and empirical referents of ethnic domination. In so doing, the thesis would employ the 'prototypical cases principle'. According to Hirschl, the prototypical method includes a "limited number of observations or case studies to test the validity of a theory or an argument", in order to provide a "representative exemplar of other cases exhibiting similar pertinent characteristics" and make theories travel (2005, 142). Due to its "more contextualist guise" often referred to single-case analyses, adopting this method is tantamount to retracing the manifestations of the concept of ethnic domination in these two cases. In fact, although Hirschl refers to it as a method to test theory, I will not 'test a theory' (or a set of theories) in the sense of the political comparativists such as Coppedge (2012) or Geddes (2003), because of the small-N orientation of this work, dedicated to a theoretical and in-depth empirical examination of the cases. However, this intensive analysis shall be nonetheless important, in order to develop a thick understanding of ethnic domination and its manifestation in the considered cases: in brief, to *develop* a theory. For more specified and elaborated considerations, in the fourth chapter, I will employ the 'most similar' method to contrast the two cases (cf. Morlino 2005; Morlino and Sartori 1991). In fact, Israel and Estonia will be taken for their common variables isolated in the third chapter, in order to explain the dependent variables of either democratic regression or improvement and political stability across the last decades.

But why to examine Israel and Estonia? They are both deeply divided places, with a strong ethnic cleavage in the political and party systems between majorities and minorities, which are perceived, by the dominant group, disloyal, fifth columnist, and connected to foreign powers. Both have been also subjected to various 'demographic engineering' policies, namely stratified and state-directed movements of ethnic groups for nation- and state-buildings purposes (McGarry 1998). Indeed, in Estonia and Israel, there were, and are, movements of 'state agents' due to direct public incentives (Russian settlements in the Estonian and other Soviet Baltic Republics after 1945, and Jewish settlements in Arab-inhabited areas of Israel, East Jerusalem and even West Bank after the 1967 Six-day War). Moreover, 'state enemies' have been (re)moved by the state in order to right-people the territory (cf. O'Leary, Lustick and Callaghy 2001), 'ethnically clean' the region for securing the self-determination by an

ethnic group only (cf. Pappé 2007; Benveniśtî 2000), and deport disloyal nationalities directly (Stalin's transfers of many nationalities, the Balts included, in remote parts of the Soviet Union) or 'indirectly', as a result of racist persecutions (Jewish pogroms and anti-Semitic discriminations since the end of 19th century; cf. McGarry 1998, 618–22). Consequently, both states granted asymmetrical and ethnically restricted citizenships for ethnic purposes. I will deal with these and other similarities (and discrepancies) afterwards. Before that, some contextual information concerning our cases shall be helpful to frame the work. I will start with the case of Israel.

Even inside the so-called Green Line, of which the meaningfulness is ongoingly decreasing after the 1967 Six-day War and the settlement policies in the West Bank, the Israeli population is extremely diverse. At the time of writing the thesis (May 2019), it is composed by almost 9 million people, of which 74.6% Jewish (divided in approximately 41% Ashkenazi, 43% Mizrahi and other Russian migrants; by countries of origin: 44% born in Israel, 26% in Western and Eastern Europe, 24% in Asia and Africa, and 4% in other countries; cf. Yiftachel 1999, 6), 20.9% Arabs-Palestinians (82% Muslim, 9% Christian and 9% Druze), and 4.5% others (see Table 1). Notwithstanding this significant societal diversity, the official orientation of the state is different. In fact, the "Jews' state" for the Jewish diaspora defined by Herzl (1896), or the "Jewish and democratic state" portrayed by some Basic Laws and the Supreme Court, as I will clarify later, adopts an unbalanced vision of nationalism and thus of citizenship. A settler-colonial discourse discriminates between different citizens, Nadim Rouhana argues (Rouhana 2018). In that regard, after the *Judenfrage* developed in (not only Eastern) Europe, under the urgency of anti-Semitic attitudes and harsh persecutions, the Zionist nationalist project (see par. 3.2) initiated a strong campaign for finding a 'safe place' for the Jewish diaspora, then proposing the 'return' to Palestine—land inhabited by generations of Arab farmers. After the collapse of the Ottoman Empire, the 1917 Balfour Declaration, the 1922 League of Nations British Mandate and the tragedy of holocaust, the Zionist leaders obtained legitimacy by the Western international community and the great powers. Through the 1947 Partition Plan of the United Nations and the dissolution of the British Empire, the new State of Israel was finally proclaimed (Peled 2011, 92). In the Declaration of Independence, after the main aim of opening "for Jewish immigration and for the ingathering of the exiles", it was enshrined that the new state

> will foster the development of the country for the benefit of all its inhabitants; it will be based on freedom, justice and peace as envisaged by the prophets of Israel; it will ensure complete equality of social and political rights to all its inhabitants irrespective of religion, race or sex; it will guarantee freedom of religion, conscience, language, education and culture; it will safeguard the Holy Places of all religions; and it will be faithful to the principles of the Charter of the United Nations (Declaration of Independence 1948).

And, even more significantly here, at the end it can be read:

> We appeal [...] to the Arab inhabitants of the State of Israel to preserve peace and participate in the upbuilding of the state on the basis of full and equal citizenship and due representation in all its provisional and permanent institutions (Declaration of Independence of the State of Israel 1948).

Despite these premises, however, a tragic war erupted against the Arab world, and at the end of which Israel could control 78% of the former Mandatory Palestine, much more of the territory previously assigned by the UN Partition. Out of around 900,000 Palestinians inhabiting the land for centuries before 1948, more than 740,000 have been forcibly removed from their lands and only 160,000 remained, without political, economic, and social *élites*. These remainders were and remain concentrated in the area of Galilee, the 'Triangle' of the central part of the country, the region of Beer-Sheva in the Northern Negev and Jerusalem. They were the less politicized, militant, and urbanized sectors of the former Palestinian population (Smooha 1997a, 286), left in a profound cultural, social, and value crisis (Ghanem 1998, 442). Of these 160,000, only 63,000 were granted immediate citizenship of the new state, while others could apply under the Nationality Law, approved between 1950 and 1952 (Peled 1992, 435). Afterwards, Israel extended citizenship rights to other Palestinians remaining in the country, that nonetheless lived under military rule between 1944 and 1966. Moreover, as it is sadly known, the new state refused the return of Palestinian refugees (Dieckhoff 2005, 71–2). Notwithstanding the democratic features of statewide structures, during and after the military control, almost two thirds of the originally Israeli Palestinian territories were confiscated (plus the others conquered by the state with the 1949 war; Yiftachel 1999, 9; cf. Pappé 2007). Contemporarily, after the independence, three waves of Jewish settlements occurred: the first wave from 1949 to 1952 in villages along the Green Line, the second one until the middle years of the 1960s with poor Mizrahi migrants from North Africa in inland areas previously inhabited by Palestinians, and finally the third wave after the Six-day War on both sides of the Line and East Jerusalem, of which more than 400,000 Jewish settlers can be counted in 2019 (Yiftachel 1998, 10–1). For what concerns Palestinian citizens of Israel, for a long time they could not sustain a process of politicization, since some of their *élites* were co-opted by the regime within affiliate organization of Israeli Jewish parties and the opposition was legally limited. Only since the 1970s, also pushed by very high birth rate, a new sensitivity towards equality developed within the Arab-Palestinian population of the state of Israel, organizing a first anti-discrimination strike in 1976 and then solidarized with the first and the second Intifadas and more recent manifestations.

After this brief overview of the history of Israel, let me focus on the other case I shall investigate in the book. The most northern of the Baltic Republics, Estonia has been for many years located in a crossing point, a border between Europe and Russia, subjected to the influence (and the frequent occupations) of many foreign powers (Germany, Sweden, the Tsarist Empire, the Nazis) and, after the Second World War, the establishment of a Soviet Republic (Lieven 1993). Anyway, its originally moderately diverse population, with only small minorities of

Table 1 – Population in Israel in 1967 borders (1967–2017) and Mandatory Palestine (1922–45) by ethnicity

| Ethnicity/ year | 1922 | 1945 | 1967 | 2005 | 2017 |
|---|---|---|---|---|---|
| Jewish | 83,794 11.1% | 553,600 31.4% | 2,383,600 83.6% | 5,313,800 76.0% | 6,554,500 74.6% |
| Palestinian | 590,890 78.0% | 1,061,270 60.2% | 289,600 10.2% | 1,140,600 16.3% | 1,837,700 20.9% |
| Other | 82,498 10.9% | 149,650 8.4% | 103,100 6.2% | 261,600 7.7% | 400,100 4.5% |
| Total | 757,182 100% | 1764,520 100% | 2,849,622 100% | 6,990,700 100% | 8,842,000* 100% |

*Source*: <https://www.jewishvirtuallibrary.org/jewish-and-non-jewish-population-of-israel-palestine-1517-present> (2022-01-11)
* Including 400,000 Jewish settlements in West Bank and East Jerusalem, not Palestinians in Gaza and West Bank.

Germans (mainly from land aristocracy and generally upper classes), Swedish and Russian-speaking did not alter the majority of the 'indigenous' Finno-Ugrian Estonian group. It was the Soviet period (1945–1991), after more than two decades of independence (1918–1940) and first democratically elected government (1918–1934), that shook the ethnic composition of the country. In fact, in 2019, out of 1,319,133 people, the majoritarian group of Estonians counts less than one million people (68.7%, decreased from being more around 90% at the beginning of the last century; see Table 2). The second greatest group is formed by the Russian-speakers, composed by Russians (24.9%), Ukrainians (1.8%), Belarusians (0,9%). The old minorities of Jews and Germans, as I will explain in the third chapter, have been decimated in the middle of last century (because of, respectively, genocide and mass transfer during and after the Second World War). Moreover, even the Estonian ethnic group has suffered from several deportations after the Molotov-Ribbentrop Pact of 1939. In fact, 15,000 have been deported (1940–41), 35,000 eventually mobilized in the Red Army (1941–45), 30,000 evacuated to the Soviet Union after the German occupation (1940–44), 30,000 also deported and executed during Stalin's persecutions, and finally only 20,000 could return to the Soviet Republic of Estonia (Linz and Stepan 1996, 404). In the same years, mostly because of state-encouraged migration of heavy industry workers from Russia and other Soviet Republics (such as Byelorussia and Ukraine), the Russian-speaking group significantly grew, reaching 35% of the population at the time of independence, at the eve of the 1990s (they were 3% at the beginning of Soviet rule; cf. Pettai and Kallas 2009, 105). The Russian speakers were concentrated in the Northeastern part of the country, in the region of Ida-Virumaa, mostly in the towns of Narva and Sillamäe (where they constitute more than 90% of the local population), but also in the capital Tallinn. Anyway, the diversity of the country, composed by groups with low levels of communication, did not lead to an accommodational or power-sharing approach of the new state institutions in 1991. In fact, despite Estonia was famous for its non-territo-

rial autonomy for minorities during the inter-war period (Smith 2016; partly recovered in 1993, as I will explain, cf. Poleshchuk 2015), the ethnicization of the conflict, even if in a non-violent form, against the Soviet Union prevailed. Firstly, the Estonian Supreme Soviet adopted a language law in 1988 in order to state that Estonian would be the only official language of the Soviet Republic. Later, the Citizens Committees, a parallel series of assemblies which did outbid the process of independence previously headed the Popular Front, pushed for granting automatic citizenship only to pre-war citizens and their descendants (Pettai and Kallas 2009, 106). In fact, according to the Citizenship Law of 1992, a version of the old 1938 Citizenship Act was re-adopted. Consequently, one third of the population, mainly the Russian-speaking group, officially named "individuals with undefined citizenship", became *de facto* stateless (Järve and Poleshchuk 2010). This severe disenfranchisement prohibited to the Russian-speakers the vote in the referendum on the constitution and the first democratic elections in the same year (1992), after having voted (and partly in favor) during the referendum on independence in 1991. In fact, the electorate passed from 1,144,309 to 689,319 (Järve and Poleshchuk 2010, 1). However, they were allowed, as residents, to vote in local elections, but not to be elected or form political parties (art.48 of the Constitution; cf. Järve 2005). Afterwards, the requisites for naturalization have been made more demanding and based on language and knowledge of the constitution with the new Citizenship Law of 1995, as I will describe in the second chapter. This was justified according to an ethnic-primordialist or perennialist conception of ethnicity (Smith 1986), promoted by the doctrine of legal restorationism, which considered that, since the Soviet rule has been illegal, the Russian-speaking groups should be equally treated as 'illegal migrants' (Smith 1996, 203), 'settlers' or 'transient' people (Linz and Stepan 1996, 404; cf. par. 2.2). The 'ethnic anxiety' of the majoritarian group, as reported, increased in the first years of independence. In fact, because of the rapid transition to market economy, the Russian-speaking group would be the most affected by unemployment (Cianetti 2015), thus creating mainly homogenous 'ethno-classes' and reinforcing the ethnonational cleavage with a socioeconomic, and class-based division (Smith 1996; cf. Gurr 1993). Consequently, many Russian speakers 'exited' and migrated to Russia at the end of the 1990s (Hughes 2005). To conclude, it might be interesting to report the 'ethnic ascendancy', manifested in the Preamble of the 1992 Constitution:

> Unwavering in their faith and with a steadfast will to secure and develop a state which is established on the inextinguishable right of the Estonian people [*Eesti rahvas*] to national self-determination and which was proclaimed on 24 February 1918, […] which shall guarantee the preservation of the Estonian nation [*Eesti rahvus*] and its culture throughout the ages—the Estonian people [*Eesti rahvas*] adopted, on the bases of Article 1 of the Constitution which entered into force in 1938, by Referendum held on 28 June 1992, the following Constitution… (Järve 2005, 68; cf. Poleshchuk 2015).

As noted by Järve, the concepts of Estonian nation (*rahvus*) and people (*rahvas*) reveal the fundamental logic of the preamble, that is: the citizens of the state (the Estonian people, theoretically all ethnic groups) adopt a constitution in order to preserve the dominant group (the Estonian nation). To all inhabitants (thus including residents) social and human rights and civil liberties are granted, according to article 9 of the constitution (Järve 2005, 71). Anyway, after a transitional period of intense ethnic polarization, today "the ethnicization process appears to be waning, mainly owing to the influence of the European Union and the globalization of ethnic politics", as reported by Yiftachel (2006, 32). Why?

Table 2 – Population in Estonia (1934–2018) by ethnicity

| Ethnicity/ year | 1934 | 1959 | 1989 | 2011 | 2018 |
|---|---|---|---|---|---|
| Estonian | 992,520 88.1% | 892,653 74.6% | 963,281 61.5% | 902,547 69.7% | 905,677 68.7% |
| Russian speakers * | 92,656 8.2% | 266,926 22.3% | 550,816 35.6% | 361,387 27.9% | 363,722 27.6% |
| Others | 3.7% | 3.1% | 3.9% | 5.5% | 3.7% |
| Total | 1,126,413 100% | 1,196,791 100% | 1,565,662 100% | 1,294,455 100% | 1,319,133 100% |

*Source*: elaborations from Estonian Census Archives <http://www.ra.ee/vau/index.php/en/page/article/index?menuId=16> (2022-01-11)
*Including Russians, Ukrainians, Belarussians.

In the following three chapters, I will explain how the analysis on the Israeli and Estonian cases shall be helpful, in order to observe the occurrence of the mentioned six variables of ethnic domination, derived by the operationalizations of the properties of this concept along three political-institutional dimensions: (i) state and citizenship policies; (ii) government and parliament institutions; (iii) parties and party system dynamics. In fact, the second chapter shall expose and examine these dimensions and their features in theory, while the third would deal with them in practice by exploring our cases more in depth. Finally, the fourth chapter shall provide some more nuanced considerations about ethnic domination and political stability. The tightening of the condition of the Palestinians citizens of Israel and the democratic evolution of ethnic politics in Estonia will be diachronically connected to internal and external explicatory factors.

CHAPTER 2

# Defining ethnic domination in deeply divided places

## 2.1 Ethnic conflict management: hegemonic control and ethnic domination

The interplay between ethnicity, nationalism and democracy is a long-standing issue in ethnicity studies, comparative politics, international relations, comparative constitutional law, and other branches of social sciences. For decades, in fact, scholars have tried to answer challenging (and, inevitably, normative; cf. McCulloch 2014a) questions like how to avoid civil wars, massive ethnic bloodsheds or how to guarantee democratic stability in situations where ethnonational cleavages are easy to be exploited in politics. In fact, because of its protean, polymorphous, and all-encompassing nature—that could promptly serve as an ideological trigger for mobilization—ethnicity is deemed to be "the most difficult type of cleavage for a democracy to manage" (Diamond, Linz and Lipset 1990, 42). Accordingly, when these cleavages are salient in the political realm, the bargaining for obtaining political resources is perceived as a zero-sum game, and the elections may be often transformed in a kind of ethnic census (Choudhry 2008; cf. Horowitz 1985). When anchored to a particular territory, ethnicity is moreover linked to nationalism, one of the most central, influential, and mobilizing political categories of modern and contemporary times (Brubaker 1996, 10). By intending ethnicity not only as a case of false consciousness (Brubaker 1996, 15), and thus recognizing in it the interactions between already present (albeit themselves socially built) structures and politicizing actions under a constructivist-structural approach, this chapter shall examine how ethnicity might serve as a legitimation for political domination. Therefore, I shall detail the the-

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oretical framework anticipated in the first chapter, in order to pave the way to comprehensively define the process of ethnic domination and outline how it is the *rationale* of a political regime, in Israel and Estonia specifically. Firstly, by posing this concept in relation to others like conflict management, settlement, resolution and so on. Then, discerning it as the process that can lead to a situation of hegemonic control, where the asymmetrical relations between ethnic groups are perceived as inevitable. Secondly, I will locate ethnic domination in the debate between the categories of ethnic democracy, ethnocracy and the hybrid regimes. Thirdly, I will deal more directly with the concept itself, by intending it as an ideal-type and describing its properties and variables which might be observed in the empirical reality. In fact, even though with an abundant literature connected to related issues, ethnic domination remained theoretically underdeveloped (as initially Lustick argued for its notion of 'control', cf. 1980, 70). In fact, avoiding any form of 'groupism', namely the consideration of ethnic labels as fixed, following Attwell (2016), I will describe the reification of these categories in the state-citizenship policies, government-parliament institutions, and political party arenas, where ethnic domination takes place. Finally, the concluding section will provide an overarching (mixed taxonomy-typology) classification of political systems in ethnically divided societies and conflict resolution methods, in order to lay out the theoretical framework of this work, systematize the existent knowledges and propose further research directions.

To begin with, I shall argue that: *ethnic domination is a process of conflict management through an ethnic hegemonic state, which produces a situation of hegemonic control*. Accordingly, conflict management is defined by Wolff as "the attempt to contain, limit, or direct the effects of an ongoing ethnic conflict on the wider society in which it takes place", while

> conflict settlement aims at establishing an institutional framework in which the conflict interests of different ethnic groups can be accommodated to such extent that incentives for cooperation and the non-violent pursuit of conflicts of interests through compromise outweigh any benefits that might be expected from violent confrontation (Schneckener and Wolff 2004 12).

Ethnic domination can be then conceived as a particular form of diversity management, or a general principle behind some ethnic diversity management methods (cf. McGarry and O'Leary 1993), where the elements of power-sharing or, reversely, ethnic disintegration through repression or coercion are not adopted (see par. 2.4). In fact, it contains and maintains the source of its legitimation, ethnic differences, at the same time. Moreover, what characterizes the entire political regime, is a degree of 'ethnocratisation', namely

> the process carried out by nationalist activists who, in thrall to a particular kind of nationalist discourse, establish states which favour the category to which they see themselves as belonging, at the expense of those deemed Others (Attwell 2016, 304).

The outcome of this practice is a situation of 'hegemonic control'. It is thanks to the fundamental work of Ian Lustick (1979, 1980), that the category of ethnic

control was theoretically and empirically distinguished from consociationalism (cf. Lijphart 1977), in order to explain stability in ethnically divided societies, with 'vertical cleavages', though without pacts between compromising *élites*. Hegemonic control, in fact, was proposed in order to illustrate the alleged, at that time, acquiescent attitude of dominated minorities, and elaborated in connection with colonial and post-colonial studies. However, as it could be outlined by reading the pages of Lustick, he drawn no distinction between ethnic domination (process) and hegemonic control (outcome), by treating them as synonyms (1979, 326). Anyway, in a further elaboration of control, Lustick distinguishes three functions that reinforcingly make the control system effective (segmentation, dependence, and co-optation), along three levels (structural, institutional, and programmatic; 1980, 78). The intuition of Lustick did not remain without further specifications. In fact, Schneckener defines the politics of control as the strategies "adopted by dominant groups in order to consolidate and secure their power base" (Wolff and Schneckener 2004, 21), that can be implemented through coercive domination, co-opted rule, and limited self-rule. Since in our elaboration of ethnic domination I focus on the political dimension of the concept specifically, I will deal with the, partly overlapping, Lustick's functions of control (segmentation and co-optation) and Schneckener's properties (domination and limited self-rule) in a transversal way and in conjunction with the layers and specifications I will propose later (cf. par. 2.3).

But how are these domination and control made effective in practice? As already anticipated, in this work I will underline the role of the state, intended as an instrument of the dominant group which exploits the state institutions in order to rule on the whole society. This focus should not be seen as an excess of 'etatism' (cf. Jamal 2002). In fact, the ethnic group and its *élites* that take the power through the state are devoid of any 'institutional mentality' (cf. Huntington 1993). In other words, they are not centralist or etatist per se, but they are so only because the state is needed as the instrument of their domination. In fact, they are not loyal to any kind of rule of law or rational legality. Moreover, "the state is not merely a reactive force to ethnic demands and violence. The polity's own hegemonic behavior—its aspiration to dominate other groups within its borders—could be a primary cause for conflict" (Peleg 2007, 23). For these reasons, identifying these ethnocentric *élites* as state centric is an analytical mistake. Indeed, their purpose is to enhance the power of the ethnic group, by seeing the state as a tool for achieving that goal and not as a goal as such (Peleg 2007, 205). Since the dominant group is powerful enough "to determine unilaterally the nature of the state" (Yiftachel 1999, 4; 2006), the political regimes we are describing are what Peleg names 'ethnic constitutional orders' or 'ethnic hegemonic states', "regimes committed above all to the promotion of the interests of a single ethnic or national group within their own borders" (2004, 7). Estonia, Israel and other political systems are included in this category accordingly (Peleg 2007). The main characteristics proposed by Peleg of the ethnic constitutional order are the following: the privilege of the 'core nation' over other groups, the enhancement of ethnic dominance by law and practice, the entrenchment of

ethnic hierarchy, the state used as instrument of creation and perpetuation of the regime, and finally the intrinsic instability and crisis of legitimation of the regime itself (Peleg 2004, 9). The ethnic hegemonic state is, from a parallel angle, what Brubaker famously called 'nationalizing states',

> conceived by their dominant *élites* as nation-states, as the state of and for particular ethnocultural nations, yet as 'incomplete' or 'unrealized' nation-states, as insufficiently 'national in a variety of senses. To remedy this defect, and to compensate for perceived past discrimination, nationalizing élites urge and undertake action to promote the language, culture, demographic preponderance, economic flourishing, or political hegemony of the core ethnocultural nation (Brubaker 1996, 9).

Furthermore, the use of the term hegemony is partly liaisoned to the Gramscian thinking, especially when it is intended as the political domination by the state over civil society and individuals (namely, the 'political hegemony', cf. Cospito 2016, 68 and Pennucci 2017; to be distinguished by the 'civic hegemony', most notably the influence of mass parties and intellectuals on civil society and public opinion, in order to take cultural, and only then, political supremacy), although the focus is here on ethnic groups. Anyway, more remarkably, the meaning of this term is Gramscian, in few words, "in so far as there is within the dominant ethnic majority a hegemonically unchallenged assumption that the state is the exclusive domain of the 'core nation'", Peleg argues (2004, 13; 2007, 51). Moreover, we could add, the unchallenged assumption is not within the core group only, but also within the minority. In fact, ethnic (or even racial) categorizations of dominance are internalized both by the dominant *ethnies* and the subaltern communities, by thinking that this division of the polity is as it must be, namely taken-for-given, and natural. This hegemony, starting from the state and affecting the whole society is indeed "metainstitutional, metahistorical, or even metaphysical" (Peleg 2007, 63) and includes language, education, mass media, official symbolism, and state policies more generally. It is this hegemony which is able to explain the political quiescence of both the controlled and the dominated (Lustick 1980), their docility and, ultimately, their absence of continuous rebellion by the dominated, once having interiorized the foundation of dominance.

## 2.2 From politics to the state: ethnic democracy-ethnocracy, and hybridity

What is the kind of political system represented by the ethnic hegemonic state? Which its relationships with democracy and authoritarian rule? In this paragraph, shifting the analysis from the politics of domination and control by the state to the examination of the state itself, I will argue that, more generally, an ethnic hegemonic state is a peculiar kind of *hybrid regime*, which is able to incorporate democratic and authoritarian elements, specifically on the basis of the ethnic identity of its citizens. As will be clearer in the final section of this paragraph, some background conditions (e.g., the fact that ethnic domination becomes no more sustainable with superficially democratic means like institutions centered on majority rule) could lead to a fully authoritarian regime. Why

a hybrid then? Not so curiously enough, Atwell and Gavison recognized that democratic or authoritarian labels have a strong symbolic and normative power (Attwell 2016; Gavison 1999), in particular in the international arena. To the point, we should not think about a hybrid regime in order to escape this problem (and that of normative-biased labels in general), but to try to reformulate it. Accordingly, I shall propose that, a "type of […] state that demarcates its population at an institutional level into ethnic categories" (Attwell 2016, 305) could be classified as a hybrid, or totally authoritarian, according to some conditions (e.g., the dimension of the dominant group). These considerations spread from a long-time debate on the categories of ethnic democracy and ethnocracy. I will briefly expose it, in order to prove the potential of defining this regime-type as hybrid and to relate it to the existent literature.

Ethnic democracy has been defined by the political sociologist Sammy Smooha (1997, 199; cf. Smooha 1990, 2001, 2002, 2001, 2002). The Israeli scholar firstly considered Israel the archetype of this category, while he thence added other cases (Estonia included) in comparative analyses. Smooha proposes the concept of 'ethnic democracy' in order to describe political regimes that are different both from other 'civic democracies' and 'quasi- or non-democracies' dealing with ethnicity. In fact, according to Smooha, an ethnic democracy is neither a liberal democracy, because the state recognizes ethnic differences conceding some collective rights to minorities (even not treating them equally), nor a consociational democracy, since the state is not ethnically neutral, and finally nor an apartheid regime, because minorities can benefit from (at least a formal form of) citizenship and a minimum level of democracy is not limited to the dominant group (Smooha 1997a, 200–69). It could be observed that the definition of democracy he assumes is procedural (2001, 9; 2002, cf. 1997), and that, secondly, he accepts the possibility to add 'adjectives' for describing different features (read, quality) of democracy, complexifying the binary choice of democratic or authoritarian regime-types. In this sense, said halfway between consociational democracy and ethnic authoritarian regimes, ethnic democracy is a

> democratic political system that combines the extension of civil and political rights to permanent residents who wish to be citizens with the bestowal of a favored status of the majority; […] a democracy that contains the non-democratic institutionalization of dominance of one ethnic group (2001, 24; cf. Peled 2011, 84; 2013).

Accordingly, the control of the majority over the minority is in common with the nondemocratic domination of the colonial rule, although in ethnic democracies it is more moderate, "subtle, manipulative, and hidden" (1997a, 270). Moreover, the democratic principle of citizenry formal equality coexists with favorable conditions established for the majority group, often generating internal contradictions, albeit not necessarily political instability (Peled 2011; 2013, 8). In fact, as there might even be some room for opposing the ethnocentric character of the state, it is often to be intended as a safety valve of the anxieties of the majority, thus deemed by this literature a factor of stability. In a few words,

"the state belongs to the majority" though the democratic framework is not to be conceived as a *façade* by the minority, Peled reports (2011, 25, 84). To conclude and sum up Smooha's proposal, specific features of ethnic democracies are:

> (1) The dominant ethnic nationalism determines that there is only one ethnic nation that has an exclusive right to the country [...]; (2) the state separates membership in the single ethnic core nation from citizenship [...]; (3) the state is owned and ruled by the core ethnic nation [and not by its citizens] [...]; (4) the state mobilizes the core ethnic nation; (5) the state grants non-core groups incomplete individual and collective rights [...]; (6) the state allows non-core groups to conduct parliamentary and extra-parliamentary struggle for change [...]; (7) the state perceives the non-core group as a threat [...]; (8) [and finally] the state imposes some control on non-core groups (2001, 29-36; cf. 1997a).

Directly relying on Lustick's analysis mentioned before, many scholars criticized the thesis proposed by the scholars of ethnic democracy. In short, their work related to a 'substantialist' or thicker conception of democracy, and overall a more critical approach towards ethnic politics, namely against the unproblematically acceptation of things as given, what they claim ethnic democracy to be (cf. Ghanem, Rouhana and Yiftachel 1998, 254; Yiftachel and Ghanem 2004, 179). In fact, a distinguishing core point regards the definition of democracy, in which these scholars discern democratic 'features' (such as competitive politics, free elections, press and judiciary) from democratic 'structures' (e.g. the reality on the ground of the proper inclusion of minority groups; Yiftachel 1998, 119). In contrast to Smooha and Peled, therefore, their understanding of democracy is not relegated to formalistic terms but is broadened to include equal and inclusive civil rights through universal citizenship and the protection of minorities more importantly (Ghanem, Rouhana and Yiftachel 1998, 255; Kimmerling 1999, 339; Yiftachel 1999, 11). In this context, the category of 'ethnocracy' was thus elaborated. Introduced by the political geographer Oren Yiftachel, ethnocracies present several democratic features, while they lack a clear democratic structure (1999, 2006). They are neither fully authoritarian nor democratic: their 'selective openness' is indeed ruled by the dominant group (Yiftachel and Ghanem 2004, 179). In few words, 'ethnocracy' is defined as a "non-democratic rule by a dominant ethnic group, within the state and beyond its borders" (Yiftachel 1998, 11) or, more extensively,

> a particular regime type, which uses a 'thin' layer of (often distorted) democratic practices, but structurally facilitates—explicitly or implicitly— mechanisms of ethnic control and expansion over contested lands (Yiftachel 2016, 30; cf. 2006, 11; Anderson 2016, 1).

In fact, the regime "facilitates the expansion, ethnicization and control of a contested territory and state by a dominant ethnic group" and encompasses partial "democratic features, most notably political competition, free media and significant civil rights, although they fail to be universal or comprehensive, and are typically stretched to the extent they do not interfere with the ethnicization

project" (Yiftachel and Ghanem 2004, 180). Nevertheless, formal democracy is not a merely camouflage or 'window-dressing' institutional settlement, devoid of any (also unexpected) effects. It is truly effective within the dominant ethnic group (Anderson 2016, 5) and, within defined limits, for the minority. Synonymous of ethnocracy is also the 'constitutionally exclusive ethnic state', elaborated by Rouhana and others (1998, 280; cf. Ghanem, Rouhana and Yiftachel 1998, 256). Diversely from the literature on ethnic democracy, theses scholars proposed more dynamic analyses on the historical and sociological sources of ethnocracy. In fact, the ethnic regime, according to Yiftachel, is composed of three different processes. First, a 'colonial settler society', where indigenous and late comers' interests clash (Yiftachel 1999, 2; 2006, 13). Secondly, ethnonationalism and an ethnic declination of self-determination, often present in the official self-definition of the state (2006, 13–4). Finally, an 'ethnic logic of capital', namely an enduring segmentation of economy and labor market in segregated niches (1999, 3; 2006, 15). *Contra* what Smooha claims, ethnocracy would "generate, over time, growing resistance from marginalized minorities, causing structurally destabilizing dynamics" (Yiftachel and Ghanem 2004, 181). To sum up, the elements of this regime-type are the following:

> (1) Despite several democratic features, ethnicity (and not territorial citizenship) determines the allocation of rights and privileges [...]; (2) state borders and political boundaries are fuzzy: there is no identifiable demos [...] inside the polity [...]; (3) a dominant 'charter' ethnic group appropriates the state apparatus, determines most public policies, and segregates itself from other groups; (4) political, residential, and economic segregation occur on two main levels: ethno-nations and ethno-classes; (5) the constitutive logic of ethno-national segregation is diffused, enhancing a process of political ethnicization among sub-groups within each ethno-nation; (6) significant—though partial—civil and political rights are extended to members of the minority ethno-nation, distinguishing ethnocracies from *Herrenvolk* (apartheid) democracies or authoritarian regimes (Yiftachel 1998, 11; 1999, 5; 2006, 16; Yiftachel and Ghanem 2004, 181).

Despites some academic, and also often political, controversies, both ethnic democracy and ethnocracy are to be conceived as ideal-types, conceptual abstractions from reality and experiences, by emphasizing the regularities of some phenomena for heuristic purposes. Other authors, instead, have in fact questioned the putative differences between ethnic democracy/ethnocracy and 'normal' nation-building processes. Indeed, both the definitions of ethnic democracy and ethnocracy share very similar features. Their significant difference, behind the symbolic element of the label, is indeed the consideration of the political regime, 'closer' to democracy the former and to autocracy the latter. Considering first the category of ethnic democracy, one of the most controversial aspects in categorizing democracies with adjectives is the dangerous possibility of a never-ending and all-encompassing scale (cf. Bogaards 2009; Collier and Levitsky 1997), most notably not distinguishing between what are the essential characteristics of the system, such as in the case of an ideal type, and its accessorial features, or also

where to draw distinguishing lines. However, the crucial question is: can a definition of democracy be freely and interchangeably adopted by scholars? In fact, as discussed by Jamal, if we focus on a purely liberal conceptualization of citizenship limited to civil rights, we would tend to ignore "what is recently becoming central in democratic theory, social, economic and group rights" (and even political ones), and that, in deeply divided societies especially, a totally ethnicity-blind liberal citizenship could be oppressive and a mere instrument of the majoritarian group (2002, 419–20). As noted even by McGarry (2010; cf. Peled and Navot 2005, 22), the conventionalist definition of procedural and minimalist democracy employed by Smooha and his supporters can be *not enough* in plural or ethnically fragmented societies, where under formal rules ethnic domination could be hidden. Or at least, one should be extremely clear in distinguishing different components of democracy (Coppedge *et al.* 2019) and thence acknowledging that a more egalitarian conception of democracy might be fundamental in ethnically divided contexts. And moreover, the ethnic democracy model seems perhaps to justify the *status quo* on the ground (McGarry 2010, 40) and the point of view of the majority, namely the existing state structure of a selective regime based on ethnic hierarchies leading to stability (Jamal 2002, 412–3). Indeed, partly paraphrasing Yiftachel (1999, 18), the consideration of democracy in formal-procedural terms could only lead to a paradox in deeply divided societies, metaphorically called the 'Tower of Pisa paradox'. Once inside the tower, columns, windows, corners, floor, all seems straight, parallel, and perpendicular, while only outside the building the tilting of the tower becomes evident. This is the paradox of procedural democracy dealing with not easily changeable majorities or assimilable minorities, where only formal democracy could impinge the basic rights of part of the population. Personally, I do not share Lijphart's assertiveness of "the real choice of plural societies is not between the British (majoritarian) model and the consociational model, but between consociational democracy and no democracy at all" (1977, 238). Nonetheless, there are several ways to avoid the tyranny of majority through minority protection methods (see par. 2.4). And it is for this reason that, according to Ghanem, Rouhana and Yiftachel, ethnic democracy is a kind of oxymoron, just like 'hot ice' (1998, 264; Yiftachel 2006, 99). In fact, when democracy does not work for a societal group, the distinction of procedural features is misleading. In short, we might add, majority rule is nothing more than one of the democratic instruments, only a single, and thus incomplete, part of a richer democratic toolkit and not a *pars pro toto*. In a few words, democracy means more than simply majority rule (cf. Supreme Court of Canada 1998; cf. Martinico 2019), e.g. also including minority rights, rule of law and constitutionalism. We should then avoid the 'synecdoche paradox' of seeing democracy wherever majority rule is.

If ethnic democracy can so seem at odds with a multidimensional concept of democracy, the problem with the category of ethnocracy is different. However, the question is not that Yiftachel's conceptualization "equates democratic defects with nondemocracy", as argued by Peleg (2007, 192). Instead, it is that ethnocracy, as intended to be more 'authoritarian' than ethnic democracy, is deemed

located on the same autocracy-democracy continuum of the ethnic democracy concept. But how to explain this continuum? How to distinguish the positions and the shifting along it? What its explanatory potential is? Specifically for the in depth-comparison and the research design proposed by this book (and post-poning a more sophisticated operationalization and measurement of the cate-gories of ethnic democracy and ethnocracy through data analysis), I shall here adopt more dynamic and thicker concepts. This shall be needed, most notable, in order to first disentangle the fundamental features of the ethnic regimes that I shall be investigating in the further chapters and also to highlight the sharp differences between majority and minority rule. And good 'candidates' are the concepts of ethnic domination (as the process), hegemonic control (as the out-come), and ethnic hegemonic state (as main instrument). I shall then share and expand the suggestion of John McGarry, considering ethnic democracy and ethnocracy fundamentally as affiliated categories, manifestations of the same general concept of ethnic domination (2010, 41), though with different grada-tion of democracy. Here, however, I will not explain these situations through the idea of a 'degree' of democracy or authoritarianism but rather through that of a qualitative *combination* of both (cf. Collier and Levitsky 1997, 441; Diamond 2002). That is why I have introduced the categories of ethnic domination, con-trol and ethnic hegemonic state, profoundly linked to that of hybridity and hy-brid regimes, which shaped the democratization studies agenda after the 1990s but have been nonetheless rarely connected to the literature on ethnopolitics and deeply divided places more in general.

After the Cold war, in fact, an increasing scholarly interest developed in the analysis of new political regimes, "neither clearly democratic nor convention-ally authoritarian" (Bogaards 2009, 400), thus complexifying the original divi-sion between regime-types elaborated by the previous generation of scholars. In this new way of thinking, democratic or even authoritarian regimes are possible to be qualified and connotated through the employment of adjectives (Collier and Levitsky 1997), and the definition of a political system as democratic from a minimalistic and procedural point of view is thus extended (and questioned; Levitsky and Way 2010). This literature then spread after the third wave of de-mocratization and the collapse of former Soviet Union and Yugoslavia, when post-authoritarian or decolonization countries were not necessarily taking the path of (liberal) democracy, nor continuing their transition, though they re-mained somehow stable in a grey area. These new regimes shared at that time and also nowadays show "important characteristics of both democracy and au-thoritarianism" (Levitsky and Way 2010, 5), and they are hybrid in this sense. According to Bogaards, in his analysis classifying two 'defective' forms of de-mocracy and autocracy respectively (cf. Merkel *et al.* 2003), scholarly efforts in finding other categories of political regime, if not accurately structured, could produce a "taxonomical system with blurred boundaries" (2009, 415), then cre-ating theoretical disorder. In a similar way, years before Bogaards, Collier and Levitsky suggested the employment of the Sartorian ladder of abstraction, in their terms of 'generality', in order to avoid the conceptual stretching of add-

ing adjectives to qualify democratic regimes, thus going down from (the 'root concept of democracy' to their specifications increasing differentiation through different subtypes) or up, extending the meaning of the concept (1997, 449; cf. Sartori 1984). Anyway, the most relevant contribution of Bogaards is to have individuated, through a 'double-root strategy', a complete spectrum between democracy and autocracy in order to map the various forms of political regimes within (2009, 401). The 'diminished subtypes' of political regimes, and the 'diminished democracy', in particular, are crucial for our analysis. In fact, as I will explain (par. 1.4), a diminished democracy is 'the most democratic' regime that an ethnic hegemonic state can reach (cf. Peleg 2007), since one of the most general characteristics of democracy is the fact to have 'unlimited' pluralism in the political system (cf. Linz 1975, 2006), first and foremost through elections. In the ethnic orientation of the state, anyhow, confusion between core features and secondary characteristics is common to happen. For that reason, hybridity can be helpful to combine different elements from diverse types, in this case democracy and pluralism for the majority, ethnic autocracy or a limited form of democracy at best for the minority. However, some democratic restriction could affect also ethnic majority 'dissidents', or whoever does not recognize this ethnic articulation of political power. In other words, the hybridity of the ethnic state could maybe solve the debate around the categories of ethnic democracy and ethnocracy and better explain the dynamics of some contemporary cases of ethnic domination as manifested in the political regime, of which I have selected Estonia and Israel.

## 2.3 From the state to politics: the political features of ethnic domination

In this section, I will examine how ethnic domination is structured and institutionalized in order to control ethnic conflict, maintain existing social boundaries and asymmetrical power relationships. I shall, in other words, describe what process makes the state no more the umpire among individuals (cf. Lustick 1979), the arbiter between ethnicities, but rather the agent of the dominant ethnic core. To begin with, the concept of ethnic domination is an elaboration of a suggestion by McGarry, who firstly described the contradictions between the optimism of the law and the reality on the ground, by examining the discrepancies between formally democratic means dealing with minorities in theory and 'ethnic domination' in practice (2010). As could be observed, the research question adopted by McGarry ("How do dominant communities implement and maintain ethnic hierarchies in democracies?", p. 10) is more specific than mine. In fact, in this work, I will provide a comprehensive definition of ethnic domination and retrace its manifestations in the political realm of the two selected cases. However, for the two cases, ethnic domination is the basic *raison d'être* of political confrontations, it permeates and affects the political regimes. For these reasons, I have proposed, following the reasoning of Peleg (2007), the concept of ethnic hegemonic state and to discuss it on the diverse level of hybridity, by not giving the democratic character (even of a low quality) of these

political systems as assumed. Nevertheless, this does not alter the possibility to have phenomena of ethnic domination (such as systemic racism or other sources of discrimination and inequality) in consolidated or 'embedded democracies' or where ethnonational cleavages are not overtly salient in politics. Anyway, these phenomena would be isolated, more temporary, easy to overcome and less hegemonically accepted, so not constituting the fundamental pillars of the state.

Anyhow, as noted by McGarry himself and perhaps more generally,

> domination is a fundamentally relational concept, which speaks to the relative power of one person or one group over other persons or groups. [...] It refers to hierarchies of privilege within a political system, where one group can exert power over another [...] [and the] relations of domination and subordination, which are mediated and reinforced in the state's basic institutions (2010, 36).

As anticipated in the introduction, and relying on the literature examined throughout the previous paragraphs, the definition of ethnic domination I shall propose in this thesis is the following: *ethnic domination is a means of managing ethnic differences in multiethnic contexts through asymmetrical power relations, in accordance to collective distinctions of an ethnonationalist ideology, whereby a group is subordinated to another holding the critical power albeit not directly intent to eliminate the subaltern.*

Once having described the concept, the question becomes how to systematically analyze it. In fact, how to operationalize ethnic domination? What its defining properties and its observable variables? Partly schematizing the 'institutional and policy-bases of ethnic domination in democracies' proposed by McGarry (demographic domination; electoral domination; domination of political institution; territorial domination; and coercive and legal domination; 2010) and inspired by the comparison of conflict settlement approaches elaborated by Wolff (working paper) and others (McGarry, O'Leary and Simeon 2008), ethnic domination will be scrutinized in its political array, by individuating the occurrence of properties observed on three political-institutional dimensions. The resulting variables are extensively explained in the following three subsections (par. 2.3.1, 2.3.2, 2.3.3).

## 2.3.1 State and citizenship policies

As many times recognized in the literatures on minority rights (Kymlicka 1995) and federalism (Elazar 1987; Palermo and Kössler 2017), the questions of state power-division and citizenship have a prominent role in politics, especially where ethnic differences are politically salient. Consequently, to be effective, ethnic domination must have an influence on the state structure and citizenship policies, that I will consider together, as both means of bordering the political community by public authority, territorially and indeed though citizenship rights. Thus, the first observable feature of ethnic domination in the state structure and citizenship policies dimension is the following: (i.1) *State centralism and*

*centrism: absence of territorial divisions, no territorial autonomy for minorities and centralization of all relevant decisions.* Political and historical sociology, as well as political theory most significantly, underlined the role of the state, as anticipated (Peleg 2004, 13). From other writings of comparative politics, moreover, we have learnt the possible detrimental effects of state centralization in divided and also democratizing polities (Diamond, Linz and Lipset 1990, 44) and the importance of territorial pluralism to guarantee some forms of accommodation and diversity management (McGarry, O'Leary and Simeon 2008). For these considerations, one can easily understand that, in pursuing ethnic domination, the dominant group must concentrate all the power in a centralistic state, without territorial division, such as federalism or regionalization, or any kind of territorial autonomy for minorities. When the state is ethnically appropriated, in fact, the control of all social and economic resources by the dominant group constitutes the reason of discrimination, by sometimes triggering and others freezing ethnic conflict. In this framework, it is not by chance that some examples of non-territorial autonomy have been employed without a territorial division of the state, or even a truly democratic character of the whole political system (e.g. the *millet* system in the Ottoman Empire) and in the absence of assimilationist attitudes of the state. As we will see in detail for the case of Estonia—but the same could be argued for 'some' collective rights of the Palestinian citizens of Israel that Smooha describes in its understanding of Israel's 'ethnic democracy'

> cultural [or corporate] autonomy in these cases is permitted precisely because it does not threaten the state's control of its territory, and it also has propaganda value, as it allows states and defenders of 'ethnic democracy' to argue that their states 'accommodate' minorities (McGarry 2010, 57).

Territorial centralism is then crucial for ethnic domination, and when some forms of autonomy would be given to minority, the autonomy will be non-territorial and finally non-relevant, but rather another manifestation of control, limited self-rule, or even co-optation – totally different from the original ideas concerning non-territorial national autonomy or cultural minority self-government, originally formulated by the Austro-Marxist thinkers Karl Renner and Otto Bauer, and their students (Nimni 2004). Finally, it could also be possible that, albeit in a formally federal state, the territorial division becomes harmful for the minority, since it is expressively designed to guarantee the supremacy of the master group through territorial (McGarry and O'Leary 2005) or electoral (e.g. gerrymandering; McGarry 2010, 44) governance. This division, in other words, would not undermine the centralist, and so ethnocentric, nature of the state.

Secondly, directly related to the significance of the state, a focus on citizenship is crucial. In fact, recovering from one of the basic features of settler-colonial states (cf. Rouhana 2018) and hegemonic control (namely, segmentation; Lustick 1980), an ethnically stratifying and hierarchizing citizenship would be adopted in order to achieve and maintain ethnic domination. In fact, according to Peleg, "there are two types of citizenship in an ethnically hegemonic state: full and real citizenship, and formal and nominal citizenship" (2004, 17). Eth-

nic domination tends to undermine the congruence between the formal and the substantial, namely the identification between citizenship and rights. In other words, the right to have rights and the effective possibility to exercise them. The conflictual logics would be present also in explicit reference to the right of self-determination, foreseen for the dominant group only in constitutional or fundamental documents. Consequently, the second variable of ethnic domination will be the presence of: (i.2) *Hierarchizing and exclusivist citizenship: citizenship policies disenfranchising or discriminating minority groups, weakness of rights and constitutional reference to the right of self-determination by the dominant ethnic group.* This feature is directly linked to the concept of 'hollow citizenship' (Cianetti 2018; Jamal 2007). From a terminological intuition by Peter Mair, coiner of the expression 'hollowing' – namely the loss democratic qualities related to party representation and political institutions in liberal democracies (2013) – Cianetti describes the process of hollowness in diverse societies, namely the ethnic exclusion that empties "out the popular component of democracy" (2018, 321). Moreover, with her words, while "technocratic hollowness empties democratic institutions of debates about what the state is for, ethnic hollowness empties them of debates about whom the state is for" (322), by limiting "the democratic space as the remit of the ethnic majority, marginalizing and delegitimizing minority voices" (326). Similarly, and analyzing the condition of Palestinian citizens of Israel, Jamal describes as hollowing the practices which remove all the substantial elements of citizenship (Jamal 2018). In this context, a reference to a nation and the defense of its language or cultural heritage in constitutions, constitutional preambles or fundamental documents appears as extremely relevant in order to investigate the domination of the core ethnic group.

### 2.3.2 Executive and legislative institutions

The second layer of ethnic domination shall look at the political institutions *par excellence*: government and parliament. First and foremost, we have already exposed the fact that, in deeply divided places, the democratic logic of changing parliamentary, and then executive majorities is hardly workable, because of the structural segmentation of societies in different social groups. For this reason, an influent tradition of comparative politics developed with a focus on the ways of sharing power among ethnic parties in political institutions. Power-sharing executives, in fact, be they consociational (privileging the inclusion of relevant actors; Lijphart 1977; O'Leary 2005), or centripetal (rewarding the most moderate parties; Horowitz 1985, 2001; Reilly 2001), corporate or liberal (depending on pre- and fixed or self-, and thus electoral, determinate distinctions and preferences; Lijphart 2007; McCulloch 2014; McGarry and O'Leary 2005, 2009; cf. Panzano 2018), have been seen by scholars as the most significant way to avoid ethnocentric majoritarianism, promote the inclusion of the pillars of the society and create mutual trust. Consequently, the first variable of ethnic domination of this dimension shall be: (ii.1) *Absence of executive power-sharing, or any kind of coalition agreement between ethnic groups in order to form and guarantee a strong*

*and unilateral majoritarianism*. The minority is thence excluded by the dominant group from all the most relevant aspects of decision-making in the government. Moreover, ethnic majoritarianism, in the words of Ackerman, will shape both ordinary politics and constitutional moments (cf. Jabareen 2018). And, if some collaboration between minority parties and mainstream political actors with minority claims will occur, this would be mainly for purposes of co-optation and control. In fact, monopolizing the government is the first necessary step to initiate and consolidate ethnic domination, most notably with the aims of approving centralistic measures, restricting citizenship rights for the minority, or trying to disenfranchise 'disloyal' inhabitants. This variable, together with the second one of the government-parliament dimensions which I am going to introduce, is the most compatible with some institutions of democratic government, most notably the Westminster majoritarian ones, which, according to some authors, have contributed to the instability of many post-colonial and indeed ethnically diverse societies (cf. Lewis 1965).

The second variable that is retraceable here, connected to ethnic majoritarianism in the government, is the same aspect in parliamentary bodies, which could be phrased in this way: (ii.2) *Feeble decision-making power of minorities in the parliament (without constitutional rights to the opposition, assured representation and veto rights)*. Building upon the literature emphasizing the importance of some forms of veto rights for minority representatives (McEvoy 2013), the studies on assured representation in legislations through specific electoral measures (cf. Toniatti 2001) and on the importance of recognizing the presence of an ethnic opposition and, generally, the effective participation of ethnic minorities (Weller and Nobbs 2010), this characteristic of ethnic domination underlines the possible ways to exclude, and thus rule, minorities. Already penalized by a constituent numerical inferiority, the scarce power of minorities is in fact further jeopardized by these measures. The mechanisms of ethnic domination in the parliament are structured in order to exploit "democratic means, turning majority decision into majoritarian despotism" (Jamal 2018, 184) and then substantiate the ethnocentric government exposed above.

### 2.3.3 Parties and party systems

Together with stateness or statehood, political parties sometimes represent another less diffusely theorized variable in ethnically diverse societies and conflict resolution studies. In fact, their examination is very recent, initially focused on the role of the *élites* only (Lijphart 1969; cf. Bogaards 2014). However, we have learnt from democratization studies the importance of political parties functioning as 'democratic anchors' for the state and civil society in democratic transition and consolidation sequences (Morlino 1998). In deeply divided places, a similar process occurs, albeit with some relevant differences. In fact, the saliency of the ethnic difference is observable through an ethnic party system, where party competition takes place mainly along ethnic lines and issues (e.g., self-determination, the protection of a determined culture, the

sense of security of a group, etc.). This is the frequent settlement of these party systems: ethnic parties addressing their voters as the guardians of ethnic interests (Chandra 2011), ethnic mobilizing appeals (Rabushka and Shepsle 1972), fewer floating votes (Horowitz 1985), and finally an intra and segmented, rather than interethnic and all-encompassing, party competition characterized by outbidding dynamics (Sartori 1966, 158; 1976). Although these tendencies can be contrasted through power-sharing institutions (Mitchell, Evans and O'Leary 2009), external competition on transversal issues (Zuber 2012; cf. Panzano 2018a) or the presence of overlapping cleavages (Chandra 2011), when an ethnic group is willing to dominate the polity, it will actively push for reinforcing and exacerbating the ethnic cleavage in order to maintain the source of its legitimation, exclude minority parties, outbid more compromiser rivals within the majority, discourage minority claims of mainstream parties, and prevent other issues from entering party competition. Thus, the first variable of the third dimension is: (iii.1) *Reinforcing ethnic cleavages in the party system. Activism in ethnically structuring political and civil societies (party system with salient ethnic cleavages and ethnic entrepreneurs)*. This process will promote and increase the segmentation of political and civil societies, since the ethnic domination will thence inhibit the formation of political alliances between the dominated and all other dissident groups, by "providing the regime with an array of primordial identities and divisions which can be reinforced and exploited by appropriate 'segmentalist' policies" (Lustick 1980, 83). This variable could also lead to legal measures in order to, when possible, ban or limit political parties acting against the hegemony, through a distorted and biases understanding of the doctrine of 'militant democracy' (namely those measures against parties deemed hostile to the fundamental values of the political regime, here intended as the monoethnic character of the state; cf. Loewenstein 1937), most notably by parliamentary commissions, constitutional or supreme courts.

If the previous variable concerns the relationship between parties, party systems and the state, the following one is related to the influence of the ethnicization of party politics on civil society. In fact, as many times outlined by the literature, the linkages among party cleavages and voters' preferences are biunivocal, a combination of short- and long-term processes (cf. Bellucci and Segatti 2010). For that reason, the hostility fueled by ethnic entrepreneurs and dominant *élites* among parties will determine or reinforce a kind of polarization or otherization among individuals at the citizens' level, defined as the process when someone perceives someone else as the complete negation of themselves, in all the aspects of social life (Peleg 2007, 76). The ethnic group, from being culturally founded, will be somehow transformed in a monadic solitude (cf. Kymlicka 2002, 14), with very few contacts among people, or only present whether needed by the core group for dominating the society. The final variable of ethnic domination I shall propose would then be the following: (iii.2) *Hostile attitudes in communal relationships and few contacts among people, even discouragement for mainstream parties of minority claims and presence of patronage or co-optation*. To conclude this paragraph, the table located in the following page ('Table 3. Eth-

nic domination, working definition, dimensions, and variables') summarizes the conceptualization of the political features of ethnic domination in deeply divided places. The dimensions, properties and variables are neither exhaustive, nor comprehensive. Yet, they should be intended as part of an analytical map, in order to analyze the process of ethnic domination in the two countries that I will analyze in the following chapter.

Table 3 – Ethnic domination: working definition, dimensions, and variables

| Definition: Ethnic domination is a means of managing ethnic differences in multiethnic contexts through asymmetrical power relations, in accordance with collective distinctions of an ethnonationalist ideology, whereby a group is subordinated to another holding the critical power albeit not directly intent to eliminate the subaltern. | | |
|---|---|---|
| | Three institutional-political dimensions | |
| | (i) State and citizenship policies | (ii) Executive and legislative institutions | (iii) Parties and party systems |
| Variables | (i.1) State centralism and centrism: absence of territorial divisions, no territorial autonomy for minorities and centralization of all relevant decisions. | (ii.1) Absence of executive power-sharing, or any kind of coalition agreement between ethnic groups in order to form and guarantee a strong and unilateral majoritarianism. | (iii.1) Reinforcing ethnic cleavages in the party system: activism in ethnically structuring political/civil societies (party system with salient ethnic cleavages and ethnic entrepreneurs). |
| | (i.2) Hierarchizing and exclusivist citizenship: citizenship policies disenfranchising or discriminating minority groups, weakness of rights and constitutional reference to the right of self-determination by the dominant ethnic group. | (ii.2) No participation of the ethnic opposition: feeble decision-making power of minorities in the parliament (without constitutional rights to the opposition, assured representation and veto rights). | (iii.2) Hostile attitudes in communal relationships and few contacts among people, even discouragement for mainstream parties of minority claims and presence of patronage or co-optation. |

## 2.4 Towards a classification of political regimes and a definition of democracy in plural societies

In this concluding section, I will try to combine some of the most relevant contributions on policies dealing with ethnic diversity management (Basta, McGarry and Simeon 2015; Choudhry 2008; McGarry and O'Leary 1993; McGarry, O'Leary and Simeon 2008; Schneckener and Wolff 2004) with the possible configurations of the political system in deeply divided places (Peleg 2007). In fact, in plural societies, the interrelations between groups, minorities and majorities are extremely influential in shaping the type of the political regime. They are

not only an acid test for democracy (as deemed by Dowty 1998), but also a kind of indicator, a marker of the entire system, more generally than in democratic/non-democratic terms. Accordingly, I will provide a mixed classification, articulated in three steps (Peleg 2007, 80–1; see 'Graph 1. Classification of political systems in deeply divided places and macro-political ethnic conflict regulation methods'). Firstly, the reader will find a basic distinction amid inclusivist and exclusivist regimes. Secondly, I will report the main methods of conflict regulation that these regimes can adopt, with a slightly higher probability for managing difference instruments in inclusivist regimes, and for eliminating methods in exclusivist ones, albeit with significant exceptions. Thirdly, I will 'return' to the level of analysis of the political regime. In this framework, some considerations on the definition of democracy in deeply divided places will be provided. Moreover, our cases will be then located in their appropriate categories. Methodologically, the classification is mixed because it employs both typological and taxonomical distinctions, namely by taking different variables by sequence or simultaneously, in order to integrate already elaborated logical types with existing observations. In fact, according to McGarry and O'Leary:

> Typologies are heuristics and used to codify existing knowledge. Good social science typologies are simple; constructed through the uses of logical antonyms rather than empirical observations; and provide a fruitful basis for further theoretical development and empirical investigation. Taxonomy by contrast is the classification of organisms [...]. Taxonomies, unlike typologies, are empirical rather than ideal-typical, *a posteriori* rather than *a priori* categories (1993, 4).

The reason of the integrated classification here proposed is hence purely heuristic. In fact, it could be possible for a state to combine some diverse methods of conflict regulation or, in addition, to respond to different general principles behind the choice of one or more methods. Nonetheless, this classification, I argue, would be a first clarifying instrument, in order to contextualize the Israeli and Estonian cases and pave the way for other comparative works.

Above all, the first typological distinction concerns the general approaches of political regimes in deeply divided places towards ethnic differences. The ideal-typical distinction is between polities ruled by ethnic cores and other situations where this core is absent, not intent, or not capable to shape the state for its interests only. The latter can be called 'inclusivist political regimes', while the former example 'exclusivist political regimes', or 'ethnic constitutional orders', which are the type of state previously depicted. Peleg argues (2004, 12):

> An exclusivist regime is one which privileges one ethnic or national group over all others, often by enshrining its preferential status as a permanent feature of the polity [...], and by establishing institutions designed to perpetuate the ethnic hegemony of that group over all others.

Similarly, in further writings, Peleg in fact calls this government model, hinged on an institutionalization of ethnic dominance, an 'ethnic constitutional order', namely a "regime based on the 'management' of interethnic relations by

granting a single ethnic group full dominance within the polity, often by the use of the state as a primary instrument of control" (2007, 5), in order to maintain or enhance the dominance of a single ethnic or national group.

Secondly, the further step of this classification is the inclusion of the taxonomy of methods of ethnic conflict regulation, as originally proposed by John McGarry and Brendan O'Leary (1993), and then many times re-elaborated, integrated and expanded (Basta, McGarry and Simeon 2015; Choudhry 2008; McGarry 1998; McGarry, O'Leary and Simeon 2008; Schneckener and Wolff 2004). I cannot expose each single method in detail here. Anyway, for the aim of this book, it is essential to underline that the hegemonic control is a particular form of managing differences methods—together with (i) the arbitration of a third and sometimes external power; (ii) the policies connected to the principle of accommodation, e.g. territorial pluralism for the spread of the public authority in the territory, consociationalism among ethnic groups, multiculturalism and minority rights in sensible policy arenas, and finally centripetalism or the creation of multiethnic space of bargaining; (iii) and those linked to the integration of the minority in the state, through republican policies based on the enhancement of the common good, the socialist ones stressing class and economic interests and the liberal instruments underlining the importance of civil rights. These methods are very likely to be adopted by inclusivist political regimes. Anyhow, an ethnic constitutional order, which does not want or cannot implement any methods for eliminating differences (such as forced assimilation; demographic engineering, including forced mass population transfer, genocide and ethnocide; or even the possibility of partition and secession), could carry out specific policies of hegemonic control over ethnic minorities, in order to present "an over violent ethnic contest for state power either 'unthinkable' or 'unworkable'" (McGarry and O'Leary 1993, 23; which mention the case of slave-systems, authoritarian empires, and mechanisms of ethnic domination in formally liberal states, p. 24). In this work, I argue (albeit I am aware that a similar proposal would require further theoretical reflections) that behind ethnic conflict regulation methods there are, we can suppose, three overarching, and consequently typological, processes. First, ethnic power-sharing, defined as "any set of arrangements that prevent one agent, or organized collective agency, from being the 'winner who hold all critical power', whether temporarily or permanently" (O'Leary 2013, 3; cf. McCulloch and McGarry 2017), which includes the means of arbitration and accommodation. Secondly, our concept of ethnic domination, already sufficiently defined (to be intended in a more intensive and thicker way than the original suggestions by McGarry and O'Leary 1993, and McGarry 2010). And finally, ethnic disintegration or dissimilation (cf. McGarry 1998), which gathers some of the methods for eliminating differences.

The third step of our classification comes back to the types of political regime. In so doing, it firstly points out the basic typological distinction among totalitarian systems, authoritarian regimes, hybrid regimes and democratic regimes, and their taxonomical examples in practice. As it is clear from the graph, the suggestion here is that democratic regimes will be the outcome of some eth-

nic power-sharing process (and sometimes, in particular conditions, of some type of integration), through multinational democracy recognizing group rights (with a multinational federation or a pluralist union state, through some forms of territorial or non-territorial autonomy and central or regional consociation, for instance) or even in a liberal democracy (if the state recognizes individual rights only). Contrariwise, from the other side of the spectrum, a totalitarian system would be more likely to adopt means suggested by the process of ethnic disintegration (with the purpose of forming a new system without the minority). Instead, authoritarian regimes could be directly liaisoned with both the politics of ethnic disintegration and those of ethnic domination, especially when the hegemonic control is put into practice by a minority group (e.g., the apartheid regime). In fact, according to Peleg (2004, 2007), two main variants of exclusivist regime are distinguishable for the (alleged) dimension of the dominant group. The minority and purely autocratic hegemonic model, also know with the misnomer *Herrenvolk* 'democracy', is when the "power is relatively diffusely and equally distributed among the members of an ascriptively defined group which, in turn, rules despotically over other such groups" (van den Berghe 1967; and Lustick 1979, 338; Peleg 2007, 18). This despotic domination, in a few words, is not structurally workable with simple majority rule. On the contrary, the hybrid majority hegemonic model is

> based on the hegemony of the majority […], although it grants all members of the polity fundamental rights on an individual basis and maintain an overall democratic façade in the form of regular election, free press, and independent judiciary (Peleg 2004, 12, 2007, 18).

Concerning ethnic hegemonic states, in conclusion, it is necessary to distinguish between majoritarian (hybrid) or minoritarian (authoritarian) hegemonies. The latter, in fact, is the type of state of the cases of Israel within the 1967 borders and Estonia during the transition period, where the ethnic domination is indeed numerical, and it is covered (and justified) by majority rule (Attwell 2016, 311). Consequently, it is somewhat more difficult to disentangle where the dominant group pursuing ethnic domination is majoritarian and the domination could be carried out behind formal democratic procedures than in simple minoritarian hegemonies (other interesting hybrid cases to mention are the possibility to have ethnic domination through a mono-national federation or an assimilationist central state, namely a 'Jacobin democracy', cf. Peleg 2007). At the centre of the problem, thence, is the issue of the definition of democracy and how to articulate it when there are non-fluctuant majorities and majority rule does not protect the liberties and rights of ethnic minorities (cf. McGarry and O'Leary 1993, 25).

Analyzing thus the question of the definition of democracy in deeply divided societies, in one of the most prominent working definitions of a democratic regime, Diamond, Linz and Lipset (1990, 6–7), relying on the notorious concept of polyarchy of Robert Dahl (1971), propose an operationalization of democracy as a political system of government meeting three essential conditions. They are:

(i) electoral competition:

meaningful and extensive competition among individual and organized groups (especially political parties) for all effective positions of government power through regular, free, and fair elections that exclude the use of force;

(ii) political rights and citizenship:

a highly inclusive level of political participation in the selection of leader and policies, such that no major (adult) social group is prevented from exercising the rights of citizenship;

(iii) liberties and civil rights:

a level of civil and political liberties—freedom of thought and expression, freedom of the press, freedom of assembly and demonstration, freedom to form and join organizations, freedom from terror and unjustified imprisonment— secured through political equality under a rule of law, sufficient to ensure that citizens (acting individually and through various associations) can develop and advocate their views and interests and contest policies and offices vigorously and autonomously.

Diamond, Linz and Lipset acknowledge that the "boundary between democratic and undemocratic (or 'less than democratic') is often blurred and imperfect", then distinguishing between 'semidemocracy' where the first element is restricted, and 'low-quality or -intensity' democracy, when the system lack responsiveness and accountability (p.8). Similarly, from the same definition, Peleg proposed another 'stratified' definition of democracy, with minimal requirements (elections), middle-range requirements (freedoms), maximal requirements (equality and citizenship; 2007, 52). Albeit the inclusion of equality and citizenship among the maximal requirements, and thus the proposal of a hierarchical definition of democracy, are for me highly controversial and arbitrary, the reasoning of Diamond, Linz, Lipset and Peleg leads us to shift from the procedural definition of democracy through majority rule to a more integrated, and substantial consideration of the importance of equality and citizenship, especially in deeply divided societies. In fact,

in democracies inequalities are often incidental, unintentional, and peripheral in their impact; in ethnic hegemonic regimes such inequalities amount to intentional, substantial, and material discrimination (Peleg 2007, 69).

Equality, in fact, could help distinguish between hegemonic ethnic states, that are to configurate as hybrid regimes, and other democracies. In fact, equality is profoundly connected to the concept of inclusion and the significant features of citizenship, or 'the right to have rights' (cf. Arendt 1951)—core aspect of contemporary democracies, even if in their potentiality. In fact, according to some authors mentioned before, democracy is "an institutional response to generations of civil struggles for political and economic inclusion, gradually incorporating and empowering the poor, women and minorities into the once

elitist polity" (Yiftachel and Ghanem 2004, 189). In conclusion, equality and citizenship shall be among the central elements of the definition of democracy in deeply divided places, rather than or in addiction to procedural and thus majoritarian components.

However, the hybrid ethnic hegemonic state, if it does not change the basic *rationale* of its structure but somehow opens the door for some democratic opposition from the minority, could be examined, at best, as a case of *defective democracy*. This concept has been elaborated by the German political science tradition and can be described as a hybrid political regime that lacks one of the elements of the 'embedded democracy' (based on (i) the electoral regime, (ii) political rights, (iii) civil rights, (iv) division of powers and horizontal accountability, (v) and the effective power to govern; Merkel 2004; cf. Bogaards 2009). In this subtype, we can find the specific type of 'illiberal democracy', that seems to be the most applicable to our case of ethnic domination because of its lack of equality (cf. Collier and Levitsky 1997, 441; Zakaria 2003). Anyway, the application of the concepts of defective democracy and illiberal democracy to ethnic constitutional regimes would need further specifications, especially considering citizenship-related issues. Indeed, the theoretical elaboration on these issues and how to classify political regimes in deeply divided societies have still a long road ahead. This classification is meant to be a first cut, nothing more than a starting point. In fact, for the purpose of the work, only the categories which Israel and Estonia are part of, have been analyzed in detail by this paragraph.

Graph 1 – Classification of political systems in deeply divided places and macro-political ethnic conflict regulation methods

(i) General approaches of political regimes towards ethnic differences
*Typological distinction*

(ii) Macro-political ethnic conflict regulation methods
*Taxonomical distinction*

General processes behind ethnic conflict regulation methods
*Typological distinction*

Inclusivist political regimes

Exclusivist political regimes/ Ethnic constitutional orders

Methods for managing differences

Methods for eliminating differences

Arbitration

Accommodation

Integration

Hegemonic control

Forced assimilation

Demographic engineering

Partition/ secession

Territorial pluralism

Consociationalism

Multiculturalism/ minority rights

Centripetalism

Republican, socialist, liberal

Forced mass population transfer

Genocide/ ethnocide

Ethnic power-sharing

Ethnic domination

Ethnic disintegration

*Sources*: personal elaborations from McGarry and O'Leary (1993), McGarry (1998), Schneckener and Wolff (2004), Peleg (2007), Bogaards (2009), McGarry, O'Leary and Simeon (2008).

Comparing ethnic minorities in Israel and Estonia

# Ethnic domination in practice

## 3.1 Israel's Palestinian citizens and Estonia's Russian-speaking minority, between hegemonic settlers and dominating indigenous

This chapter will analyze the empirical cases in detail. In fact, both Israel (within the Green Line) and Estonia have sizeable ethnonational minorities: the Palestinian citizens of the State of Israel and the Russian-speaking group of the Soviet diaspora. I will so provide the reader with some background information in the first paragraph of this chapter. Later, I shall describe how the ordinary and constitutional politics of Estonia and Israel are characterized by ethnonational discourses embraced by nationalizing state ideologies, namely Zionist and restorationism. In the third paragraph, divided in three sections for each case, the variables of ethnic domination would be indeed retraced in the Estonian and Israeli experiences, according to the dimensions proposed in the previous chapter. Already mentioned as cases of hegemonic control, ethnocracy, or ethnic domination (Lustick 1979; Peleg 2007; Yiftachel 2006), past scholarly contributions about ethnopolitics in Israel and Estonia will be reframed, in order to describe how ethnic domination has operated and explain why it has been successful. Finally, the third chapter shall try to diachronically examine the cases and their different paths in democratization or democratic retrenchment. For the peculiar differences of Israel and Estonia, and the diverse time extension of their examinations, the analysis of the following paragraphs will be more theoretical initially and historically at the end, especially for what concerns the case of Estonia and its transition at the end of the Soviet regime.

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As already mentioned in the retracing of the ethnic democracy-ethnocracy debate, Israel (within the boundaries of 1967) is overwhelmingly considered a democratic regime. It is so, in particular, if one focuses on the procedural aspect of the definition of democracy (Smooha 1990, 1997a, 2001), thus through universal voting rights and fair elections, multi-party system and governmental changes, free press, independent judiciary and so on (1997, 205), and because (most of) these rights are not explicitly limited to the dominant group (Peled 2011, 92). Nevertheless, Israel also encompasses several democratic weaknesses, among which the abuse of emergency regulations, the absence of a bill of rights and state ethnocentrism, and, most significantly, its consideration of minority rights. Indeed, this 'ethnic ascendancy' (Smooha 2009), evident also in the comparison between the Israeli citizens living in the West Bank, side by side with other Palestinian noncitizens of the Occupied Territories, is manifested in the presence of an official state ideology, Zionism, that is Jewish nationalism (Peled 2005, 91; 2011, 92; Peled and Navot 2005, 6), on which the state is profoundly based (Smooha 2002, 485; as I will describe in the next section). The outcome of this ethnocentric ideology can be illustrated by looking at the declaration of Israel as a Jewish and democratic state, its aim to gathering the diaspora through migration policies with a primordial conception of ethnicity of the Law of Return, the significant limitation of representation and parliamentary action for who denies the 'Jewishness' of the state, and most notably the importance of religious law in civil rights (Smooha 1997, 106; cf. 1990). Indeed, the ethnic nation considers the land as its owned homeland, and ethnic membership, instead of citizenship, is the crucial discrimination for most of rights and resources allocation (Smooha 2002, 477). Anyway, the case of Israel is peculiar since it is characterized not only the bi-national (Jewish-Arab) nature of the country (cf. Rouhana 1998, 278), but also by a prominent stratification within the Jewish population itself, with the Ashkenazim of European origins (at the beginning, at least) at the top of the political and economic power, and below, the Mizrahim of 'Oriental' background, and with Russian and African migrants (cf. Yiftachel 1999, 6). Focusing especially on what concerns the Arab population of Israel, Yiftachel centers his analysis on the process of Judaization and de-Arabization of the land—the main question for him preventing the acceptance of Israel as a democracy, more than its declaration of being 'Jewish' in addition of democratic, according to Yiftachel not so diverse than what happens in other nation-states. Initiated by the expulsion of 740,000 Palestinians during the 1948–49 war and the interdiction of their return, the process continued with the 'iconization' of the frontier myth and the systematic and unidirectional seizures of lands (and thus provoking minority ghettoization), alongside the establishment of state institutions (Yiftachel 1998, 9; 1999, 9). All aspects of social life are then organized along the 'ethnic logic of capital', separating the population in 'ethno-classes' and reproducing the 'ethnic gap' even within Jewish migrants, between Ashkenazim and Mizrahim (1998, 12). Anyhow, by returning to the definition of the political system, as correctly underlined by Peled and Navot, the (thicker or thinner) consideration of democracy is one of the ele-

ments that would determine the outcome of the exploration of the Israeli regime, together with the unit (which borders?) and the level (formal-legal or practical?) and periodization of the analysis (2005, 5). In this sense, according to Smooha, Israel would meet the minimal procedural definition of democracy, although it lacks equality, that reversely is a necessary element for Yiftachel, other scholars and the definition of mine provided at the end of the second chapter (see par. 2.2). Sharing a minimalistic conception of democracy, however, Peled and Navot then try to chronologically apply different categories, dividing the history of Israel and the predicament of its Arab minority in four phases: the military rule since 1948 to 1966 as an ethnocracy, the period between 1966 and 1992 as an ethnic democracy and, after a brief phase of liberalization (1992–2000), a drift towards a (ethnically tyrannical) majoritarian political order (Peled and Navot 2005, 23). But changes of certain policies do not mean the modification of the entire political regime, I argue, since the discrimination towards Israeli Arabs persisted over the time, although in diverse degrees and ways. Accordingly, as clarified by Jamal, this discrimination is not a matter of temporary shift, but a clear approach decided and maintained by the Zionist majority (2002, 414). Moreover, defining a military rule as an 'ethnocracy' could sound quite restrictive, and a bit generous too. And Peled and Navot in fact do not enter the problem of defining democracy in these contexts or phases. In our frame, the oppression of the minority could be even exacerbated by the international legitimacy of a country recognized as democratic and then exempted from democratizing pressures from the international arena (Yiftachel and Ghanem 2004, 188; cf. Anderson 2016, 11). This is the proof that the procedural-substantial distinction is controversial, in any case not to be employed to justify a normative content (Jamal 2002, 425). For these reasons, in this work I have decided to use a more general concept than ethnic democracy or ethnocracy, by proposing the validity of the category of ethnic domination. Moreover, there is some true that different forms and degrees of ethnic domination were equally present in Israeli history: from the 1948 independence to the end of military rule over Arabs in 1966, with harsh oppression and, only after the second half of the 1960s, some political space was given to Israeli Arabs in the economy and in politics, with the first Arab general strike of 1976 against land confiscations. But even in the liberalization process since the 1980s, the control did not end. In fact, notwithstanding an improvement of the condition of Arab civil society, their position in public service and a unifying process of their parliamentary representation, the regime remained as such. A regression even started after the collapse of some liberalization efforts introduced by the Prime Minister Rabin, assassinated in 1995, whose government, for the first time, could rely on a Knesset majority composed even by Israeli Arab parties (decisive for approving the Oslo Accords, though several accuses of not having a 'pure Jewish majority', cf. Peled 2005; 2011, 96; 2014), though without any ministerial post. After the military operation in Lebanon, the situation for the minority became more severe after the defeat of Peres (which obtained 95% of Arab ballots) and the victory of Netanyahu in 1996 (thanks to the votes of the Jewish settlers, without which Peres

could have beaten Netanyahu of more than 5%; cf. Ghanem, Rouhana and Yiftachel 1998, 261; Peled and Navot 2005, 14; Yiftachel 1998, 11), and then with the 2000 Al-Aksa uprising, when Israeli Arabs protested for the killing of Palestinians in the Occupied Territories and consequent clashes with the police during manifestations provoked a dozen of dead among them (Peled 2005). In fact, the Or Commission, instituted by the Prime Minister Barak (initially voted even by Palestinian citizens) in order to investigate on the 'October Events', arrived at ambiguous conclusions in its report (Peled 2005). Moreover, the situation became more difficult with some legislative measures in the 2000s and the continuous series of right-wing governments (Sharon and then the centrist Olmert), with the increasing popularity of the idea of 'family transfer', definitively mainstreamed by the coalition between the Likud of Netanyahu and Yisrael Beytenu of Lieberman and the Jewish Home since 2009.

To conclude on this point (and to underline the normative bias of the concept and the better analytical potential of ethnic domination), the classic description of Israel as an ethnic democracy model is helpful for Smooha to show its democratic viability and stability in plural societies (1990, 410; 1997, 234; 2001, 87). In fact, despite its nature of 'diminished democracy' (Peled and Navot 2005, 6), its feasibility and promotion are emphasized by this literature (Smooha 1997a, cf. 2005; Peled 2011, 2013). In few words, it is deemed that "ethnic democracy may serve as a viable option for nondemocratic, deeply divided societies, some of which may choose to democratize politically without relinquishing ethnic dominance" (Smooha 1997a, 270), against the putative Eurocentric view of having 'genuine' democracy only in the Western models of liberalism and consociationalism. Indeed, "ethnic democracy is a non-Western system that is admittedly a second-rate yet true democracy" (271). Comparisons are then reported though the case of Northern Ireland pre-1998 (1921–72), and especially for Central and Eastern Europe, indeed Estonia (Smooha 2001, 70–80; 2005), Latvia (2002, 476), Slovakia (2001, 64–70, towards the Hungarian minority), Poland (1918–35), and others. In few words, ethnic democracy, notwithstanding its lesser democratic equality, is seen as a feasible option to deal with diversity and, except for consociational democracy, it is deemed to "supersede" other types of democracy "in granting more collective rights" through the institutionalization of ethnic groups (Smooha 2001; cf. Danel 2009, 38; even though this consideration is not shared by Peled who affirms that Israeli's Palestinians enjoy limited individual rights and are denied collective rights, cf. Peled 2011). Anyway, evidence of the Israeli democratic retrenchment, and then the end of ethnic democracy, for these scholars is the shift towards majoritarianism and the corrosion of the distinction between Israeli Palestinians citizens and non-citizens (Peled and Navot 2005, 18).

On the same, although opposite, perspective, according to the literature categorizing Israel as an ethnocracy or an ethnic state, the Israeli political regime undermines the basic equality under the law and then the definition of democracy, since the state "embodies in theory, ideology, and practice exclusive Jewish state ownership" (Ghanem, Rouhana and Yiftachel 1998, 256). Briefly, the

emphasis is put on the Judaization of the country, enshrined in immigration policies, development strategies favoring Jews over Palestinian citizens, a central role assumed by the ethnically defined and exclusive army, and the imposition in public spaces and broadcast media of Jewish and Hebrew culture over the Arabic one (Yiftachel and Ghanem 2004, 185). More generally, the structural discrimination comprehends the exclusion of Arabs from central decision-making, their non-employment in apical positions of civil services and economy, and the institutionalization of special institutions usually dealing with Arabs through a 'security lens' (Ghanem 1998, 433). These expanding control of the territory, pervasive ethnic organization, absence of clear borders through the linkages with the diaspora and the fact that the Green Line is workable only in separating Palestinians between Israeli citizens and noncitizens (since the Jewish settlers can vote and enjoy Israeli citizenship rights; Yiftachel and Ghanem 2004, 187) prevent the formation of a *demos*, conceived as a "body of citizens [in a territory] within given borders" under a unite state authority (Yiftachel 1999, 12; cf. Anderson 2016, 2). In brief, self-determination has to be exercised territorially to be democratic for the whole state (Yiftachel 1999, 19). Contrariwise, even truly democratic practices within the dominant group in a general framework of ethnic domination should be considered as majoritarianism and ethnic oppression (Anderson 2016, 2). Furthermore, there are also contrasts within the interpretation of the Jewishness of the state, challenged by theological pressures of orthodox parties, against almost any kind of integration of the minority in an Israeli secular frame, which would undermine their power in politics and public life and thus pushing to transform Israel into a 'religious ethnocracy' (Yiftachel 1999, 15; 2016, 32). In further explanations, Yiftachel considers Israel a 'settling ethnocracy' (1998, 12), expressed in the union of ethnocentrism and settlement dynamics, based on 'creeping apartheid', by congregating marginalized people in certain urban centers through undeclared practices justified as temporary (Yiftachel 2006, 125; 2016, 35; cf. Yiftachel and Ghanem 2004, 187). These elements of the state political 'structure' do breach citizens' equality and another fundamental democratic principle, most notably minority rights (Ghanem, Rouhana and Yiftachel 1998, 258). We will explain the working of ethnic domination in Israel more in detail throughout the rest of the chapter.

Examining now the case of Estonia, the history and population of the Baltic country do have an incredible variety of ramifications and stratifications. It should be remembered that, even if associated to the Nordic countries for the language, the Estonian "singing nation" (cf. Ammassari and Montanari 2003) has been characterized by many foreign influences, from Russia to Germany and other surrounding powers. In fact, after the period under the Teutonic Order and then Sweden's rule, during the 18th century the territory was incorporated in the Russian Empire, although the *Ritterschaften*, the land-owing German nobility, could maintain its privileges and higher status within the society (Lagerspetz 2014, 460). In 1918, the country reached the independence from the Reich and in 1920 the political forces, composed by the heirs of the old indigenous tribes, strove for a constitutional recognition in the international arena. In 1922, more

importantly for our analysis, the Tartu Peace Treaty was signed after a war against the Bolshevik Russia, and Estonia could incorporate many Russian-inhabited territories at its Eastern border (Poleshchuk 2015, 229). In the same year, the country entered the League of Nations, with a substantial number of minorities (Tuchtenhagen 2008, 91). After the collapse of the inter-war republic, another Russian invasion in 1940, and the German occupation between 1941–44, it was during the Soviet period that the composition of the population of the country severely changed. In fact, Russian people inhabiting Narva for generations were progressively substituted by refugees and workers mobilized from Russia, Belarus, and Ukraine, mainly moved by heavy industry-enforcing policies and for the better quality of life than in other countries of the Soviet Union (Smith 2002, 91). The reasons for migrating in Estonia were mainly for working or vacation, for the presence of more developed infrastructures, shortage of workers, and privileges in housing (Kirch, Kirch and Tuisk 1993, 173, 175). For the Russian-speakers occupying the political and economic sectors, therefore, there were almost no incentives for learning the local language (Commercio 2008, 83). This large number of new residents (the Russian-speaking population reached almost 40% during the Soviet period) was shaken after the independence of the country, due to the rapid economic transition to market economy, the choice of anchoring the currency to the German mark and the intense policies of privatization and attractions of investments from the Western world. Before that, in opposition to the Sovietization of the country, even an ecologist-nationalist movement rose against the industrialization and the increasing pollution in the territory (Hiden and Salmon 2014; Tuchtenhagen 2008, 105). After the proclamation of Estonian as the official language of the Republic in 1988, in 1989 a human chain connected the three Baltic republics against the old Molotov-Ribbentrop Pact, asking for the nullification of the annexation. The Popular Front, partly formed by former local Communist Party members but now shifted to moderate pro-self-government positions, was then able to win the 70% of the new soviet in 1990 and start a step-by-step process for the independence. However, the risk of being outflanked by the Citizens' Committees was just around the corner, as I will explain in the next paragraph. In fact, the time was ready for extraordinary politics and tragic upheavals, with an increasing role played by popular movements (Lauristin and Vihalemm 2009, 5). The 1991 independence declaration (after the attempted coup in Russia and the kill of twenty Baltic demonstrations in subsequent protests, cf. Stepan 1994, 129) and 1992 constitution were then well accepted by the Western international actors, and not only. In fact, the Baltic states have been initially supported by the president of Russia Yeltsin himself against the USSR president Gorbachev (Järve 2000; 2005, 62). Moreover, during those years, even "a large number [a third] of local Russians and other Russian-speakers supported the Baltic *élites* in their quest for democracy and independence" (Järve 2005, 62; Smith 1996, 204). Anyway, harsh policies towards the Russian-speakers in Estonia (and also in Latvia) came to change the support for this transition. In fact, in 1992 Estonian citizenship was granted only to citizens of the inter-war republic, while other noncitizens,

mainly (if not entirely) Russian-speakers, "were issued special 'alien passports' by the Estonian and Latvian governments" (Cianetti 2014, 86). Through this mixture of *ius sanguinis* and political considerations,

> about one third of Estonia's population (mostly ethnic Russians and other Russian-speaking minorities) became *de facto* stateless, or in Estonian official terms, 'individuals with undefined citizenship' (Järve and Poleshchuk 2010, 1).

The other solutions to overcome this problem were either naturalization (with some language and residence requirements), or becoming citizens of other countries, or finally leaving Estonia. For the naturalization, moreover, a three (then increased to five in 1995) years residence qualification, an oath of loyalty and a working knowledge of Estonian were required (Smith 2003, 1). Due to this severe disenfranchisement, no Russian has been elected in the Estonian parliament in the first democratic elections in 1992 (Pettai and Kallas 2009, 107). The exception was nonetheless made for local elections. In 1991, during the drafting of the constitution, the proposal of the Front was for letting noncitizens vote and stand for local elections, but later, because of an ambiguous formulation, a second interpretation foresaw the right to vote but not that of being elected (through the 1993 Law on Local Elections; Cianetti 2014, 92; Smith 2002, 92). Anyway, the right to vote at the national elections became than the most critical difference between citizens and noncitizens (Commercio 2008). Then, knowledge of the Estonian language as requirement for public sector employment contributed to the isolation of the minority from the public sphere (Commercio 2008, 93). Moreover, even in local bodies the language had to be Estonian—provision then changed for international pressures in 2001 only (Järve 2000; 2005, 68). The moment of significant tension was when the 1993 Law on Aliens was debated and then approved by the government led by the nationalist party Pro Patria (Solska 2011, 1095). With these measures, noncitizens became aliens, and they must apply for a residence permit without guarantee to see it accepted (Pettai and Kallas 2009, 107). As reported by Ott, Kirch and Kirch (1996, 22), when the law was approved by a sharp majority, the President of Russia Yeltsin called for the risks of ethnic cleansing and apartheid (followed by Savisaar, previous leader of the Popular Front) and threated the non-withdrawal of Russian army and possible closure of gas valves from Russia as a revenge (cf. Duvold and Berglund 2014, 348). The most critical articles of the law were the following (Ott, Kirch and Kirch 1996, 28):

> The 'alien' status ascribed to ethnic Russians, hence the fear of deportation and/or loss of employment. (Article 3). The citizenship […] mandatory choice between Russian or Estonia citizenship. (Article 8). The requirement of a valid passport or equivalent document for residency in Estonia. (Article 7). The requirement that a permanent visa is subject to renewal every five years. (Article 11, Section 2). The Estonian language examination as a prerequisite for application for citizenship (Article 20, Section 4).

In particular, the trouble concerning this law was that noncitizens (included those born in Estonia) had to re-apply for a residence permit, without any as-

surance to receive one. Because of the pressures of the Council of Europe and the OSCE, the President of the Republic Meri vetoed the law (as he did for several issues and times after this case; cf. Pettai 2001, 2001a, 2007), requesting an opinion from OSCE, which later formed a roundtable with the help of High Commissioner on National Minorities for drafting new amendments (Stepan 1994, 139; cf. Zaagman 1999, 25). They were finally approved: employment permits were no more necessary for former Soviet Republic residents, albeit the issue of alien's passport, to be renewed every two years, remained. Furthermore, this system was a unique case even in the Baltic States (also in Latvia, where there was no need to apply for the residence permit but, according to the 1994 Law on Citizenship, naturalization quota and window system were put in place). The High Commissioner on National Minorities, van der Stoel, monitored the implementation of the amendment extending the deadline and 17,000 applications for residence permits (Zaagman 1999, 19; see chapter 3). Finally, no naturalization was foreseen for former KGB agents and foreign military personnel (Ott, Kirch and Kirch 1996, 28).

During the liberal 'shock therapy' in economic policies adopted by the Pro Patria government (Lauristin and Vihalemm 2009, 9), the Estonian language was intended as the most significant means of minority discrimination and isolation (Hughes 2005, 740). This encourages a kind of 'politics of repatriation' of Russian citizens (out of 500,000 initially without automatic citizenship, around 80,000 left in these first years of independence; cf. Pettai and Kallas 2009, 108). According to Hughes (2005, 739), in fact, mass migration was deliberately promoted by the regime as a safety valve. From the Russian-speakers' perspective, and echoing Hirshman's terminology, since 'loyalty' and 'voice' were impossible because of the ethnocentric nature of the state, the only solution for a part of the population was 'exit', through (i) alienation or (ii) migration (742). This was directly the outcome of the regime of discrimination based on citizenship denial, cultural subordination, and restriction of Russophone participation in political and economic life (Hughes 2005, 744). The ethnic nervousness in that period developed especially for the attitudes of the majority against the minority, and only afterwards as *vice versa* (Ott, Kirch and Kirch 1996, 28). Before that, in fact, ethnic Russians could count on a strong identification with the Estonian Socialist Soviet Republic, and not with USSR (Stepan 1994, 130). In fact, at least at the initial stages of the transition, many authors described a kind of identity weakness owned by the Russian-speakers in the Baltics, divided by their rootedness in the Estonian territory and their language and nationality (Cheskin 2015, 4). This reflected the different tiering of the population, composed mostly by migrants but also indigenous residents (Martynova 1999, 89; Solska 2011, 1093). According to Kirch, Kirch and Tuisk (1993, 181), indeed, "only 40% of the Russians living in Estonia feel themselves belonging to a national minority. For Ukrainians and Belarusians, the figure is 60%". However, during the 1990s, and mainly because of the state policies, a consolidation and specification of this Russian-speaking national identity was detectable, thus unifying different origins through language, as I will highlight later (see par. 3.3).

How did scholars examine Estonia's ethnocentric transition? Some authors employ the category of ethnic democracy, by underlining the policies of control over noncitizen population (cf. Smith 1996). Thanks to Pettai and Hallik (2002), however, a more detailed consideration of the ethnic control model was developed in order to explain the absence of conflict with the minority group. Similarly, also Commercio adopted Lustick's notion of control, although he proposed the category of 'partial control', in order to describe the phenomenon when self-defined titular nations (in his analysis, Estonia and also Latvia) "control the political sector, but share control of the economic sector with the respective Russian minorities" and perspectives of economic prosperity encourage the "acceptance of the system" by the dominated (2007, 82). Albeit intriguing, the notion of partial control could nonetheless be misleading. In fact, the possibility for the Russian business *élites* to work and succeed in the private sector, without entering the political arena, could specifically be one of the manifestations of co-optation, within the system of control and process of ethnic domination. Besides co-optation, in fact, Pettai and Hallik (2002, 515) analyze the economic *dependence* of the minority: "dependence involves the overall reliance of the minority on the majority for jobs, permits, status, and other economic, social, and political resources". This would provoke an ethnically divided labor market, exasperated by the shifting from an over-industrialized (cf. Smith 1996) to a service-based economy, hand in hand with privatization, although "segregation [among economic sectors] remains prevalent" (Commercio 2008, 95). In fact, the putative freedom in the economy is related to the formation and endurance of ethnic niches in the business sector (Solska 2011, 1093). In this frame, furthermore, high levels of unemployment persist and increase within Russian-speakers in the northeastern part of the country (Varennes in Martynova 1999, 135; cf. Hughes 2005, 757). Some minority *élites* could succeed in the private field, since it is less regulated, but they maintain a lower status, by being advantaged only for their richness. Also, Osipov proposed the concept of ethnic control for his analysis of Estonia as well as Kyrgyzstan, related to the predicament of the Uzbek minority (2015, 227; cf. McGarry and Lieven 1993). Moreover, echoing the words of Pettai and Kallas (2009, 109), we can state that

> ethnopolitical regimes can in fact be divided along two axes: whether they seek to preserve or eliminate ethnic diversity, and whether they do this democratically or not. In Estonia's case, the Estonian government was essentially preserving ethnic diversity, but doing so undemocratically through political marginalization.

In fact, maybe one of the most significant differences underlined by Commercio himself, is that since the end of the 1990s, in the Estonian case the main alleged attitude of dealing with the minority was one of assimilation rather than domination, as I will better underline throughout the work. For what regards the citizenship restrictions outlined above, some of them were partly softened with the accession to the European Union. However, the ethnic tension remained salient but still present. In fact, in 2007, when the Estonian government decided to

dismantle the statue of a bronze soldier in the centre of Tallinn, commemorating the Red Army conquering the city at the end of the Second World War, a popular riot broke out in the capital, with one dead, 150 injured and tensions with the Kremlin (Duvold and Berlund 2014). As the result of the 'war on monuments', and the very slow naturalization process, in 2008 the Russian Embassy reported a doubling of applications for Russian citizenship ( Järve and Poleshchuk 2010, 14). Afterwards, some amendments for simplifying the naturalization requirements approved by the parliament were not ratified by the president and even the Estonian public opinion seemed to be less tolerant than before towards Russophones ( Järve 2009, 57). Since then, albeit on a diverse level of violence and tension, and within a framework of substantially improved democratic quality, according to Lauristin and Vihalemm (2009, 22), a process of securitization of minority issues took over.

## 3.2 Ethnocratizer states and nationalizing ideologies: Zionism and restorationism

In this paragraph I will examine how the 'ressentiment' discourse (Attwell 2016, 309) against a minority is originated by an ethnonationalist ideology, which is also able to maintain the "elasticity of the content, but not [of the] category" of ethnic domination (cf. p. 310). I will, in a few words, explore the ideological justification and legitimation of the dominant group, embracing a peculiar kind of ethnic nationalism. More generally, nationalism is one of the most discussed concepts of social sciences. According to Smith, it is an ideological movement aiming to attain or maintain autonomy, unity and identity for a social group which is deemed to constitute a nation (Smith 1986, in Schneckener and Wolff 2004, 7). In this frame, ethnonationalism is the movement emphasizing putative ethnic distinctions, rather than civic or political features (Kohn 1944). However, as we will see in this section, this classical distinction between civic and ethnic nationalism is somehow overestimated. Of course, this is not a comprehensive analysis of Zionism and legal restorationism, so multifaced in their diverse declinations and nuances, but only a starting point in order to better understand the meaning of their legitimation of the ethnic political order, by adopting a political theory's morphological approach in the examination of ideologies (cf. Freeden 1998).

Zionism is at the core of the State of Israel since its foundation, by unifying different religious, cultural and other elements. In the common understanding of social sciences, as correctly underlined by Dieckhoff (1993, 3–9), at the beginning Zionism was one of the facets of Jewish nationalism, developed in the Habsburg and the Tsarist Empires in the second half of the 19th century. Only later, it became an overall and all-embracing ideology. The original locations matter, since Zionism is usually considered a form of Eastern European and then ethnic (cf. Smooha 2001), or tribal nationalism (Arendt 1951), which privileges ethnic and descendant characteristics over others (e.g. civic, territorial and voluntarist features). Even though there is some truth in this consideration, the distinction between ethnic and civic nationalism has been frequently questioned

by scholars and, for our cases, it could help only partially to explain the diverse and peculiar features of Zionism and legal restorationism. Indeed, it is curious that two authors with distinct approaches towards nationalism, Smith and Brubaker, agree in considering as incomplete and not truly analytically helpful the divide between ethnic and civic nationalisms. According to the literature, civic nationalism is in fact perceived as liberal, voluntarist, universalist, and inclusive, while ethnic nationalism as illiberal, ascriptive, particularistic and exclusive (cf. Brubaker 2004, 133). Sometimes useful to interpret different legal traditions of migration and citizenship policies (such as *ius sanguinis* vs. *ius soli*), this division is very approximate, and sometimes elaborated for political, rather than analytical, purposes. In fact, ethnic and civic nationalism often overlap. It is so not only for the Smith's *longue durée* of *ethnies* and the capacity of all nationalisms, as being centered on ethnic cores, of displaying both ethnic and civic-territorial components, depending on historical processes and opportunities. But also, because even the pure civic nationalism could be impatient of ethnic differences, in pushing for radical and ethnically asymmetrical assimilation and thus producing conflicts (Smith 1986, 287; 2013, 212). Moreover, the terms themselves are somehow ambiguous and multifaced. Indeed, a narrow understanding of ethnicity leaves the civic category too heterogeneous; conversely, a narrow understanding of 'the civic' makes the ethnic category too large; and the same appears to happen with a strict understanding of both concepts, indeed not mutually exclusive (Brubaker 2004, 139). Arguably, ethnic and civic elements are equally present in the diversely inclusive-exclusive processes of citizenship bordering. In other words, considering then that all nationalisms embed ethnic and civic features, their difference could be traced in matter of diverse degree, and a combination, of both aspects. Regarding this, Berent's analysis of Zionism, limited to the post-independence period ('polity-based nationalism'; cf. Brubaker, 1996), problematizes whether Zionist identity, based on blood links and biological origins, could be really descripted as ethnic or cultural (2010, 661). Indeed, as I will examine extensively, the Jewishness of Israel has been ruled by the Supreme Court as the maintenance of Jewish majority, the Jews' right to emigrate in Israel and the linkage with the Diaspora outside the country (see, among others, Jabareen 2014). This definition of who is the Jew, based respectively on mother's bloodline and conversion, is (especially for the second element) much controversial and frequently contested (cf. Dieckhoff 2005, 73), anyhow remaining devoid of any cultural element. Since Jewish groups are spread all over the world from two thousand years, their cultural or ethnic individuation or even demarcation could in fact be seriously difficult. Furthermore, within Israel, the Hebrew culture (and language) "is privileged because it is shared by an ethnic group which has been declared by the state as privileged" and not *vice versa* (Berent 2010, 662). Additionally, and differently from other cases (Estonia, for instance), cultural assimilation (or any other process of comprehensive nation-building) in Israel is made almost structurally impossible since it is not based only on language (Berent 2010, 668), even because of the notorious 1972 judgment in which the Supreme Court refused to register a citizen as simply 'Israeli', thus debilitating

a possible development of a 'transcendent Israeli [and not Jewish?] citizenship' (Dieckhoff 2005, 73). Since Berent, following Smith, considers ethnicity as an ethno-cultural phenomenon, he underlines that the problems with Zionism are its exclusivity that cuts off cultural elements and the fact that it is centered on descendance and does not permit the presence of a common culture. Anyway, because multiculturalism is effectively present within the Israeli (and Jewish) population, he also hopes that a further development of a new and common cultural element could allow the formation of a "formal civic definition that would establish the formal conditions for membership in the nation" (Berent 2010, 671). Summarizing, the definitional problem of Zionism could be described as the fact to have an ethnic ideology without the effective presence of a common culture. On the same side, according to van den Berghe (1987, 229), this is the peculiarity of the Zionist project:

> the recreation of a nation out of a multitude of [ethnocultural] groups who, although they all claimed to be Jews, had become extremely culturally and linguistically diverse and were not even all religious, [as] each Jewish community in the diaspora had much more objectively in common with Gentiles in their respective countries than with each other.

Similarly, according to Jamal, Zionism was the nationalistic project of the European Ashkenazi *élites* and, since it lacks a 'core ethnic nation' of Smithian tradition, it could be better analyzed through a Gellnerian-instrumentalist or an Andersonian-constructivist approach and discursive strategy (2002, 417). Indeed, the whole state consideration does not reflect the idea of the dominant ethnic core, since "the melting-pot educational and cultural policy as well as official socialization policies in general rejected the dominant cultural model of the hegemonic Ashkenazi elite" (2002, 417).

Anyhow, other authors instead consider cultural elements of Judaism relevant for developing the Zionist national idea. How to connect these different views on Zionism, and on ethnicity, then? As correctly pointed out by Dieckhoff (2015, 55), Zionist ethnonationalism is indeed based on Judaism and Judaist culture (the Hebrew and the biblical tradition), but in the sense that is the ideology which makes these divisions salient in the political realm. The cultural element is then to be perceived not in the sense that a real cultural community exists *a priori*, but rather that it is manipulated, in order to make it the legitimation of political action (van den Berghe 1987, 27). Boundaries are created by 'federalizing' religious (and then cultural) elements that 'the political' declares significant (Dieckhoff 2015, 60), then integrating them through socializing practices, e.g., the military service (64). In this process of border creation, finding an enemy (external and internal, as in the case of Palestinians) from which to distinguish the community and to compact its cultural and religious features is one of the essential steps of 'ethnicity-building', together with the dismissing of other differences within the community itself (Jamal 2002). Nevertheless, Zionism is then one of the best examples of a synthetic, syncretistic, and plastic ideology since it was not born in a vacuum, even embracing many of other

ideologies and tendencies developed in, especially Eastern, Europe at the end of the XIX and the beginning of the 20th century, from ethnic nationalism to socialism, and so on (Dieckhoff 1993, 10–1). For that reason, Avineri states that "there are few modern national or social movements encompassing such personal and ideological richness" (1981, x). We are so posing Zionism under a constructivist-structural approach towards ethnicity, when political entrepreneurs use cultural, mostly of religious background, features in order to make them meaningful and 'available' for a political project, in this case the establishment of a Jewish state in Israel/Palestine. Moreover, this national purpose was tragically legitimized by the reconstruction of the Jewish question in connection with European anti-Semitism attitudes, never posing the question of their irremediability (then totally overcome by the Holocaust and the Second World War; Herzl, 1896). These cultural and religious features have a mythical force in nationalistic ideas. In fact, Smith proposes to frame Zionism into the category of 'ethno-religious diaspora nationalism' (Smith 1995), in order to avoid taking a first 'internal-uniqueness' approach which considers it as a unique type of nationalism, and a second 'similarity' one which conceives it simply as a part of the Eastern European experience of ethnic nationalism(s). Smith thence centers his analysis on the consideration of collective memories, as codified by religious texts, for Jewish identity and thus the rise of Zionism, at the basis of his consideration of ethnicity (1995). This corpus of religious documents, and the "sacred character of these memories, symbols and tradition", was at the basis of the culture of the diaspora, as an exile from the Holy Land of the biblical *Eretz Yisra'el* and thus the desire not only of liberation, like other peoples and nationalisms, but also of restoration and re-colonization of the fatherland (Smith 1995, 7–9; cf. Conforti 2014). This sacredness and 'chosenness' of the Jewish people are shared by other peoples which have experienced mass expulsion from their homelands, like the Greeks and the Armenians, with myths and traumas of a lost golden age performing as the Smithian *mythomoteur*. This *mythomoteur* for the Jews has been 'activated' in the end of 19th century, after the Russian pogroms of 1881, interpreted as the impossibility of integration in non-Jewish societies, and the development of a national solution. Thus, Zionism translates and 'culturalizes' religious elements of Judaism and then embraces a peculiar and sacred consideration of territory (Smith 1995, 17). Indeed, the primordial idea of the holy land of centuries of tiered memories was reinterpreted for political aspirations. Religious elements of 'returning' to the land are then at the centre of the Zionist ideology and, after the establishment of the state, this meant the preservation and improvement of the Jewish presence in Israel/Palestine, prevailing over any democratic consideration, and the imposition of colonial rule through land expropriation and discrimination over indigenous. For that reason, Shafir and Peled, even considering Zionism as an Eastern European 'romantic' nationalism, specify that Zionism, unlike them,

> needed to seek out a territory for immigration and colonization. Thus, as a settlement movement [also connected to continental imperialisms in Eastern

> Europe], Zionism bears important similarities to other [Western] European overseas colonial societies, established through territorial struggle with native peoples (Shafir and Peled 1998, 412–4; van den Berghe 1987, 229; cf. Arendt 1951),

in order to form a 'pure settlement colony'. Features of colonialism have in fact been strengthened by Kimmerling who defines Zionism as a national movement to establish a settler society through Jewish immigration. Nonetheless (and strategically), it was "clever enough to distance itself from the global colonial context, the matrix out of which it was born", being in a perennial search of an existential legitimacy, of justifying having chosen a land for ideological-religious motives (1999, 341). The same settler-colonial approach, which also means the presence of racist ideas within the Zionist ideology, is shared by Rouhana and Sabbagh-Khoury, who also stand for the adoption of a decolonization paradigm in dealing with the Palestinian question, within Israel/Palestine at large (Rouhana 2018; Rouhana and Sabbagh-Khoury 2018).

Anyway, the ethnicization of these 'religious yearnings' into a nationalist ideology with the purpose of colonization was and still is all but a peaceful process, with several tensions among different elements contained by the syncretic Zionist ideology, especially between its most religious and secular ramifications (cf. Conforti 2014, 157). Continuing again with Kimmerling (1999), these contrasts also resulted in two different waves of immigration to Palestine before the independence, the former (1882–1900) of devout people and the latter (1904–30) of a secular, atheistic, materialist and avant-garde generation, more oriented to democracy, albeit within a kind of ethnic communalism. Moreover, as it is well known, the influence of extremist and religious Zionists is prominent in Israeli politics, as noted by Kopelowitz analyzing the case of Rabin assassination and then the increasing number of seats of religious parties since the 1990s (2001, 166). Moreover, it can be argued that the secular and religious political parties' collaboration is at the centre of both the putative 'consociational practices' within Jewish parties (Hazan 1999, 2004; cf. par. 3.4.1). Indeed, religion parties remain important in a settler-society that "has never resolved the tension between the diverse elements of its collective identity" and even though the "Jewish state and society were not and could not be a theocracy", they need Judaism and those who represented or claimed to represent it for the "'final' legitimacy of Zionism" (Kimmerling 1999, 352–4). Among others, from the ultra-orthodox non-Zionist United Torah Judaism (an alliance of two small radical parties), and the orthodox and religious Zionist heir of the National Religious Party the Jewish Home, to the ultra-orthodox and more distinctly for Mizrahi interests Shas (more or less in all government coalitions since its first election in 1984), all these forces had and still have an increasing influence in state affairs (cf. Kopelowitz 2001, 169–72). For what concerns the ultra-orthodox Haredi population, initially opposing the establishment of the state but then strategically joining the central government with its parties, it pretends to be perceived as a minority, protected and empowered through control over Ministry of Religion and other executive offices, such as Education, Interior and Housing (170).

Their power in the imposition of the rabbinical law (*Halakha*) and the symbiosis of religion and ethnicity do affect ordinary politics in Israel, and their relevant electoral force, gathering votes from lower classes of migrants, Mizrahi and Sephardi Jews, produces outbidding dynamics among Jewish parties. Furthermore, in the last years, the orthodox field seems also to be in line with new (bipolarizing) tendencies within 'mainstream' Zionism itself. In fact, many scholars distinguish between neo-Zionism – more linked to religious fundamentalism, coming prevalently from the right of the political spectrum, violent and traditional, developed after the victory of the Six-day War, allied to the settlers in the occupied territories, lower sectors of society and ultra-orthodox groups – and post-Zionism – more open for the integration of all citizens into the Israeli state, non-necessarily emphasizing its Jewish character (Dieckhoff 2002, 138; Pappé 2000, 35; Shafir and Peled 1998, 423). The hegemony of neo-Zionism over the last two decades galvanized the most muscular elements of this ideology (maybe already present in Herzl's consideration of politics as a balance of power and force; 1896, 22), especially in dealing with the Arab 'problem'. Accordingly, for Kimmerling, Zionism, after having combined Judaist religion and civilization, reorienting Jewish religion through the definition of the boundaries of the collectivity, the territory to emigrate, the selection of symbols of Judaism and the Hebrew sacred language, focuses on the selection of the most militaristic sources of the Bible: the "Jewishness was reinterpreted not just as religion and tradition, but also as an active ethnocentric, chauvinist, and anti-Arab nationalism" (1999, 345-355). This process was evident in the increasing popularity of the idea of Arab transfer, the 'progressive colonialism' in the West Bank and the flat consideration of Zionism as an ethnic exclusionist movement only (also against the spirit of the Declaration of Independence), considering Arabs as primitive indigenous people (Sa'di 2000, 26–8). All these considerations are to bear in mind when analyzing the ethnic domination over the Palestinian citizens of Israel, as I will proceed in the following paragraphs.

I shall now examine the interesting case of legal restorationism which characterized the post-independence period in the Baltic States, and in Estonia in particular, and steered the political regime change and consolidation processes. The roots of this kind of ethnic nationalism, albeit with many peculiarities, are to be retraced, similarly for the case of Zionism, in the unevenness between the people and the state, and the difficult interrelations between the nation and its territory. Diversely from the case of Israel, however, it is not the religion which structures the fundamentals of the ethnonational cleavage. In fact, Estonia is one of the less religious country in the world, and the divide among Protestant Estonians and Orthodox Russian-speakers has never been strongly politicized. The central features of the ethnic cleavage in the country are, instead, the language and the origins of the putative indigenous nation, frequently detached from the territorial dimension. Moreover, this ideology has a precise historical momentum that is necessary to consider here. For these reasons, in fact, the analysis of restorationism will be more historical than theoretical, since properly history, and only then ethnic identity, is the crux of this ideology. From be-

ing an ancient Ingrian-Finnish tribes' establishment with a variety of very small ethnic minorities, after the inter-war independence period, the institutionalization of ethnic markers anchored to the Estonian territory followed the annexation to the Bolshevik USSR. In fact, according to the literature, the Soviet legacy of Estonia has been crucial in order to drive its transition towards democracy. According to Brubaker, the Soviet Union pursued an "accommodation pivoted on institutionalized multinationality" (1996, 23) in the designing of its federal states. However, rather than the contemporary understanding of accommodation (see par. 2.4), communist ethno-federations contained in their essence the imperial roots of control, hegemony, and co-optation of local *élites*, both in the territorial divisions of the USSR itself and in the personal affiliations embedded in foreign passports (Brubaker 1996, 172). This historical process, as I will describe, provoked some kind of 'expectation of belonging' among the subordinated groups. In a very few words, inheriting a cultural tradition developed mainly around song festivals and events (cf. Ott, Kirch and Kirch 1996, 24), the basis of legal restorationism consisted in the formation of a bounded community around the Estonian culture, in order to the re-obtain the independence of the state after an illegal and foreign occupation. This movement of ethnic nationalism, frequent in Central and East European Countries as well (cf. Solska 2011, 1090), diffused within the pro-independence discourse at the end of the 1980s and was successful in the predatory seizing of the state for its purposes (Järve 2000; 2005, 65). It tried to impose, according to Tolvaišis, an official monoethnic Estonian ideology in a country become bicommunal on the ground, according to demographic composition (2011, 111). The legitimation for that was the consideration of the Soviet annexation after the Molotov-Ribbentrop Pact as an illegal act, reconstruction even validated by the 1979 resolution of the European Parliament, pushing for the assignment of the Baltic question directly to the United Nations decolonization committee. Anyhow, it was in the 1988 Declaration on the Sovereignty of the Estonian Socialist Soviet Republic (Lagerspetz 2014, 463; cf. Martynova 1999, 90) and the publication of the Nazi-Bolshevik Pact secret annexes that the interpretation of the radical legal restorationists gathered momentum and conquered the lead of the independence movement, until then guided by more compromiser forces (Pettai and Kallas 2009, 106). At that time, the opportunity for some Estonian *élites* was that of shifting from "being a minuscule minority in a Russian dominated state, to being *maîtres chez nous*" (Johns 2002, 109), against Russian-speaking enclaves remaining in the Eastern part of the country after the independence (Pettai and Hallik 2002, 509). The political voice of the legal restorationist ideology was owned by the so-called Estonian Citizens' Congress, a body of 499 delegates elected by around 600,000 voters, only pre-war citizens, or their descendants, as opposed to the Estonian Supreme Council, elected in 1989 and dominated by the more moderate Popular Front of the then Prime minister Savisaar (Cianetti 2014, 91–2). The Citizens' Congress, however, succeeded in presenting their action as "not an ethnic struggle for political dominance, [but rather] the resolution of an international legal" conflict (Pettai and Hallik 2002, 510). In

fact, the 1991 declaration of independence showed the discourse of those years, most notably the continuity of the Estonian Republic under international law, through the "national independence of the Republic of Estonia and restoration of diplomatic relations" (Pettai and Hallik 2002, 512). Once a compromise was stipulated between the Supreme council and the Congress for the formation of a Constitutional Assembly and the drafting of a new constitution (Pettai 2001, 120; 2001a, 112), the debate around the boundaries of citizenship, between restorationist conservatives and the more tolerant Front, was won by the former (Järve and Poleshchuk 2010, 3). In fact, as anticipated, in 1992 a 1938 version of the Citizenship Act of the inter-war republic has been re-enacted, with the aim of recreating a past citizenry (Ott, Kirch and Kirch 1996, 27).

The possibility of disenfranchising a large part of the population within the same state has been possible due to the ideological consideration that what was taking place in Estonia during the previous decades was a struggle between a titular, indigenous nation and a foreign power, whose illegal migrants inhabiting the territory. In fact, to the Russian-speakers, the status of a national, or even only ethnic minority, was denied: they were regarded as colonists, transients, newcomers, legalized metics and finally illegal (Martynova 1999, 106; Pettai 2002, 267; Smith 2003, 5). Added to this, among the Estonian population and *élites*, psychological considerations of being less than one million and not counting on a significant diaspora abroad for gathering exiles contributed to the idea that some compensation for past actions (even considering the modification of the ethnic make-up) was necessary (Duvold and Berglund 2014, 347) and, therefore, that the alleged 'disloyalty' of the now-formed non-Estonian minority was somehow ascribed to it (355). The restorationist doctrine employed then

> descriptive terms whose discursive effect […] [was] to create polar identities and to work against the [formation of] multiple complementary identities that make democratic life in a *de facto* multi-national state possible (Stepan 1994, 135).

The consequences of these years of the foundation of the Estonian state ended in a growing of hostility and anxiety among populations, defined in ethnic terms (Kirch, Kirch and Tuisk 1993). In a referendum hold in 1992 to decide whether Russian residents already applying for Estonian citizenship should been allowed to vote (their number was very small, around 5017), in the silence of the political institutions a short majority of 52% voted against (Stepan 1994, 138) and certificated the (slight) popular support for the establishment of an overwhelming ethnically Estonian citizenry (Pettai and Hallik 2002, 512). Another legal justification of the predicament of the Russian-speakers' minority was the regime of the *Gastarbeiter* (guest worker), already present in Germany, Austria, or Switzerland, with high thresholds for naturalization (Duvold and Berglund 2014; Stepan 1994, 134). The significant difference with the condition of foreign workers in European countries (beyond its specific evaluations), however, is that the Russian-speakers were a national minority, trapped by border and sovereignty changes (Duvold and Berglund 2014, 346; Rabinowitz 2001). Moreo-

ver, this exclusion undermined the establishment and the original democratic legitimation of Estonia's political institutions, since, with the words of Stepan, it

> was especially serious in that only people who were citizens by 1992 could vote in the September 1992 parliamentary and presidential elections, organize political parties, and be elected to office. In effect, the citizenship law disenfranchised almost forty percent of the population of Estonia during a key foundational moment (Stepan 1994, 134; cf. Pettai 2001a).

Accepted by international actors as, indeed, a compensation from years of Russification and oppression (Lauristin and Vihalemm 2009, 10–1), this ideology wiped out the possibility of the so-called 'option zero', proposed by Savisaar himself and adopted, for instance, in Lithuania (inhabited by a lower rate of Russophones and other minorities and where in 1989 citizenship was granted to all the residents in the country, cf. Solska 2011, 1091), which might have favored the representation and inclusion of the minorities in the polity. In fact,

> at the referendum on independence in Estonia in March 1991 there were 1,144,309 persons with the right to vote. During the referendum on the Estonian Constitution in […] 1992, after the adoption of the first Citizenship Act, the reported number of eligible voters was 689,319, or only about 60% of the 1991 figure. Consequently, 454,990 adults had been disenfranchised […]. It was […] not surprising that the Parliament elected in 1992 was 100% ethnic Estonian (Järve and Poleshchuk 2010, 4; cf. Pettai and Hallik 2002, 513).

This radicalization or polarization of ethnic diversity, also readable with the lens of ethnic outbidding (Smith 1999, 511; 2003, 12), was galvanized by the new Prime minister Laar and its Pro Patria party (governing between 1992–94, and then 1999–2002; Hiden and Salmon 2014). Moreover, the whole political discourse of the restorationist ideology, together with the consideration of the Soviet annexation as breaching international law, relied on a perceived demographic threat towards the Estonian ethnic group. These demographic fears, just similarly to the Zionist example, were reinforced through the memories of mass deportations, war, population decreasing and the possibility of the 'extinction' of the nation (Stepan 1994, 133). The 'minorization' of the enemy, namely a diaspora minority connected to a close and menacing state, and past oppressor, was thus seen as a sort of revenge for the past and as a necessary means in order to defend the nation against 'illegal migrants' (cf. Smith 1999), regarded as fifth columnists (Järve 2005, 65), as the largest colony of citizens of the Russian Federation outside Russia (66). In other words, the restorationist idea is then based on the need of a kind of historical compensation (Pettai 2001a), that combined ethnic boundaries redefinition through language policies (albeit with some inevitable contradictions) and a nationalist political project. According to the restorationist ideology "the Soviet Union had illegally occupied Estonia and Latvia and so Soviet-era settlers and their descendants had no legitimate claim to political rights" (Taube 2001, 94). For these reasons, through the 1992 constitution and the citizenship law of the same years, as already anticipated,

Estonian citizenship was granted only to the descendants of citizens of the interwar republic and leaving

> a large portion of Russian-speakers who were born in […] Estonia or had spent most of their lives in these countries without citizenship. This left a legacy of 'non-citizenship' that, although slowly decreasing over time, has affected the minorities' social and political inclusion (Cianetti 2018, 319–20).

This was indeed justified by the consideration of the 'continuity' between the interwar Estonian Republic and the newly independent state (albeit during the Soviet period, Finland and Sweden have recognized annexation, and *de facto* also Britain and France did so; cf. Hughes 2005, 747). Although the legal continuity of successor countries, after an external conquest and illegal occupation (Hughes 2005, 746; Smith 1996; cf. Pettai 2001a), would be not historically acceptable (considering the authoritarian nature of the state in the late 1930s and the collapse thereof in the Second World War), the idea of the reconquest from Moscow was nevertheless powerful (cf. Pettai 2001a). It delivered "a legal device for an administrative ethnic cleansing of the citizen body, purging it of Russophones […], and consolidating […] political and economic hegemony" (Hughes 2005, 748).

After a first exclusion based on past citizenry irrespective of population changes on the ground, the most relevant instrument excluding the minority from the process of naturalization were language policies. Anyway, some authors have pointed out the importance of the 1993 Law on Cultural Autonomy, especially in comparison to the 1925 Law on Cultural Self-Government for National Minorities. However, the continuity is questionable, and the law has been defined as a "pale imitation" only of the 1925 measure (cf. Smith 2016, 102), foremost because its application is restricted to Estonian citizens, then cutting off the Russian stateless people, as I am going to explain (Järve and Poleshchuk 2010, 4). Anyway, also looking at the 1925 Law, some concerns could arise regarding its capacity to deal with national minorities properly. In fact, the Law was originally enacted for the German, Jewish, Swedish, and Russian minorities (with the Swedish and Russian people territorially concentrated, and the capital Tallinn of mixed population). In fact, after an official request of at least 3,000 persons from a voluntary list of ethnic group members, non-territorial autonomy settlements with legal corporations of self-government in education policies could be established (Smith 2016, 89). This was a unique legislation in the inter-war Europe, with only partial connections with the Ottoman *millet*. After a voluntary enrolment on a list, a cultural council and government (to be based in Tallinn and subordinated directly to the Interior Ministry and thus government veto) may be established (Smith 2016, 94). Under the Law, the Germans in 1925 (the most powerful minority in Estonia at that time, due to the German language, prominent in education and culture, and the corporatist thinking of their *élites*, inherited by the Tsarist period, cf. Smith 2016, 92) and the Jews in 1926 acquired their autonomous status, especially due to their representatives within the European Nationalities Congress—an international

body parallel to the framework of the League of Nations (Smith 2016, 90). Just like the Russian-speaking minority nowadays, neither at that time the Russians applied for the non-territorial autonomy, considered by them, at least initially, as an instrument of isolation of rich small groups and financially non-rewarding for their divided and impoverished communities (Smith 2016, 91). In the following years, nevertheless, even the German and Jewish institutions, which at the beginning enjoyed transversal support and a consistent role in authoritative competences, went under severe restrictions (Smith 2016). In fact, the 1934 second constitution of the republic and the following *coup* of the President of the Republic Konstantin Päts, pushed for a sharp 'Estonization' of the country. In the same period, the Russians applied for non-territorial autonomy, but their request was rejected (Poleshchuk 2015, 233; Smith 2002). The German bodies could survive thanks to the linkages between Päts himself and the Nazi regime (Tuchtenhagen 2008, 92), but were then repressed after the German occupation (cf. Poleshchuk 2015, 231), the subsequent policies of 'repatriation' and the mass exodus of the Baltic Germans 'back' to the Reich in 1939 (Smith 2016). Moreover, the genocide of the Jewish communities in Estonia tragically ended the remainders of their autonomous institutions.

Having or not contributed to reduce ethnonational tensions in the country, this brief history of the non-territorial autonomy in Estonia is useful in order to grasp the contrast of this vision of the non-territoriality of the nation and the subsequent territorialization of ethnicity, carried out by the Soviet occupation. In fact, the theoretical inspiration of the 1925 law came from the Austro-Marxist school of Bauer and Renner, and their proposal of non-territorial autonomy for oppressed nationalities, rather than the formation of ethno-federal republics according to the Bolshevik and communist model (Lagerspetz 2014, 461), substantially biased by Russian control (McGarry and Lieven 1993, 62). This double theoretical and historical legacy, in fact, profoundly shaped the Estonian interplay between ethnicity and the territory (cf. Ammassari and Montanari 2003). Through the presence of, during the Soviet period, the Estonian nomination (but only for ethnic origins) on internal passports, the Soviet authorities contributed to the consolidation of the Estonian ethnic identity, by promoting affirmative actions for indigenous *élites* in the peripheries of the empire, who "in turn promoted local interests" (Järve 2009, 45; Järve and Poleshchuk 2010, 2). Combined to this process of co-optation and hegemonic control, the civic Soviet nationality through the (forced) development of the *Homo sovieticus*, especially but not only within the working class, was the main ideological propaganda of the communist regime (Hughes 2005, 746; Järve 2009, 45; Kirch, Kirch and Tuisk 1993, 174; McGarry and Lieven 1993, 62; Steen 2000, 74). For this reason, when the opposition to the centre occurred, it could have necessarily taken the form of the indigenous resistance at the beginning (e.g. with few mixed marriages; Kirch, Kirch and Tuisk 1993, 174) and only then that of a national struggle for independence. In fact, according to Poleshchuk,

> ethnic [indigenous] identities were reinforced by Soviet 'nationality policies' which combined promotion of civic identity (the Soviet people) and use of the

Russian language ('language of interethnic communication') with affirmative action measures to support 'titular' ethnic groups in their homelands (2015, 236).

The ethnicization of the political, cultural, and economic conflict with the centre was indeed galvanized by the territorialization of ethnicity through the ethno-federal organization of the Soviet Union (cf. Martynova 1999, 87; Steen 2000, 69). In the years of the dissolution of the Union, consequently, ethnicity was thence ideologically used for opportunistic reasons and mobilizing mass support with the purpose of independence by the same co-opted élites, their self-interests (Steen 2000, 70) and own powerbases (McGarry and Lieven 1993, 71). In fact, it was the overlapping of the protests against communism and the external domination which reinforced the ethnic dimension of the opposition (Lagerspetz 2001, 406), struggling against the central domination of the Communist Party, and exasperated during the Stalinist period with its economic and mass-transfer policies, and despites all the federal architectures (McGarry and Lieven 1993). Also, it was precisely the claim for a homogenous social consciousness of the titular nation which pushed for the adoption of a citizenship legislation which excluded the minority associated with the foreign dominance, and then trying to avoid that the ethnic cleavage was reflected in the institutional politics (Lagerspetz 2001, 410). This was necessary for structuring the political competition in a certain way, with the words of the sociologist Mikko Lagerspetz (2001, 412):

> [the] identity of a member of the 'nation' has pushed into the background or delegitimized other possible, class- or interest-based identities; the people defined as non-members (i.e., the immigrant population) are without citizenship and, consequently, without direct influence in the political sphere.

Having clarified the meaning of ethnicity, restoration, and the crucial legacy of communism, it should be now clear how language has operated as an instrument of dominance with the purpose of preserving ethnic homogeneity through the political containment of Soviet era settlers (Järve 2009, 46), and for not sharing the political power with them, through justification of past discriminations. Anyhow, it could be also curious to note that, in the re-shaping of citizenship boundaries, the political project sometimes overcame the ethnic dimension. In fact, as pointed out by some authors, the 1992 Citizenship law did not rely entirely on ethnic considerations: "only pre-1940 nationals and their descendants, regardless of their ethnic identification, were entitled to acquire Estonian nationality by registration" (Järve 2009, 46). Indeed, even a small number of Estonians noncitizens in 1940 were discriminated (Järve and Poleshchuk 2010; echoing the limit to democratic pluralism in ethnic constitutional orders also for the members of the dominant group, as I have underlined previously). Finally, although the ethnic divide is usually exploited in order to overcome other divisions, during and after the transition from 'real socialism' to the 'new order', the alienated minority excluded by the new political community overlaps with the economic 'losers of the transition' (cf. Betz 1994).

To conclude, in this paragraph I have investigated the political potential of the ideologies of Zionism and legal restorationism, posed under a constructivist-structural approach towards ethnicity, by underlining their historical and political making. I have thus outlined how ethnic entrepreneurs and political circumstances encouraged the politicization of ethnic differences. I will now examine how these ideologies operate in practice, in the articulations of ethnic domination explained in the previous chapter.

### 3.3 First dimension of ethnic domination: state and citizenship policies

### 3.3.1. Israel: (i.1) state centrism and minority separatism, (i.2) discriminating citizenship policies and Basic Laws

In this and the following paragraphs, I will therefore investigate the examples of Israel and Estonia through the variables and dimensions of ethnic domination individuated in the second chapter. In these first two sections, I will analyze the first dimension of ethnic domination (state and citizenship policies). For the case of Israel, I shall look at some public documents and decisions of the Supreme Court, in order to search evidence for, respectively, the variables of (i.1) *state centralism and centrism (absence of territorial divisions, no territorial autonomy for minorities and centralization of all relevant decisions)* and (i.2) *hierarchizing and exclusivist citizenship (policies disenfranchising or discriminating minority groups, weakness of rights and constitutional reference to the right of self-determination by the dominant ethnic group)*.

As far as the first variable is concerned, the importance of the state as an instrument of the hegemonic group was enshrined since the 1948 Declaration of Independence. In fact, Kimmerling (1999) observes that the language of democracy and explicit mention of the Arab population ("to preserve peace and participate in the upbuilding of the state on the basis of full and equal citizenship", Declaration of Independence of the State of Israel 1948) might be misleading. In fact, when dealing with the prohibition of discrimination, the document is clear in specifying discrimination based on race, creed, and sex, whereas 'nationality' or 'ethnicity' are not included, thus anticipating the exclusivist understanding of the self-determination of the Jewish ethnic nation in the land of Israel (1999, 350). In the meanwhile, another process of sectorization and spatial ghettoization of non-Jewish citizens was put in place, by conferring 'special rights' to separate religious communities of Muslim and Christian Arabs—*de facto* treated apart and inferiorly than Jews—as being administered through separate quasi-colonial agencies and segregated schools (van den Berghe 1987, 232). Indeed, according to van den Berghe and others, the principle of religious (and then, non-territorial) autonomy, implemented in private law, ended in a system comparable to the most authoritarian features of the Ottoman *millet*, within an asymmetrical structure of power and a tight community endogamy (1987; cf. Dieckhoff 1999, 168). In fact, the state is territorially undivided, highly centralized, and powerful in the economic and financial policies—all features

which encourage the domination of the majoritarian ethnic group and reinforce its political hegemony.

Regarding the second variable, (i.2) hierarchizing and exclusivist citizenship policies, a fundamental step after the 1948 war and the official establishment of the state was the Citizenship Law of 1952—passed after two different votes by the Knesset in 1949 and 1951. This law, dealing with the main aim of the formation of the State of Israel as anchored to the independence declaration ('the ingathering of exiles'), represented the first evident contradiction between the universalistic approach of some parts of the declaration and the Jewish self-determination principle, galvanized by the Zionist ideology, in order to achieve a 'Jewish state'. Both positions, in fact, were present within the Mapai party (even with some favorable attitude towards voluntary or forcible Arab population transfers and authoritarian and chauvinist approaches towards nation-building; cf. Pappé 2007). In other words, the trend was that the new state had to be structured as a 'pure' Jewish community—not only as a safe place for Jews' diaspora, then theoretically 'open' also to other citizens (Dieckhoff 1999, 164–5). *Prima facie*, one could judge differently this process, being Israeli citizenship quasi-automatically granted to those Palestinians remained in the country (1999, 166). Anyway, this measure should be read in conjunction with the military rule over Arab population and the negation of its basic rights, which remained in force until 1966. In fact, citizenship concession through naturalization was part of the mechanism of ethnic domination, and co-optation of minority *élites*. Moreover, under the Law on Absentees' Properties, approved in 1950, all the lands of Palestinian refugees were expropriated (and then consolidating the impossibility of their return in Israel, by creating 'facts' on the ground). Furthermore, confiscations regarded more than half of the same Israeli Palestinian citizens' properties and continued progressively during the decades (Dieckhoff 1999, 166; Jabareen 2014, 203). In short, even in the frame of the 1952 Citizenship Law, the restrictive requirements for granting citizenship were clearly and ethnically asymmetrical: for the Palestinians (even if born in the territory of Israel), they included the continuous residence in the country since 1948 until the entry into force of the law (Dieckhoff 2005, 72), while Jewish population in whatever part of world enjoy an unconditional right to it (1999, 167), without any cultural or 'allegiance' criteria, though by proving their Jewish descendance only. The third fundamental constitutional document, after the Citizenship and Absentees' Properties Laws, is the 1950 Law of Return. This law, inheriting the conception of the unconditional Jewish right to emigrate in Israel, prescribed that every Jew, together with their non-Jewish family members, once arrived in the country, could automatically obtain Israel's citizenship. The principle of *ius sanguinis*, at least in its feeling of putative common origins, is here intensified, as blood descendance could persist for many generations. A parallel 'right-peopling' policy has been moreover implemented in the new state (McGarry 2010), by denying citizenship to Palestinians born in Mandatory Palestine and forced to leave, whilst absorbing millions of Jewish 'returnees' (Ghanem 1998, 434; cf. Jabareen 2014, 201). As anticipated, for new immigrant citizens no "fulfilment of

any civic condition" is prescribed (Berent 2010, 663) and relevant fiscal exemptions and 'public' incentives are provided, under the help of the Jewish Agency of the World Zionist Organization, both recognized by the state as 'national organizations', albeit disconnected from the democratic or electoral processes, though financed by the contributes of the diaspora—and fundamental actors for purchasing and managing public lands (Dieckhoff 1999, 168; 2002, 135). Furthermore, as reported by Shafir and Peled, a 1970 amendment to the Law of Return stipulated that one Jewish grandparent was enough to entitle a person and their spouse to the privileges of Jewish citizenship (1998, 413). From a more theoretical point of view, and then connecting our considerations on ethnicity in the introduction with the notions of 'race' and racial discrimination, some scholars affirm that the Citizenship and the Law of Return established in Israel a kind of 'colonial citizenship', namely "a form of citizenship based on ethnic hierarchy, which is built on institutional discrimination that leads to vulnerability, domination, and control on matters that make the citizen a citizen" (Jabareen 2014, 192). Indeed, after that what Jabareen calls the 'Hobbesian moment' of the 1948–49 war, the Israeli citizenship policies were against the historical and theoretical premises of the Westphalian (and thus contemporary) constitutional order, based on *territorial* (rather than ethnic) state sovereignty (p. 194, and no more on the principle of *cuius regio eius religio* of the 1555 Peace of Augsburg). They were so because of implementing an institutional order based on behalf of the dominant ethnic group and not state boundaries, which underpinned citizenship granting to the Palestinian population, subjected to the expression of loyalty to the new Jewish state, Zionist policies, and the self-negation of its identity (Jabareen 2014, 205).

Decades later, during the 1990s, when the academic and political world went through a common optimism for liberal constitutionalism, democratization and then also minority rights, especially for the declarations of international organizations, this first dimension of ethnic domination seemed to soften. In our case, as summarized by Shafir and Peled (1998, 409), the 'new Israel' of the 1990s saw an increasing economic liberalization and the end of the collectivistic management of the state economy, and a new wave of Basic Laws, namely the 'Basic Law: Freedom of Occupation' and the 'Basic Law: Human Dignity', reinforcing, as we will see, the system of judicial review of the Supreme Court. These two changes were deemed to reduce the two variables of the first dimension of ethnic domination. However, focusing on the Basic Laws, albeit they introduced a sort of bill of rights, in the purpose section of the documents the 'nature' of the State of Israel was openly defined for the first time, thus restricting the scope of application of these *quasi*-constitutional laws. And this aim was one of ethnic exclusion, veiled by an ambiguous terminology. Anyhow, for an external observer, the exclusion of the Arab members during the related parliamentary sessions is a significant aspect in this sense (Ghanem 1998, 280). Indeed, despite the appearance of having constitutional documents protecting human rights, the *raison d'être* of the Basic Laws was indicated in the purpose section of the act:

> The purpose of this Basic Law is to protect human dignity and freedom [in the case of the other Basic Law, 'to protect freedom of occupation'] in order to anchor in a Basic Law the values of the State of Israel as a Jewish and Democratic State (quoted in Jamal 2005, 4).

A huge debate flourished around the meaning of the "Jewish and Democratic State" formula (e.g. the ethnic democracy-ethnocracy debate mentioned before), taken by the terminology of the Jewish state of the 1948 declaration of independence and an amendment of the 1985 Basic Law regarding the functioning of the Knesset (cf. par. 3.3.1). The Jewishness of the state has then been ruled by the Supreme Court in 2002, and it should consist, in the reasoning of the Chief Justice Barak, in the maintenance of a Jewish majority in Israel, the right of the Jews to immigrate, the ties with other Jewish communities outside Israel, and the leverage of Hebraic culture (in Dowty 1998, 180; 1999). Besides the problematics concerning an ethnically restricted right to migration, it is not clear how a majority of Jewish could be maintained forever with democratic means, one could argue. In fact, since the end of the 1990s, this optimism ran out, and was tragically overcome by the eruption of the Second Intifada, where the actions of police forces even against Israel's Palestinian citizens were never punished, as reported before (cf. par. 3.1; Jabareen 2014, 208). Also, from a legal point of view, another step towards the ethnicization of the society and the radicalization of the conflict even within the Green Line was a temporary order called 'Nationality and entry into Israel Law', amending the Citizenship Law (first in 2003, then in 2007 and renovated afterwards). In fact, it prevented from granting Israeli citizenship or even only residence permit to Palestinians in the occupied territories or 'enemy states' (Iraq, Iran, Lebanon and Syria), including those with Israeli citizens as close relatives. In practice, it banned family unification (Peled 2005, 103; 2011, 97–8; Peled and Navot 2005, 16; cf. Jabareen 2014).

In this tightening of the condition of the Arab minority, the Supreme Court, sometimes recognized as a 'bastion of liberal Zionism' (Peled 2011, 97; cf. Jamal 2005), continued to have an ambiguous position in the political system. To start with, as recognized by Edelman (1994, 13), its role in the Israeli constitutional system, without a written constitutional charter, is unclear, only progressively defined (e.g., through comparisons with legal reasonings of other courts, especially of common law tradition), and ultimately influenced by the strength of the political power. Indeed, albeit a kind of judicial review was formulated since the judgment Bergman v. Minister of Finance (1969), when the Court declared invalid a law approved by the Knesset against a Basic Law, this instrument had a very difficult story. Only since the 1992 Basic Laws, its judicial review was expressively codified (p. 27). However, before the 1990s, the Court shared a tight view of the definition of the Jewishness of the country. In the 1960s, indeed, in the case of Rufeisen/Brother Daniel, who wanted to be registered as Jewish despite his conversion to Christianity,

> the Court rejected the plea and separated the secular meaning of being Jewish, according to the Law of Return and all other civil laws, from its religious

meaning according to the laws of personal status administered according to the *Halakha* (the rabbinical law; Kimmerling 1999, 351).

Rabbinical courts could then decide according to the *Halakha*, on who should be defined a Jew. Few years later, moreover, in 1972 the Court refused to identify a person only as 'Israeli', "identity [deemed] without any legal sense" (Dieckhoff 1999, 168; 2005, 73). But the orientation of the supreme tribunal changed in the 1990s, under the presidency of Justice Barak, even active in public debates. The most important case was the judgment Qa'dan v. Katzir/Israel Lands Administration *et al.* (1995–2000), where an Israeli Palestinian citizen Qua'dan appealed to the Court since he had been prevented from leasing state land because of not being a Jew. For the first time the Supreme Court ruled against the process of Judaization of the land and thus in favor of Qa'dan, by condemning these state discriminatory policies and the actions of non-governmental 'national' institutions (like the Jewish Agency) with very revolutionary words:

> a policy of 'separate but equal' is by its very nature unequal […] [because] separation denigrates the excluded minority group, sharpens the difference between it and the others, and embeds feelings of social inferiority (par. 30 HCJ 6698/95, quoted in Peled and Navot 2005, 13).

Anyway, the Court was clear in restricting the effect of the ruling on the specific case of reference, and it was thus criticized by both sides because of its lack of a more general condemnation (Dieckhoff 2005, 74; Peled 2011, 97; Yiftachel 1998, 1999, 2006). A similar approach led another important judgment, Adalah *et al.* v. Municipality of Tel Aviv-Jaffa *et al.*, where the principle of 'liberal equality' was interpreted within the Jewish character of the state (Jamal 2005, 5). As we will see in the next paragraph on Israel (3.4.1), the liberal orientation of the Court was more evident after the 1990s, in cases concerning attempted disqualifications of Arab parties.

### 3.3.2 Estonia: (i.1) state centrism and ethnocentrism, (i.2) minority disenfranchising citizenship and language laws

I will now examine the first dimension of ethnic domination, concerning the state and citizenship-related policies in Estonia. To begin with, the first variable here is directly connected to the rejection of any kind of territorial self-government, at least in official and defined terms, for the Russophones inhabiting the Eastern border of the country. In fact, I have already mentioned the cultural autonomy law in the first paragraph of this chapter and how these two issues are directly interrelated. As I tried to show, often a non-territorial autonomy, without clear self-government provisions, could be only a means to pursue and reinforce fragmentation, which facilitates the domination of the hegemonic group. Anyway, the 1993 Law on cultural autonomy of national minorities did not apply to noncitizens, at that time in overwhelming majority composed by the Russian-speaking population (Järve 2000, 2005, 69; cf. Duvold and Berglund

2014, 352; Poleshchuk 2015). The legal basis of that law was the article 50 of the 1992 constitution, which states that

> national minorities have the right, in the interests of national culture, to establish self-governing agencies under conditions and pursuant to procedure provided by the national minority cultural autonomy act (Smith 2003, 15).

Another means of exclusion, we have already seen, is that the definition of national minority was denied to the Russophone population. However, the effort of the Estonian's government was to emulate the 1925 law on non-territorial autonomy, also in order to obtaining international legitimation. Notwithstanding the historical discrepancies also in the application of the first law, the re-enhancement of this measure had a symbolic reason and a reduced application, especially on the education sector. For these measures, to 2019 only Ingrian Finns in 2003 and the Swedish minority in 2007 applied for non-territorial cultural bodies. The structure of the law itself, in fact, was very different than its counterpart in the 1920s: while public funds were not necessarily granted, it remained only the right to request public financial help—similarly to what already prescribed for other NGOs (Poleshchuk 2015, 241). Moreover, the same definition of national minorities, within the law, was partisan: "national minorities as consisting of Estonian citizens with a distinct ethnicity, culture, religion or language", with "long-term, sound and permanent ties with Estonia" (Lagerspetz 2014, 458). As it is evident, the real purposes of the law were purely cosmetic, not undermining the establishment and consolidation of the monoethnic nature of the state (Lagerspetz 2014, 466; Osipov 2015, 227). And the results of the implementation of this law are very meagre, definitely not enough for any comprehensive minority protection mechanism, or standards of human dignity. Anyhow, this measure has to be seen in conjunction with the reluctance of the High Commissioner van der Stoel of conceding territorial solutions in ethnic conflict disputes and minority protection, as I will better explain in the fourth chapter (cf. Zaagman 1999, 13). This international endorsement of avoiding solutions related to territorial autonomy, and the contemporary escalation of ethnic relations, was central for the purposes of the 1993 referendum in Narva and Sillamäe, the two main cities populated by a big disenfranchised majority of Russian-speakers (and, for Narva, separated by the Russian city Ivangorod only by a river, with even some controversy concerning the border since the 1917 referendum that unified the city to the rest of Estonia; cf. Smith 2002, 89), to be hold together with local elections. Albeit with a low turnout and some procedural irregularities, 90% of voters were in favor of some forms of territorial autonomy (Smith 2002, 97). Anyway, the Supreme Court of Estonia declared the referendum illegal (Järve 2005, 74; Johns 2002, 115; Ott, Kirch and Kirch 1996, 23; Pettai 2001a; Zaagman 1999, 25). Even if initially proposed by the local governments against state independence (Smith 2002, 94), since the referendum the separatist tendencies of that remote part of the country increased (Włodarska-Frykowska 2016, 154). For what concerns the relationships between the ethnic state and the territory, it should be also remembered that the same restorationist logic was applied to

the acquisition of property by purchase, and property rights of indigenous people were also restored (Solska 2011, 1092).

I shall now explore the second variable, regarding more directly citizenship policies—the most critical aspect for the Estonian case, especially in the first years after independence and democratization. In fact, it is mainly on citizenship (and then on political participation) that ethnic domination practices developed and consolidated, thus forming what Cianetti calls the 'ethnic hollowness' of citizenship (2018). In fact, the exclusion of minority groups from citizenship is clearly a feature of ethnic domination. In the words of two remarkable scholars, this exclusion was a part of a segmentation plan in order to deliver the control of the Russian minority (Pettai and Hallik 2002, 506). When looking at the constitutional articles, the ethnic ascendency was indeed visible—especially if one consider the multinational reality on the ground—with privileges based mostly on language (see article 6: "The official language of Estonia shall be Estonian"; article 36: "Every Estonian shall have the right to settle in Estonia"; article 37: "All persons shall have the right to instruction in Estonian"; article 51: "All persons shall have the right to address state or local government authorities in Estonian and to receive answers in Estonian"; article 52: "The official language of state and local government authorities shall be Estonian"; Järve 2005, 68–9). It was because of the EU influence, and only after some years—albeit this process is not without critiques (see the fourth chapter)—that this control was moderated:

> EU's conditionality played [in fact] a role in moderating Estonia's ethnopolitical situation. Estonia did not become an explicitly binational or even multicultural state, but its degree of 'ethnic control' or ethnopolitical imbalances was reduced (according to Pettai and Hallik 2002, 508).

Anyhow, the restoration of the pre-Soviet independence, the consequential disenfranchising of a third of the resident population and the monoethnic character of the first democratic parliament could grant "a *carte blanche* for Estonian-centered state- and nation-building" (Agarin and Regelmann 2012, 449). This process of marginalization was facilitated by the fact that "Russian-speakers have a more weakly organized civil society, [and that] they have [since the first election] a proportionally lower representation in parliament" (Cianetti 2018 320). This evolution led to a minority population with a "weak sense of national identity, a lack of effective political entrepreneurs, and state-created disincentives to mobilize combined with state-created incentives to join the respective polity" (Commercio 2008, 85). Moreover, the constitution itself guaranteed explicitly human rights for migrating persons, but not for residents and stateless individuals (Martynova 1999, 92). This disenfranchising pursued by the 1992 Citizenship Law (then amended in 1995, as I will explain in this paragraph) and its enhancement of the principle of *ius sanguinis*, was difficultly overcome by naturalization policies, due to the severe language criteria enshrined in legal documents and practices. In the transition, in fact, the hope of the central government was that "a third or so [of Russian speakers] will become Estonian citizens, a third may remain here with Russian citizenship, and at least a third

will leave" (Lieven 1993, 377; cf. Järve and Poleshchuk 2010, 6). With this purpose, the possibilities to obtain Estonian citizenship were either to have the citizenship of the inter-war period, by birth but only from an Estonian citizen, or through naturalization with criteria including residence years (two before the application and one after that); in the same frame, dual citizenship was forbidden (Järve and Poleshchuk 2010, 10) and citizenship loss, deprivation or ban targeted especially naturalized non-Estonians (p. 11; Järve 2009, 53).

Anyhow, at least at the beginning of the 1990s, the only real possibility for the minority to affect the political realm was voting for local elections, remained in the constitution also for permanent residents (art.156; cf. Cianetti 2014, 91). However, even this right was undermined by the 1993 Aliens Act. This law would have been made the obtainment of the Estonian residence permit not automatic for Russian-speakers, which feared to become illegal in their country. It was thanks to the intervention of the OSCE (which Estonia joined in 1993) and its High Commissioner on National Minorities that the most rigid measures of the Aliens Act were removed, thus avoiding the risk of the overwhelming part of the minority of shifting from noncitizenship to stateless. Nonetheless, in the management of the minority group at the Eastern border, the politics of the government was often one of co-optation, even if one considers the concession of citizenship to the Russian-speaking *élites*, a practice inaugurated by the Vähi government, which granted Estonian citizenship to local leaders for special service and thus enabling them to run for local offices and be elected (Järve 2002, 74; Smith 2002, 96). The region, in fact, was characterized by a kind of *de facto* autonomy from the center (Duvold and Berglund 2014, 352), especially with a depoliticization of minority issues, the relative freedom in the business sector and the co-optation of local *élites* (Smith 2016, 100). Even though in 1993 the Aliens Act was softened by international pressures, the 1995 New Citizenship Act made the requirements for naturalization even more demanding, together with other electoral requisites in 1997 (Pettai and Kallas 2009, 108). Before that, in the application for the naturalization procedure, a requirement of two plus one years of residence was adopted (Järve 2009, 48). However, the new conditions for naturalization were the

> residence in Estonia on the basis of a permanent residence permit issued at least five years prior to the date of written application for Estonian citizenship, and at least one year after the registration of the written application […]; and a test on the knowledge of the Estonian Constitution and the Citizenship Act (Järve and Poleshchuk 2010, 5).

Although the number of years required was afterwards removed, after the law the rate of acquisition dropped, especially for the fact that residents born in Estonia were initially discouraged by the language tests established by the 1992 Law (Martynova 1999, 94; Pettai and Hallik 2002, 514; cf. Agarin and Regelmann 2012, 449).

Important changes took place in 1998, when naturalization was eased for children born from stateless parents and students who completed school

education in Estonia (Agarin and Regelmann 2012, 452; then fixing a possible violation of the International Covenant on Civil and Political Rights). In 1997, the country ratified the Framework Convention for the Protection of National Minorities and softened the language test in the 2000s (by excluding it for people with disabilities in 2002 and in 2009 with European Commission funded courses of Estonian, issuing certificates valid for naturalization; Järve 2009, 50). Moreover, in 2002 amendments to language laws also allowed the use of foreign languages at the local level. All these improvements included a series of integration programs, implemented by the government since the end of the 1990s. These programs have been diversely evaluated by scholars, such as Pettai and Hallik, who consider them the mere integration of moderates in the ethnically defined game (Pettai and Hallik 2001, 520). Anyhow, these integration programs showed an important change in the political party arena, under the more moderate and liberal Siimann's cabinet in 1997, although in 1999 Laar returned to the power (it should be remembered that he would probably not have been elected if the minority had been allowed to vote, just like in 1992; cf. Pettai and Hallik 2002, 525). During Siimann's cabinet, with a funding of the equivalent of 1.4 million euros from the EU (Pettai 2001a, 275), a ministerial post was designed for dealing with ethnic issues, within the Bureau of the Minister of Population Affairs, and then assigned to Veidemann. The basic purpose of the first integration program was, with a strong leeway of the government, the enforcement of Estonian teachings in the Eastern part of the country, and it remained as such even in the following documents of the 2000s, e.g., 2008–14 and 2014 up to date (cf. Poleshchuk 2015, 242; Włodarska-Frykowska 2016, 159). This was considered necessary for pushing for the so-called 'Estonian version' of multicultural society, with "an individual-centered approach, [around] a common societal Estonian core" (Solska 2011, 1096), focused only on individual and not group or minority rights (Pettai and Hallik 2001, 522). Similarly, Cheskin argues that in the programs there was nothing concerning social integration or the negative attitudes of the majority group towards Russian-speakers (2015). The implementation of the so-called 'Estonian multiculturalism' was therefore controversial. In the second package (2008–13), the aim and structure remained similar to the first one, with stronger emphasis of the Estonian understanding of multiculturalism, in providing support for cultural activities. However, this conceptualization of minority culture was very narrow and the issues on which minority representatives can be included into the policymaking extremely few (cf. Agarin 2013). At the same time, 'Estonian multiculturalism' was deemed to be used by the ethnic core politicians to buttress majority dominance, through co-optation and without concrete implications for truly effective minority policies (Pettai and Hallik 2002). A similar arrangement remained in place for the package related to the years 2014–2020, with some specifications of the translation of television and radio programs and just a shortly mentioned consideration of social and economic rights. In fact, according to Cianetti (2015, 192),

> the inclusion of a socioeconomic dimension in the integration program was the result of political expediency on the part of the 'titular' *élites* rather than a direct response to minority needs or the consequence of a deep reconceptualization of the meaning of integration.

And that is because

> the policy makers included or excluded a socioeconomic dimension from the Integration Programs in ways that reinforced a [...] ethnocentric conceptual framework of minority integration and [...] supported the government's economic policies. [...] [It] served the multiple roles of diluting minority integration, reinforcing minority marginalization, delegitimizing redistributive claims both by the ethnic minority and by the economically disadvantaged strata of the majority, and creating symbolic barriers for the emergence of transversal (class-based) solidarities (Cianetti 2015, 193).

Cianetti names this phenomenon the 'displacement' of the most ethnically and economically discriminated groups. In fact, according to her, the displacement of this group was the main aim of the integration programs, especially when the state is active in "reproducing multiple dimensions of inequality" and the "majority tends to 'appropriate' the state", discursively and practically, albeit under a *façade* of integration (Cianetti 2015, 197). The ethnocentric nature of citizenship policies, in fact, was not abandoned by the Estonian government. For these reasons, the 2014 program "Integrating Estonia 2020" was centered on the protection of the Estonian nation, not of the Russophone minority, by considering once again the Russophones as illegal migrants (Cianetti 2015, 201). This aspect could also be observed in the exacerbation of ethnic relations in the 2007 crisis of the bronze soldier and the economic crisis of 2008, when minority policies were the first victims of severe budget cuts (Cianetti 2015, 202). In this individualistic conception of poverty and then denial of the intersecting dimensions of discrimination, the ethnonational appropriation and characterization of the state can endure.

During the last years, the naturalization of stateless people (that initially regarded one third of the state population) was slowly addressed by the Estonian government, though it remains far to be solved. In fact, the number of stateless people, considering who did not decide to apply for Russian passport, counted 12.5% of Estonian population in 2005 (Hughes 2005, 741). In 2009, their number decreased to 9% (Järve 2009, 47). Today, of 31% of non-Estonian people, 16% are noncitizen residents in the country and 7.4% stateless (with a slow decline from 32 in 1992 to 7.4% today; cf. Järve and Poleshchuk 2010; Solska 2011, 1101).

## 3.4 Second dimension of ethnic domination: executive and legislative institutions

### 3.4.1 Israel: (ii.1) limited 'consociationalism' as ethnic majoritarianism, (ii.2) no parliamentary power for the ethnic opposition

The second dimension of ethnic domination concerns more directly the political realm, by investigating governmental and parliamentary institutions.

Consequently, it includes: (ii.1) *absence of executive power-sharing, or any kind of coalition agreement between ethnic groups in order to form and guarantee a strong and unilateral majoritarianism* and (ii.2) *no participation of the ethnic opposition: feeble decision-making power of minorities in the parliament (without constitutional rights to the opposition, assured representation and veto rights)*. Analyzing the executive and legislative arenas is crucial, since, with the words of Jamal (2005, 5)

> a basic principle of democratic justice [especially in divided polities] is the participation of all members of the society not only in defining the meaning of justice but also in determining the rules according to which the discussion on the contents of justice takes place.

Taking into consideration the Israeli case, many authors consider it under the lens of consociationalism, especially for what concerns the coalition governments between Jewish parties—as a kind of informal consociational practices among secular and religious actors (Dowty 1998, 1998a; Lerner 2011; Lustick 1979, 336). With a broad perspective, in fact, Dowty started his reasoning reporting the 'Jewish historical experiences' of power-sharing among different diaspora communities especially in Eastern Europe—background then implemented in practice even before the 1948 Declaration of Independence of the State of Israel within the pioneers of the *Yishuv* (the Jewish community in Mandatory Palestine, Dowty 1998a). In fact, shortly after the establishment of the Provisional Council, almost all parties, from the Orthodox Agudat Israel to the Communist Party, reached an agreement for drafting the Declaration of Independence, applying an ambiguous terminology to avoid divisive issues and postpone difficult choices. According to Lerner, for the first time Jewish political forces showed an inclination towards the elaboration of 'constitutional incrementalism', namely a step-by-step constitution-making, diverse from the French revolutionary model, and more in line with some Burkean suggestions (Lerner 2011). Indeed, and as it is known, contrarywise to what established in the paragraph 12 of the Declaration of Independence, the State of Israel never came to approve a written constitution, so failing all the efforts of many constitutional committees, opposed by the main electoral forces, from the Labour Party to the religious ones (Lerner 2011, 56–104). All in all, even the legal prevalence of Basic Laws over other legislative acts approved by the Knesset, formally ruled by the Supreme Court only in 1995, remained contested. Except for the first 'Basic Law: the Knesset' passed in 1958, and perhaps many times amended, until the 1990s these 'semi-constitutional' laws were indeed codifications of already existing institutional and accepted practices. Anyway, if we consider the four elements of consociational democracy as firstly depicted by Lijphart (1977), informal consociational arrangements are firstly retraceable, according to Don-Yihya (1999; cf. Hazan 1999, 2004) in, respectively, coalition agreements after 1950 between secular and Orthodox parties (grand coalition), some degree of autonomy in the exemption of Jewish Orthodox students and religious women from the military service (segmental autonomy), proportional allocation of resources to religious institutions particularly in the education sector (proportionality rule), and finally Orthodox

vetoes in state-religion questions (mutual veto principle). Hazan furthermore considers the acceptation of the 'status-quo' of the role of religious actors in politics by Ben-Gurion after 1948 and the coalition agreement between Zionist-religious parties and other Zionists as semi- or quasi-consociational practices concerning religious conflicts (Hazan 1999, 2004). However, most remarkably, these practices do not apply to Jewish-Arab and Ashkenazi-Sephardi divisions. In detail, he reported the 'historical partnership' among socialist and religious Zionist parties, namely the coalition between the Labour Party and the National Religious Party, even when the Labour could have maintained a predominant position (Hazan 1999, 118). The same author is nevertheless clear in saying that Israel, considered initially as a peculiar case of consensus democracy, after the Six-Day War shifted to a majoritarian model, with the imposition of a two-party competition and finally with the new electoral law (in force between 1992 and 2001, which prescribed the direct and simultaneous election of the Knesset and the Prime Minister; Hazan 1999, 125). This competitional shift, according to Hazan, Lerner and Don-Yihya, brought the end of consociational practices, after the 1996 election of Netanyahu with the support of Shas and other ultra-orthodox parties. Even if both Don-Yihya and Lerner specify that Israel is not a full-fledged consociational democracy, because mainly Arab representatives and *élites* but also other non-Orthodox religious groups were and are excluded from the most important aspects of decision-making, it could be nonetheless useful to argue whether these conceptualizations of 'informal consociationalism' and 'incrementalism' are analytically valid *per se*. In other words, can we talk about an avoidance of deciding to establish a constitution by majority vote and linkages between clergy representatives and the state, evident in education policy for instance, as consociational arrangements? Recalling the words of Sartori of many years ago, the consociational diagnosis is a telling one if not overly extended and diluted, otherwise becoming a new and fashionable word in place of what was formerly called bargaining, incremental decision making and compromise: and this could be tantamount to saying that we are simply blunting the sharpness of the analytical tool, through conceptual stretching (1976, 160, cf. 1984). As reported by Lijphart (1979), the theoretical origins of consociational thought derive from the works of Althusius, and the consideration of a political order established by a compact between equal—and remaining as such even after the political covenant—members. Moreover, although it is true that consensus democracy is the overall framework of the most specified consociational element (Lijphart 2007), e.g. avoiding an extensive use of majority rule through compromises among political self-defined pillars (as the Dayton Peace Agreement for Bosnia and Herzegovina, the Good Friday Agreement for Northern Ireland, or the Second Statute of Autonomy for Alto Adige/Südtirol, for instance), we can observe that this is rather the opposite of informal consensual and incremental decision-making. Anyhow, one could suppose that talking about 'informal consociational arrangements' would not imply the entire conceptual framework, by thence interpreting the consociational element of those practices as isolated and perhaps with evocative characteristics only. An exclusion of a pillar of the society

from this 'consociational attitude', in our case concerning the Israeli Arab citizens, would be thus justified. Anyway, from a sketch of the category of authoritarian consociations elaborated by O'Leary (2004; cf. McGarry and O'Leary 2005; McGarry 2010), we can observe that consociational practices may occur within authoritarian governments or some forms of ethnic control, for instance the recognition of nationalities in communist party dictatorship of the former Yugoslavia, or even some forms of non-territorial autonomies, e.g. the *millet* religious self-government in the Ottoman empire, or territorial ones, defined in ethnic terms. In other words, when the consociational pact regards *élites* of societal communities not democratically elected, but indeed 'authoritarianly' ruling their segments. In Israel, contrariwise, democracy within the Jewish community, for both secular and religious parties, is fully-fledged and truly effective, and the question is that it is rather limited for citizens not belonging to (or not recognizing themselves in) the majority ethnic core. However, continuing with Sartori, talking of consociational practices among Jewish politics could be accordingly conceived as a case of 'conceptual stretching' (1984): namely, extending the consideration of 'consociational' (that is the type with all, not single) features to governmental coalitions and incrementalism could essentially dilute the category and perhaps not allow for a clear comprehension of the case. Furthermore, since Zionist ideology, even though it seems to show secular aspects, has ethno-religious roots and intellectual origins, one could wonder if a coalition between secular Zionists and religious Zionists can be considered as true proneness to 'consociational' compromise and bargaining at all. And finally, this understanding of 'consociational practices' could overlook the fact that Ben-Gurion firstly and others afterwards did not push or impose a constitution also because they wanted "free hand in dealing with the Arab minority" (Smooha 2009, 59).

After having reported how the coalitional space is restricted to Jewish parties and then depictable as ethnic majoritarianism (rather than consociationalism) in the executive formation, we shall see how Arab participation in Israeli politics is not genuine and effective but subjected to the same ethnic majoritarianism, and double standards even from the Supreme Court (cf. par. 3.5.1), which sometimes tries to limit the excesses of the core ethnic group (Jabareen 2014, 213). Majoritarianism in multiethnic states could indeed be harsher and more irreversible than in other political systems, where majorities are easily changeable. In these contexts, according to Ghanem and Rouhana, democratic participation "means that citizens, whatever their ethnic origin, have equal influence on the political system" through an 'effective political participation', while in non-democratic states this participation and parliamentary politics have only limited effectiveness (2001, 65). To this regard, executive power-sharing, or some kind of coalition agreement with Arab parties, are permanently excluded from the possibilities of governmental formation (then providing evidence for the variable ii.1). In fact, Arab parties were never considered as legitimated actors for a coalition. Only in one case, as I will underline later, for the 1992 Rabin government, some Knesset's members of the Israeli Communist Party and the Arab Democratic Party joined a Labour 'blocking majority' against the Likud,

albeit with no governmental posts, but then abandoned it in 1995 after severe protests (Dieckhoff 1999, 170–1, 2005, 76). The strong and unilateral majoritarianism pursued and obtained by the hegemonic group is one of the core features of ethnic domination in Israel: accordingly, in a deeply divided place along ethnonational cleavages, the possibility to have minority representative at least co-operating with the government (since a formal inclusion is sometimes hardly feasible) is often the basis of any democratic settlement. For what regards the participation and representation of the ethnic opposition (variable ii.2), as I will develop more in detail in the paragraph 3.5.1, the ratio of their deputies has been consistently lower than the actual proportion of the Palestinian citizens as compared to the population of Israel. This is because of a higher abstention rate among the Palestinian citizens of Israel, which are forced to regard the Israeli politics with skepticism and disillusion, and the fragmentation among several Arab lists. If all these tendencies improved during the 1990s, in the last years the isolation of the Palestinian citizens of Israel in government and parliament is getting worse (see chapter 4).

### 3.4.2. Estonia: (ii.1) from exclusion to progressive inclusion, (ii.2) some role for the (ethnic?) opposition

If we consider the second tier of ethnic domination in Estonia, we could observe a slight deviation between the tight exclusion from citizenship and the ethnocentric definition of the state as described above, and a progressive change towards an inclusion and 'mainstreaming' of minority interests. However, we should not dismiss the fact that the factionalism and some features of domination, albeit substantially 'softer' than in the Israeli example, persist among the Russian-speaking community, with insiders and outsiders *vis-à-vis* the political process (Smith 1996). In fact, there is a substantial degree of under-representativeness of the Russian-speakers among political institutions and public offices (Tolvaišis 2011, 111), also worsened by the incomplete set of political rights of noncitizens and residents. Although their rates have been reduced in the last three decades, noncitizens cannot stand for office in local elections, vote at national ones or form political parties (Järve 2000, 2005, 71). For these reasons, the progressive governmental inclusion of a party representing the interest of the Russian-speaking minority, such as the Estonian Centre Party, should be properly scrutinized and located in relation to the overall and contextual situation. In fact, according to a scholar specialized in minority representation, and directly linked to the second characteristic of ethnic domination, when hegemony pervades the political competition, a contradictory relationship between ethnic polarization and the marginalization of the minority could occur (Cianetti 2014, 87). In fact, Cianetti states that "the case of Estonia demonstrates that the de-ethnicization of politics can mean both more favorable policies for the minority and minority political marginalization" (2014, 88). In other words, the progressive de-ethnicization of parliamentary and governmental politics could lead to the partial collection of minority claims by mainstream actors as well as

the marginalization of the minority itself. In Estonia, after the disenfranchisement of 1992, Russian-speakers were indeed able to vote for the independence referendum but not for the constitution and the general election in the same year. Accordingly, by considering the first variable of the government-parliament dimension, we could observe, initially, a total exclusion from government of the minority (at that time, mostly composed by noncitizens). Afterwards, by looking also at the second variable, the Russian-speaking members of parliament, when effectively elected, were totally isolated and ineffective. In fact, due to the electoral prerequisites, permanent residents used the right to vote in municipal elections. In 1996, the Estonian United People's Party and the Russian Party of Estonia, two parties with clear Russophone electoral bases, succeeded in capturing one third of the seats in the Tallinn city council (Solska 2011, 1099). Nonetheless, the Russian-speaking minority continued to be under-represented at the national level, with 0 seats in 1992, 6 in 1995, 4 in 1999 and so on, over 101 Riigikogu members. Moreover, one should also bear in mind that "'non-citizens' membership in political parties was banned by the 1992 Constitution (Art. 48)" (Järve and Poleshchuk 2010, 5).

Afterwards, most of the Russian-speaking vote transferred to the mainstream Estonian Centre Party and Estonian Reform Party and, in the last years, mainly in favor of the former, heir of the Savisaar's Popular Front and led and dominated by him (not without some financial and corruption scandals; moreover, Savisaar has been the mayor of Tallinn since the 2007 crisis). As I will show, the Centre Party joined a government coalition between 1995 and 1999, 2002 and 2003, and then since 2016 up to the moment of drafting this thesis (2019). However, only since the beginning of the 21$^{st}$ century it could be considered as an electoral representative the Russian interests. This resettlement of the political competition away from specifically Russian minority-related issues and the collecting of Russophone voters by Estonian mainstream parties have made "the Estonian moderate *élites* […] entirely free to choose which community leaders to consult and, if need be, to disregard their opinions" (Cianetti 2014, 93). Therefore, rather than being a true inclusion of minority in government and the empowerment of their representatives in the parliament, the Estonian case remains one of ethnic domination, although softened, by the consolidation of hegemonic control through ethnic co-optation and limited pluralism in relation to ethnic issues. In this sense, it should be considered the fact that, in the northeastern part of country, citizenship was granted for special services to a consistent number of Russophone candidates, thus standing for elections through officially exceptional measures. In fact, the Centre Party does not have the interest to broaden the participation or mobilization of Russian-speakers, but its more tolerant attitude was enough for consolidating its Russophone electoral bases and undermining the electoral potential of other Russian parties. It is tantamount to saying the "the failure of [other] Russophone parties to establish a significant representative presence meant that ethnic-based demands were reabsorbed by the mainstream parties (predominantly the Centre Party)" (Cianetti 2014, 95). Anyhow, the lack of polarization of minority issues does not necessarily constitute a good indicator of democratic quality. Indeed, it

could also reveal minority exclusion (95–6). Moreover, the fact that a party representing the interests of the minority is officially included in the government and, in recent years, indicates the Prime minister, does not undermine the continuous ethnocentric exclusion and relegation of the minority voice at the political level. Estonian ethnic *élites* of the nation core indeed continue to play as gatekeepers of the political system and use some form of promotion of minority interests within their project of domination and control: in doing so, "the Russian-speaking aliens acquired the right to vote (and, therefore, to be represented) locally not in spite of their lack of representation but because of it" (Cianetti 2014, 103).

The intricated process of exclusion and co-optation to form the government, by avoiding any kind of explicit power-sharing with the minority, recognized role and veto rights for minority representatives, was observable during the approval and drafting of the already mentioned integration programs, though in a substantially milder and gentler version than the first post-independence years. During that period, in fact, even two Russian-speaking members of the Centre Party were not effectively involved in the experts' committee formed by the government, deliberating over the integration in the Estonian society plan (2000–2007), and decided to leave it "in protest, denouncing the ethnocentric framework within which the committee was expected to work" (Cianetti 2015, 199). With similar argumentations, Cheskin (2015, 5) claims that the integration programs are not a double-side and common process but rather an imposition from above: they embody, in a nutshell, a kind of assimilation and not integration based on language, while the

> desire [of the Russian-speaking population remains] to learn the culture and language associated with their state of residence, whilst simultaneously maintaining Russian cultural and linguistic identities.

This exclusion from the government and disillusion of the minority is one of the main characteristics of Cianetti's notion of 'ethnic hollowness' (2018), as a component of the hegemonic stability. The consolidation of the regime after the transition in fact passed over a process of disenfranchisement and hegemonization, with minimal concessions to the minority from the ethnic core (Lagerspetz 2001).

In this frame, the inclusion of other parties in the coalition with the Estonian Centre Party in the last two governments of the Prime minister Jüri Ratas could be quite telling. In fact, since the 2016 government, the Estonian Centre governed together with the heir of the Pro Patria Union party of Laar and since 2019 with also the Conservative People's Party of Estonia, which expressed a severely discriminating view of the Russian-speaking minority. This coalition should not be regarded as a type of consociational or power-sharing executive, because of the low (or latent) politicization of the minority question, but rather as a clear manifestation of the orientation of the Estonian Centre Party, similar to the one of other mainstream actors, belonging to the same hegemonic ethnic group. To this, the quality of inclusion of the Russian minority in government and parliament remains very modest.

## 3.5 Third dimension of ethnic domination: parties and party systems

### 3.5.1 Israel: (iii.1) restrictions to ethnic opposition parties, (iii.2) polarized competition and societal divisions

I will now examine the third dimension of ethnic domination, based on the following variables: (iii.1) firstly, in particular within the majoritarian core, *attitudes reinforcing ethnic cleavages in the party system, presence of ethnic entrepreneurs, with sometimes a distorted understanding of the doctrine of militant democracy in order to delegitimize anti-hegemony parties*; (iii.2) secondly, and looking more directly at the interrelations between the parties and the society, the presence of *hostile attitudes in communal relationships and few contacts among people, discouragement for mainstream parties from advocating minority claims and presence of patronage or co-optation.* In this section, I will report evidence of these two variables together, from the cases of interest.

The party system of Israel is incredibly fragmented, with an astonishing multitude of dimensions and cleavages. However, for the aim of this book, I will consider mostly the ethnic cleavage. The configuration of this cleavage leads us to consider Jewish and Arab parties as distinct, with dynamics of ethnic outbidding permeating party competition, rooted in intraethnic arenas. In an ethnic hegemonic state, anyway, sometimes the majority could seek to obtain a de-politicization of the ethnic divide or, if it is not able to deliver so, a legal exclusion of the dominated group from political institutions. Accordingly, in Israel, that process is manifested in a constant prevention, enforced by the dominant group, of the formation of hostile political forces and thus the politicization of Arab citizens. Indeed, after the independence and during the first years of the new state, the efforts to establish a catch-all Arab party challenging the exclusive and hegemonic Jewish ownership of the state were constantly (and 'legally') put down by public authorities. Afterwards, the exception was for the Rakah, the Israeli Communist Party, mixed Arab-Jewish, which (at the beginning, at least) did not have any intention of 'nationalizing' its electoral base and forming an explicit pro-Arab platform. However, during the military rule which treated the Arabs 'rested' in Israel as 'enemy aliens' (Jabareen 2014, 203), more than 66% of Arab voters thence 'supported' Ben-Gurion's party, the Mapai, or its satellite and affiliated lists (Ghanem and Rouhana 2001, 72; like in 1949, in the first election of the Knesset, when a list named The Nazareth Democratic List, controlled by Ben-Gurion, obtained 51% of the Arab vote; cf. Jabareen 2014, 198). Even for that reason, as documented by Peled (1992, 436; 2014), many

> Jewish parties opposed the military administration […] because it was seen as an instrument in the hands of the ruling party to secure for itself the lion's share of the Arab vote. In response to this pressure, in the early 1960s many of the restrictive regulations against the Arabs had been gradually relaxed. The final abolition of the military administration came, however, only in December 1966, following Ben-Gurion's resignation from the government and the development of shortages in the (Jewish) labor market.

Anyway, during these years and until the repeal of military rule, the Arab turnout severely and continually decreased (Ghanem and Rouhana 2001, 70), following the general trend of dissatisfaction and thus depoliticization of the Israeli Arab population. But other legal and practical obstacles to Arab representation arose particularly after the end of military rule, opposing the formation of an Israeli Arab and anti-Zionist movement. Indeed, in 1965 the Central Elections Commission (formed by Knesset party representatives and chaired by a member of the Supreme Court) decided to disqualify a socialist list presented on the behalf of the al-Ard, an association of nationalist Arabs. In the appeal presented by al-Ard to the Supreme Court (known as the case Yardor v. Central Elections Commission), the Court confirmed the ruling of the Commission, though perhaps departing from the strict letter of the law, because of the absence of an explicit and clear measure for banning a party, and by generally referring to the violation of the purported unwritten principle of the 'Jewishness of Israel' (Peled 1992, 437; 2013; Peled and Navot 2005, 10; Yiftachel 1999, 7). Under the orientation of this leading case-law, the possibility to develop a minority opposition force was then restricted, and even some Arab conferences were banned, as happened in 1981 for the meeting in Nazareth of some Arab representatives, prohibited by the Begin government (Ghanem 1998, 437). For these reasons, even in the years of the rise of Palestinian nationalism during the 1970s and until 1984, not a single party clearly promoting the interests of the Palestinian citizens of Israel contested elections. In the meanwhile, Arab votes shifted from the ruling Mapai to the Israeli Communist Party (originally only Jewish, then overwhelmingly Arab, though always remaining the unique openly binational in the Knesset, cf. Dieckhoff 1999, 166, 2005, 71), which often participated in the election in coalition with other pacifist Jewish and Arab associations (e.g., in 1977 under the name of Democratic Front for Peace and Equality; cf. Ghanem and Rouhana 2001, 72). In that year, the Progressive List for Peace (PLP), a multiethnic and democratic-equalitarian party, was disqualified by the Commission, together with the ultraorthodox Kach party (which promoted Arab expulsion from 'Great Israel'). But in the appeal presented in 1985, the Court decided to reverse both disqualifications of the Kach, by affirming that the country lacked a specific law against racism at that time, and of the PLP, only because of the absence of 'sufficient evidence', thus at least in principle confirming the doctrine of not allowing a list which denied the unwritten principle of the Jewish character of Israel (Neiman v. Chairman of the Elections Commission; cf. Peled 1992, 438; 2013; Peled and Navot 2005, 11). In those years, anyhow, the Arab vote was fragmented between the lists of the abovementioned Communist Party, the Progressive List for Peace, and the newcomer Arab Democratic Party, more overtly for Arab interests. Particularly after the 1970s, both parliamentary parties and non-parliamentary movements have been forming in the Israeli Arab population. Indeed, though until the 1980s the Israeli Arab community had been divided between two main political forces (the Israeli Communist Party and Zionist parties), after the 1980s and during the 1990s it could be possible to observe the emergence of other parties: the Islamic Movement, dominant

segment which run in 1996 elections and mainly characterized by grass-root activities; the Progressive List for Peace, which then emphasized the Palestinian identity; and the Arab Democratic Party, an Arab catch-all force advocating individual equal rights for the Palestinian citizens (Rouhana and Ghanem 1998, 326). But the real incidence of these parties was questionable, because of their fragmentation, isolation in the Knesset and the constant legal problems of their actions. In fact, shortly after the controversial rulings in the 1980s and for validating and fixing recent practices, in 1985 the Knesset passed an amendment to the 'Basic Law: the Knesset' which prescribed that:

> a list of candidates shall not participate in elections to the Knesset if its goals, explicitly or implicitly, or its actions include one of the following elements: (1) negation of the existence of the State of Israel as the state of the Jewish people; (2) negation of the democratic character of the state; (3) incitement to racism (Ghanem 1998, 432; Ghanem and Rouhana 2001, 64; Jamal 2002, 426; Peled 1992, 438, 2013, 125; Peled and Navot 2005, 12).

This law was the core declaration of the hegemonic state and enshrined the aim of ethnic domination over Palestinian citizens' parties (cf. Jabareen 2018). In a similar appeal in 1988, for the disqualification of the same two parties (PLP and Kach) and another Jewish ultra-nationalist force, the Court, led by Justice Levin, confirmed the disqualification of Kach and the other Jewish party for incitement to racism but reversed (with a 3 out of 5 majority) that of the PLP for the negation of the 'Jewishness' of the state. However, for the PLP, it was justified again only due to the lack of sufficient evidence and the absence of a clear and immediate danger for the state, and then it did *not* officially reject the interpretation of the electoral commission. Anyway, in this controversial case the dissenting opinion of one member of the Supreme Court was particularly tough in expressing that the democratic principle would come only *after* the principle of the Jewish self-determination (Ghanem 1998, 439). The judgment, reported by Smooha, affirmed that "the existence of the State of Israel as a Jewish state does not negate its democratic nature, any more than the Frenchness of France contradicts its democratic nature" (Smooha 1997, 207–19; cf. Jabareen 2018). In a similar decision of 1995, the Supreme Court disqualified for racial segregation a political party list running in the neighborhoods of a mixed Jewish-Arab city, named Natzerat Illit (Jabareen 2018). However, as reported by Jabareen, the same Court ruled differently when the object of the ruling was a party platform, without a clear concretization of the proposal of people transfers—accordingly, this was not considered racist by the Court, even if it was promulgated with 'nationalistic' or political reasons, and direct calls for ethnic segregation (Jabareen 2018).

Despite all these difficulties, and then investigating the interrelation between political parties and the society (variable iii.2), the politicization of Palestinian citizens of Israel was evident. As reported by Yiftachel, "while in 1973 more than 70% of the minority voted for Zionist parties, in the 1988 election 59% voted for non-Zionist (and essentially Arab) parties which called for a redefinition of Israel's political system", in order to end Israel's discriminatory

policies and improve minority conditions (1992, 132). However, during the 'liberalization' of the 1990s, the influence of Arab parties in the parliament remained limited, and for that reason many Arab citizens continued in not casting their votes, thus increasing the abstentionism rate (Ghanem and Rouhana 2001, 71). It was only after the 1992 reform of the direct election of the Prime Minister that the Arab turnout finally increased, encouraged by the double ballot divided in the 'ethnic vote' for the party candidate to the Knesset (with, at the same time, a similar growing of support for Jewish Orthodox parties, ultra-nationalists and representatives of Russian immigrants among Jewish voters) and that for the Prime Minister candidate (cf. Pappé 2000, 38). During the 1990s, in fact, a first block of Arabs voting for Zionist parties counted about 37% of the electorate, a second block of one third of the vote was represented by the Communists and its allies in the coalition of Hadash, then a third was composed, after the dissolution of the Progressive List for Peace, by the Arab Democratic Party together with a faction of the Islamic movement in the United Arab List (then re-split into the Knesset) as the new leading Arab nationalist force, and a fourth formed by more Islamic-traditionalist parties (Ghanem and Rouhana 2001, 72). For what concerns the elections for the Prime Minister, the Arab vote was instead for both Labour candidates, Peres in 1996 and Barak in 1999, albeit in a 'non-choice situation' and a complete ignoration of Israeli Arab issues during the electoral campaign. The combination of legal restrictions for Arab parties and the fragmentation of their actors continued also during the first years of the 2000s. In fact, in 2002 the 'Basic Law: the Knesset' was amended by adding a condition for banning a political party and *also* a candidate (the main novelty introduced by the law), showing "support for the struggle of an enemy state or the armed struggle of a terrorist organization against the State of Israel", with a clear reference to the Israel's Palestinian citizens (Peled and Navot 2005, 16). For what concerns parliamentary politics, except for some Arab candidates co-opted within Zionist lists during and after the military rule, Arab parties occupy the position of 'permanent opposition' in the parliament, though without an opposition status. They are indeed perceived as a hostile fifth column, against which pure Jewish coalition must be formed (Ghanem and Rouhana 2001, 78–9), in a sort of Schmittian friend-enemy dialectics (Jabareen 2014). Only in 1992 members of Hadash and of the Arab Democratic Party, as anticipated, could be able not to form a coalition but just to join the 'blocking majority' of the Labour against the Likud, with many protests of Knesset members for not having a pure 'Jewish majority' (Ghanem and Rouhana 2001, 79; cf. Dieckhoff 1999, 170–1, 2005, 76). The legal action against Arab and Palestinian parties by the Commission, however, continued in 2003, with the interdiction of the National Democratic Alliance (Balad, and its leader Bishara)—decision invalidated by the Supreme Court for lack of evidence (Dieckhoff 2005, 76)—and in the following years, with a continuous struggle between the Commission, hegemonized by neo-Zionist majoritarian forces, and more 'liberal' interpretations of the Court.

Anyhow, during the last years a new framing of Arab demands was introduced, by focusing on the de-ethnicization of the state (and thus in sympathy even with some post-Zionist thoughts), the legitimation of Palestinian nationalism and solidarity with other noncitizen Palestinians and Intifadas, and more generally equality of rights (Smooha 1997a), and by shifting to present themselves as an indigenous national minority (Peled 2011, 96). Looking at the Israeli Arab society, after their lack of identity and leadership and cultural crises (Ghanem 1998, 441) and the constant dilemmas of their *élites* of being co-opted or isolated (Lustick 1979), this politicization involved the consideration of their 'Israelized' identity by "new, educated, young, militant leaders who regularly challenge the Jewish establishment" (Smooha 1997a, 295). The new politics of 'indigeneity' (Jamal 2011), embraced by Palestinian citizens, permitted a partial re-composition of a comprehensive and catch-all list around three political actors: the Hadash led by Mohammad Barakeh, the United Arab List and the Balad, heir of the Progressive List of Peace and then led by the important and controversial Israeli Arab politician Azmi Bishara (the coiner of the slogan 'full identity, full citizenship' for Israeli Arabs, cf. Jabareen 2014, 207; cf. Bligh 2004), and finally another party called Ta'al. At the Israeli legislative election of 2015, despite past difficulties and efforts of the Elections Commission to ban them (overruled by the Supreme Court), these forces ran together under the cartel of the Joint List and obtained 13% of the vote and 13 mandates (over 120 seats), thus becoming the third parliamentary group in the Knesset. The political force of the group of the Joint List, led by Ayman Odeh, is nonetheless far to be balanced to their electoral strength, without any potential of coalition or potential of blackmail, in the terms of Sartori (1976), in the party system. Even when their democratic action has not been legally challenged under the ethnocentric interpretation of militant democracy, their effective participation in parliamentary and governmental life remains very weak. Also for these reasons, and for the increasing feeling of dissatisfaction of Palestinian citizens especially after the approval of the Nation-state Basic Law (cf. par. 4.2), in 2019 elections the Joint List re-divided among the alliance of Hadash-Ta'al (6 mandates) and Ra'am-Balad (4 mandates), and the Palestinian citizens' representatives shifted from 13 to 10. Finally, the Israeli Arab electoral turnout dropped from 63.5% in 2015 to 49.1% in 2019 (with an overall decrease from 73% to 68%).

### 3.5.2 Estonia: (iii.1) moderate polarized ethnic party system and (iii.2) interethnic electoral bases

Examining now the case of Estonia, I have described how the representation and the share of the Russian-speaking vote is going towards mainstream parties. For this reason, it should be necessary to very briefly define how the entire party system is characterized, and then to go further in the analysis of the ethnic divide. The peculiar party system of the Baltic states, and of Estonia in particular, has been described by a remarkable scholar specialized on party politics, Kitschelt,

who affirmed that post-Soviet political systems are characterized by clientelist and charismatic rather than programmatic parties, volatile party competition and unconsolidated party systems (1995). Moreover, the prevalent cleavages in the Baltic states follow (i) the boundaries of citizenship, and (ii) the actions of liberal-market or post-communist actors with populist slogans (Kitschelt 1995, 458), even with some salient divisions between social libertarians and authoritarians (1995, 462). According to Kitschelt (1995, 463),

> in the Baltic countries, this leads to a situation where even those who support market liberalism and social libertarianism endorse particularistic, nationalist and exclusionary policies on citizenship.

For these reasons, as I have underlined, winners and losers of the economic transition defined themselves in ethnic terms (cf. Lauristin and Vihalemm 2009, 3), and "Estonian right-wing parties combined liberal market orientations with a populist nationalist appeal, which enabled them to secure their hegemonic position" (Lauristin and Vihalemm 2009, 20). Similarly, Pettai and Kreuzer (1998) described the Estonian party system as divided along two axes: economic populist vs. market liberal and minority/cosmopolitan vs. nationalist. For what concerns our analysis, the Russian parties initially and the Centre Party later, are depictable as economic populist and minority/cosmopolitan political parties. Related to this, Tolvaišis speaks about a frozen perception of primordial ethnic identity among Estonian parties, where ethnicity is not considered as an ethnic census, neither as policy options, but rather as 'informational shortcuts' (2011, 108). In this sense, in fact, even if the politicization of ethnicity seems to be devoid of conflictual attitudes, some ethnic parties could act as interest group and the minority voters could strategically vote for mainstream parties (Tolvaišis 2011, 110). Moreover,

> all-important socio-economic cleavages within the population have been reflected by institutional [and party] politics—including the ethnic cleavage between native Estonians and the Russian-speaking group of Soviet-time immigrants, […] 30% of the entire population (Lagerspetz 2001, 410).

In fact, during the first years of the transition, the original format of the Estonian party system was more in line with the classic description of the ethnic party system, with strictly defined ethnic parties (cf. Horowitz 1985). But this configuration changed in the first years of the 2000s. In fact, in those years the Russophone minority parties disappeared from party competition:

> Our Home is Estonia won six seats in Estonia's 1995 election, […] while in 1999, the United People's Party won six seats in Estonia's election; […] [but] the United People's Party failed to garner enough votes to win a seat in Estonia's 2003 election (Commercio 2008, 86).

To that regard, nonetheless, these forces had parliamentary origins, e.g., the party Our Home is Estonia which had been created in the Parliament under pressure of the EU from merging the United People's Party of Estonia and the Russian

Party of Estonia in 1995 (cf. Tolvaišis 2011, 112). However, the initial success of these parties was advantaged by the fact that, regarding the citizenship's harsh requirements for non-Estonian residents, all the mainstream parties in Estonia declared "prior to national elections that, regardless of the election results, the Citizenship Act and the corresponding policies will not be changed", Järve argues (2009, 55), and then pushing Russophone voters for voting 'their' Russian parties. Effectively, Russophone parties won six seats in the 1995 Estonian parliament, for the first time after the transition clearly representing the interests of the minority of Russian-speakers. Initially, they also tried to challenge the Estonian Citizenship Act, without any success because of the resistance of all the other Estonian parties (with the Centre Party included). This impossibility to change the tight condition of the Russian-speaking minorities was provoked the fact that "minority parties were compromised in the eyes of Russian-speaking voters and during the 2002 national elections these parties were unable to surpass the 5% threshold to get into the Parliament" (Järve 2009, 56). In that year, in fact, only nine and in 2007 eight Russophone candidates were able to obtain mandates in the Estonian Parliament only within Estonian mainstream parties, and with more moderate platforms, in particular concerning naturalization and integration or education in minority language.

It is now clear that the party system profoundly changed when non-Estonian participation shifted from ethnic Russian parties mainly to the Estonian Centre Party. According to Tolvaišis, in fact, the Estonian Centre Party, which since 2003 had around 4 Russian representatives, manifested a clear reorientation towards the Russian-speaking minority only in 2007, when other Russian parties did not pass the threshold (2011, 115). Since then, the representation of the Russian-speaking population has been more or less reserved to the Centre Party, rather than the Reform Party, the Union of Pro Patria and Res Publica, the Social-democrats or the Conservatives (118). That party was also able to obtain mandates and rule the border cities of Narva and Sillamäe and other parts of the Northeastern region of Estonia (with high control of the government in several policy arenas, even in managing private schools; cf. Poleshchuk 2015, 245). However, the absence of a clear ethnic polarization is noted also by Cheskin, who affirms that "in Estonia, ethnic Russian political parties have fared poorly in elections and, with the notable exception of the 'Bronze Nights' in 2007, violent mobilization has rarely occurred in any form" (2015, 8). In fact, the Centre Party was also able to catch the minority's leftist tendencies, due to the overlapping of the ethnic and economic divides (Cianetti 2018, 328). Stressing the ethnic cleavage, however, other Estonian parties represent more clearly the interest of the Estonian nation. Moreover, a

> governmental ethnonationalist party of the 'titular' nation also exists (IRL, Union of Pro Patria and Res Publica), which has consistently gained sizeable representation in parliament and has been part of almost all governing coalitions. Ethnonationalist claims have also been often deployed by (ethnic majority) moderate parties in Estonia. The recent emergence of the right-wing Eurosceptic EKRE (Conservative People's Party of Estonia)—which passed the 5% threshold

for the first time in 2015, winning seven parliamentary seats […] are perhaps signals that there is room for a hardening of ethnonationalist positions. However, these changes have so far not amounted to a significant shift in […] [Estonian] party politics and should be understood in the context of deeply entrenched pre-existing ethnonationalism rather than as entirely new developments,

even considering the Conservatives' success, as argued by Cianetti (2018, 322).

Anyhow, the 2007 crisis showed the limited efficacy of minority representation through the Centre Party, and the mainly declarative opposition power of its Russian members (Tolvaišis 2011, 123). Something is maybe going to change with the government of Ratas, even though his coalition with Pro Patria and the EKRE—a party very adverse to the interests of the Russian-speaking minority—does not seem directed in this way. In order words, as already emphasized before, the

de-ethnicization of the party system does not imply the de-politicization of ethnicity in society or in the political discourse, nor does it necessarily entail the equal representation of all sections of society in the policy-making process. In other words, policy outcomes alone are not sufficient to make judgements about the quality of the democratic process (Cianetti 2014, 105).

And moreover,

Estonia shows that low descriptive minority representation in parliament and weakness of ethnic parties might result in a more favorable policy outcome for the ethnic minority. However, favorable policy outcomes did not come as a result of compromise (since no minority actor was involved) but, rather, in the form of a concession by the dominant 'titular' elite. This reinforces the 'ownership' of the state by the national elite, while reducing the channels for minority voice in the political system (Cianetti 2014, 106).

Looking at the variables of ethnic domination proposed in the book, the configuration of the Estonian party system and its relationship with the society at large would *confirm* the expectation of the manifestation of ethnic domination. In fact, party competition is still defined at least partly in ethnic terms, with ethnic entrepreneurs especially among the majority group and relationships of co-optation and patronage between the divided segments of the society, in Tallinn, Narva and other cities. The disappearance of the Russian-speakers' parties and the shift of the Russophone vote to the Centre Party, which maintains an overwhelmingly ethnic Estonian leadership and has at the top very controversial and corrupted leaders, does not undermine the fact that the "Russophone members of the Estonian parliament […] are still disproportionally few both compared to the size of the Russian-speaking minority and to the size of Centre Party's Russophone electorate" (Cianetti and Nakai 2017, 284). The Russian-speaking communities, in fact, remain atomized, without socioeconomic resources to be politically used, and resulted to be the major victim of austerity policies dur-

ing the last years, after being the economic losers of the transition in the 1990s. At the same time, the attitude of the population is moderately adverse towards the minority, since "

> 28% of ethnic Estonians were supportive of Russians' aspirations for increased participation; [...], [while] 34% of Estonians considered the involvement of Russians to be rather harmful to the country; [and in] 2011, 54,1% of ethnic Estonians regardless of education and income level still considered the preservation of the Estonian nation and culture to be a major challenge for the country (Tolvaišis 2011, 127).

Also, for the reasons outlined above, the Russian minority's sense of isolation is increasing, together with a strong rise of Euroscepticism (Agarin and Regelmann 2012, 450) and the support for Putin's personal authoritarianism in Russia. This was evident also in the last parliamentary election in 2019, when many citizens of Narva, after the end of a formal contract of cooperation between the Centre and the United Russia party (signed in 2005), decided to write down on the electoral ballot the name of Vladimir Putin himself (Kokot 2019).

Finally, the variables of ethnic domination, retraced throughout this chapter in the examined cases, are summarized in 'Table 4 – Ethnic domination in Israel and Estonia'.

Table 4 – Ethnic domination in Israel and Estonia

| Ethnic domination variables | Israel |
| --- | --- |
| (i.1) State centralism and centrism | Ambiguous language of the Independence Declaration; discriminating 'special and religious rights' of Arab communities; territorial non-division of the state and (in the past) significant role of the state in economy; ongoing process of Judaization of the land through expropriations, confiscations and limitations of property rights for Palestinian citizens. |
| (i.2) Hierarchizing and exclusivist citizenship policies | 1950 Law on Absentee's Properties; 1950 Law of Return, with unlimited right to Jews' immigration and naturalization and negation of return to Palestinian refugees; 1952 Citizenship Law with direct citizenship to the Jews and naturalization for 'other' residents; 1992 Basic Laws 'Freedom of Occupation' and 'Human Dignity': bill of rights restricted by the purposes of the 'Jewish and democratic state' formula; 2003–2007 Nationality and entry into Israel Law; several decisions of the Supreme Court against the development of an overarching and civic 'Israeli' identity and only timid affirmations against discrimination policies; permanent stratifications among Palestinian citizens and noncitizens of Israel, and Israel's Jewish citizens residing outside the Green Line. |

| | |
|---|---|
| (ii.1) Ethnic majoritarianism in the government | Absence of power-sharing and misunderstood tendencies to 'consociational' alliances among (the fragmented) Jewish mainstream and religious parties in the past; no coalition space or potential for parties representing Palestinian citizens; tightening of ethnic majoritarianism and 'purely' Jewish majority (only exception in 1992 Rabin government, with severe protests). |
| (ii.2) No participation and feeble minority representation in the parliament | Very weak representation of Arab parties and no role as recognized and constitutionalized opposition; ratio of Arab members of the Knesset lower than the Palestinian citizens of Israel. |
| (iii.1) Reinforced ethnic parties and party system | Ethnically polarized party system; constant legal prevention from the formation of anti-hegemony political forces; 1965 disqualification of al-Ard undermining the Jewishness of Israel; 1985 Kach and PLP decisions on racism and the Jewish character of the state; 1985 'Basic Law: the Knesset' amendment banning anti-democratic, racist, and 'anti-Jewish' parties; 1988 Kach and PLP second decision; 1995 decision on mass transfer declarations; 2002 amendment banning candidates, many cases since then. |
| (iii.2) Ethnic parties and the divided society | Between disillusion and politicization; during the military rule co-optation and patronage by the Labour party; politicization in the 1980s within the Communist Party; afterwards, Arab votes from Communist to more nationalist and Islamic lists; 2015 re-composition through the Joint List, then re-split in 2019 elections and increasing abstention rate. |

| Ethnic domination variables | Estonia |
|---|---|
| (i.1) State centralism and centrism | 1992 Preamble focused on the defense of the Estonian nation; 1993 Law on cultural autonomy for national minorities not for noncitizens, and with a biased definition of minority, excluding Russophones; non-territorial autonomy for the Russian-speaking minority in Narva and Sillamäe, with a rejected referendum in the same year; role of ethnically defined state bureaucracy; exit of many Russophones (migration or alienation). |
| (i.2) Hierarchizing and exclusivist citizenship policies | 1992 Citizenship Law and exclusion of one third of the population, citizens only with pre-war documents and severe language criteria for naturalization; for noncitizens only vote in local elections, but no passive rights; 1993 attempt to pass the Aliens Act and danger of a mass residence denial; co-optation for 'loyal' citizens; 1995 harsher criteria for an amendment of the Citizenship Act; since 1998 improvements for children naturalization and integration programs (based only on language); stratification among non-Estonians, noncitizens, stateless people. |

| | |
|---|---|
| (ii.1) Ethnic majoritarianism in the government | Progressive inclusion of the Centre Party in the government, but in the ethnic hegemonic framework, with de-ethnicization, superficial lack of polarization of politics and marginalization of the minority; Centre Party in government coalition between 1995 and 1999, 2002 and 2003 and since 2016, in coalition with other Estonian (and also nationalist) parties. |
| (ii.2) No participation and feeble minority representation in the parliament | Substantial degree of under-representativeness of Russian-speakers, even within the Estonian Centre Party and in the parliament; no interest of the Centre Party in enforcing the rights of the Russian-speaking minority, since it remains one of the ethnic gatekeepers of the political game. |
| (iii.1) Reinforced ethnic parties and party system | Overlapping of ethnic and socioeconomic divisions; Estonian right-wing liberal parties with market orientation vs. economic populist and minority/cosmopolitan parties; initially, classic format of an ethnic party system; afterwards, when the Russophone minority parties did not enter the parliament in 2003, increasing of Russian-speaking vote for the Estonian Centre Party; phenomena of co-optation, patronage, and corruption. |
| (iii.2) Ethnic parties and the divided society | From separatist tensions to the depoliticization of the ethnic divide; fragile representative potential of the Estonian Centre Party, allied to other Estonian mainstream actors and with a dominant Estonian *élite*; limited efficacy in softening interethnic tensions; the Russophone minority remains isolated and atomized, with some recent fascinations for Putin's Russia. |

# Findings: from a theoretical-empirical framework to an explanation of democratic regression and democratic deepening

This concluding chapter will discuss the findings of the comparative analysis carried out in the third chapter and connect them to the theoretical part exposed in the second one. Ethnic domination, in fact, has been scrutinized as means of ethnic diversity management, and its effects and possibilities of change have been critically problematized. In this chapter, I shall then try to explain the stiffening of the condition of the Palestinians citizens, by also examining the 2018 Basic Law, and the democratic evolution (albeit of a diminished quality) of the situation in Estonia, by looking for both internal and external explanatory factors. I shall therefore examine how the condition of the minority in a situation of ethnic domination is interrelated to that of political stability. In fact, political stability is at the heart of the concept of ethnic domination. Accordingly, in his pioneering study, Peleg analyses the hegemonic state not as a fixed entity, but how its ethnic dominance is subjected to persistent transformation (2007, 15). Adapting here his suggestions, I shall propose that the case of Israel is characterized by an inclination towards a full ethnicization of the state, whilst the Estonian case is featured by moderate changes towards increased democratization (cf. Peleg 2007). In both examples, however, we could see how political stability is properly one of the manifestations of the hegemonic order, not a yardstick to evaluate the feasibility (or desirability) of the political regime itself. Here is where the ethnic democracy-ethnocracy debate stopped, most notably on the reversibility of the ethnic ascendency of the majoritarian group and the quiescence of the Palestinian citizens of Israel or the Russophone minority in Estonia. Indeed, Yiftachel, writing at the beginning of the 1990s, considered the

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Jewish control over Arab population as an outcome of modifiable conditions on the ground, and that discriminating policies by the dominant group could have led to an increasing mobilization of Arab discontent, in accordance with future opportunity windows and political circumstances (1992, 131). In other words, the political stability of the hegemonic state can work in the short but proves its weakness in the long run. It is so simply because of the allocation of some resources and political rights to the ethnic minority, which distinguishes the hybrid regime from a clearly authoritarian one (e.g., a minority hegemony or an apartheid regime) and at the same time allows some room for change (cf. Ghanem, Rouhana and Yiftachel 1998, 258; Yiftachel and Ghanem 2004, 180). Moreover, and for what concerns the Estonian case, as noted also by Berent, the mechanisms of ethnic domination observable in this country (as well as in Latvia, for instance) were perceived as a transitional phase after independence towards the complete consolidation of a liberal democracy, and a necessary concession to a fearing 'titular nation', affected by low birth-rates and after a period of foreign oppression (2010, 670; cf. Smith 1996). Beside these differences, how are political stability and ethnic domination interconnected and which internal and external determinants could explain the different trajectories of our cases? Throughout the chapter, I will therefore employ the most similar method of comparison for small-N studies (cf. Morlino 2005; Morlino and Sartori 1991), by taking Israel and Estonia, whose common variables have been isolated in the third chapter, in order to explain the dependent variables of democratic regression or democratic deepening, and political stability across the time, as well as the recent evolutions of these cases.

## 4.1 Ethnic domination and political stability

How the features of the political regime affects its stability is a long-standing and debated issue in social sciences. However, in the classic comparative politics literature, 'stability' *per se* is often confused with 'democratic stability'. In fact, Diamond, Linz, and Lipset define stability as the "persistence and durability of democratic and other regimes over time, particularly through periods of unusually intense conflict, crisis, and strain" (1990, 9). A stable regime is therefore one whose institutionalization, level and breadth of popular legitimacy make it highly likely to persist, even in the face of possible crises and challenges. Anyhow, and albeit the definition of the authoritarian regime entails an element of instability (e.g., limited pluralism within the ruling group; cf. Linz 1975), this definition of political stability should be enlarged and generalized, in order to be referred not only to the democratic regime-type. Accordingly, and more broadly, in this chapter I will refer to the conceptualization of political stability as proposed by Lijphart (1977), Lustick (1979), and also McCulloch (2014a). For these scholars, the core idea of political stability is the following: a political system is stable where it includes continuous, legitimized, foreseeable and specific patterns of political behavior, that avoid the illegal use of violence (cf. Lustick 1979, 325). Accordingly, this definition is more general and applicable not only

to democratic political systems. Having then clarified the meaning of political stability, it may be interesting to look at how the scholarly contributions I have examined throughout the book consider the interplay between ethnic domination and political stability. In the analyses of Smooha and Yiftachel, and the advocates of ethnic democracy and ethnocracy respectively, considerations on stability and instability are conflicting, with the formers arguing that the combination of ethnicity and democracy represents a sustainable way to diversity management in some contexts and the scholars proposing the concept of ethnocracy outlining the intrinsic instability of this regime settlement. In this frame, however, if some political stability is possible, according to McGarry (2010), this could be only an 'unjust' stability, which is indeed to be examined in more general terms and not in relation to democracy. Similarly, in fact, for the same author and Lieven, in the examination of the Baltic cases, a more accurate consideration of *democratic* stability would have required "a form of power-sharing with guaranteed control over its own affairs devolved to the Russian community" (McGarry and Lieven 1993, 73).

From a more dynamic perspective of regime developments, and more broadly perhaps, according to Peleg, for a hegemonic state there are several possibilities to evolve: firstly, to put it roughly, the permanence of the *status quo*, namely the unchallenged persistence of the hegemony of the dominant group; secondly, the occurrence of some cosmetic changes, which modify the peripheric elements of the domination without undermining the *rationale* of the political system; thirdly, a development with radical revisions and transitions of the hybrid system towards a consociational or liberal democracy; fourthly, mild changes towards further ethnicization; and lastly, radical actions towards the consolidation of a purely ethnic state through eliminating differences methods (e.g. mass expulsion, ethnic cleansing or genocide; cf. Peleg 2004, 16). In the discussion of the favorable conditions for the possibility of mild changes towards ethnicization, Peleg therefore individuates: (i) the multidimensional superiority of the dominant nation in all the crucial aspects of power (political, economic, and so on); (ii) the presence of a violent and historical-rooted conflict between ethnic groups; (iii) the lack of a formal constitutional order, rule of law, and protection against the tyranny of the majority in the state; (iv) and of any international pressure on the majority to treat the minority with fairness and inclusionary practices (2004, 14). We should keep these conditions in mind in the examination of the democratic regression in Israel. More generally, when examining the conditions of change of the ethnic hegemonic state, one should therefore consider: (i) the balance and dimensions of power between groups (the bigger the dominated group, the more difficult is to maintain a stable hegemony for the majoritarian one), (ii) the international pressure (connected to size and power of a possible patron state, and the presence of an international area pressing for democracy and minority integration), (iii) the determination of the dominant group to suffer the consequences of hegemony, especially in terms of internal and external legitimation (by looking at the demographic history and ideology of the dominant group), (iv) the tensions within polity, especially in the inclination of its

*élites* towards accommodation or further ethnicization alternatively, (v) finally, the capacity of the system to engineer and manage political change, be it either gradual or radical (elaborated from Peleg 2007, 195). These conditions will be employed in the examination of the cases of Israel and Estonia, namely on the developments of ethnic domination practices and the evolutions of the hegemonic state in these two cases.

## 4.2 Israel: the tightening of the conditions of the Palestinian citizens and the radicalization of the hegemony

On the 19th of July 2018, with a slight parliamentary majority based on less than the composition of the coalition government, the 'Basic Law: Israel as the Nation-State of the Jewish People' has been approved. Based on a 2011 government proposal elaborated for specifying the sense of the 'Jewish and democratic state' formula enshrined in the 1992 Basic Laws, this Basic Law has been considered as a reaffirmation of the Jewish character of the state. However, and for what I have examined in the work, the origins of the Basic Law could be retraced in the 1985 cases of party bans and disqualifications and the amendments of the Knesset Basic Law, in order to restrict the political opposition towards the hegemonic order (cf. par. 2.5.1). For that reason, a vigorous and emphatical enunciation of most neo-Zionist ideas is reported in the *corpus* of the law, starting from article 1 about 'Basic Principles'. In fact, it is there reported:

> A. *Eretz Yisra'el* [The Land of Israel] is the historical homeland of the Jewish people, in which the State of the Israel was established. B. The State of Israel is the nation-state of the Jewish people, in which it fulfils its natural, cultural, religious and historical right to self-determination. C. The right to exercise national self-determination in the State of Israel is unique to the Jewish people (Knesset 2018).

In these articles, the 'identity' of the state is strictly interpreted under the Zionist consideration of Judaism, especially in the mention of the fatherland, the Biblical *Eretz Yisra'el*, to be then conceived without clear population and territorial boundaries, together with the affirmation of the unique Jewish titularity and ownership of the right to self-determination, characterized by 'natural', cultural, religious and historical features. From the perspective of the Palestinian citizens of Israel, this exclusion from the ideological definition of the state is strengthened by the absence of any reference to democracy or equality in the whole document. Moreover, the position of the Arabic language is undermined, passing from the status of a parity language to a 'special one' to be established and in case protected by law, while "The state's language is [only] Hebrew" (article 4). The Basic Law also enumerates other emblematic, controversial, exclusionary and divisive issues, embedded in proclamation of monoethnic state symbols through articles 2 ("A. The name of the state is 'Israel'. B. The state flag is with two blue trips near the edges and a blue Star of David in the centre. C. The state emblem is a seven-benched menorah with olive leaves on both sides and word 'Israel' beneath it. D. The state anthem is 'Hatikvah'. E. Details regarding state symbols will be deter-

mined by the law"), 8 ("The Hebrew calendar is the official calendar of the state and alongside it the Gregorian calendar") and 9 ("A. Independence Day is the official national holiday of the state. B. Memorial Day for the Fallen in Israel's Wars and Holocaust and Heroism Remembrance Day are official memorial days of the state"). Other contentious proclamations are listed by article 3 which fixes the establishment of Jerusalem, "complete and united", as the capital of the State of Israel, thus galvanizing the dispute over the Eastern part of the city occupied since 1967, article 5 affirming "The state will be open for Jewish immigration and the ingathering of exiles", and article 6 about the linkages with Jewish diaspora. More importantly, the right to self-determination only for Jewish people in the land of Israel and Palestine is herein consecrated by article 7, focused on the "Jewish settlement. The state views the development of Jewish settlement as a national value and will act to encourage and promote its establishment and consolidation". As noted by some commentators, although the Hebrew term for 'settlement' is the more general *hityashvut* and not the specific *hitnachlut* (colony), usually referred to the illegal Jewish settlements in the West Bank, the extensivity and generality of the former seem to be able to cover all these phenomena, so outside but also inside the Green Line, considering the areas with a residual majority of Palestinian population within Israel (Limes 2018, 12).

In the acrimonious debate following that Basic Law, the reactions were divided among those enthusiastic of the government coalition members (even though with some concerns expressed even by some centrist Likud members and Israel's President Rivlin) and the hostile oppositions, especially for the members of the Arab Joint List (that, during the discussion and drafting of the Basic Law, proposed another, opposite document, emphasizing democratic and equality principles and establishing a binational character of the state—but their proposal was not even authorized to the discussion of the Knesset), but also by other Arab communities, thus including the Druze, historically allied of Zionist *élites*. According to Adalah (a NGOs named 'The Legal Center for Arab Minority Rights in Israel'), the Basic Law would seriously jeopardize the condition of all Palestinians living in Israel, from the Palestinian citizens of Israel and those noncitizens resident in East Jerusalem to Syrians in Golan Heights. The Basic Law is deemed manifestly anti-democratic, compared to international standards, by institutionally intensifying the consideration of the state as the political entity owned by the Jewish people (and not Israeli citizens), and thence by the constitutionalization of the discriminatory "racist principle 'separate but not equal'" through the imposition of "apartheid in housing, land, and citizenship" policies (Adalah 2018, 1–4). After having reported the words of the 1973 International Convention on the Suppression and Punishment of the Crime of Apartheid, Adalah (2018, 5) indicates that the Basic Law establishes a

> colonial regime with distinct apartheid characteristics in that it seeks to maintain a regime in which one ethnic-national group controls an indigenous-national group living in the same territory while advancing ethnic superiority by promoting racist policies in the most basic aspects of life.

Similarly, Jabareen and Khoury considers the opponents of the Basic Law divided in two camps: (i) the former composed by Arab citizens, and non-Zionist left, who regard the article 1 as racist, namely the origins of a new constitutionalized apartheid or a colonial *quasi* legalistic order, because "racial discrimination does not depend only on the motives or justifications of the dominant group but also on the exclusion and the effect it creates on the status of other groups as equal", for Jabareen (2018); and (ii) secondly, the field of the liberal Zionists, who deem the Basic Law not racist though nevertheless conflicting with democracy because of the lack of any mention of equality in the whole document (Jabareen 2018; Khoury 2018). The impact of the law on the actions and decisions of the Supreme Court will be the most significant aspect of this Basic Law, Khoury argues (2018, 67). Anyway, it could be naïve thinking that the Basic Law will have an only declaratory effect, since there is a significant difference between a discriminatory practice and the constitutionalization of this practice as the fundamental identity at the basis of the state through an almost constitutional document, widely considered as more relevant than normal ordinary legislation (Jabareen 2018).

How should this Basic Law be considered, in the analysis of the Israeli regime? Was it a kind of regime change, with some further ethnicization of the hegemonic state? More generally, how to distinguish a change and a transition of a hybrid regime? In fact, as I argued before (cf. par. 2.4), the most democratic regime-type the hybrid hegemonic state could achieve is a defective democracy. Therefore, by dealing with the hybridity of the state of Israel, I shall discuss the possibility of the shift of the Israeli regime from a defective democracy on ethnic lines to an electoral authoritarian regime. In the 'classical' definition of an electoral authoritarian regime, or of 'competitive authoritarianism', Levitsky and Way (2010, 5) state that

> competitive authoritarian regimes are civilian regimes in which formal democratic institutions exist and are widely viewed as the primary means of gaining power, but in which incumbents' abuse of the state places them at a significant advantage *vis-à-vis* their opponents. Such regimes are competitive in that opposition parties use democratic institutions to contest seriously for power, but they are not democratic because the playing field is heavily skewed in favour of incumbents. Competition is thus real but unfair.

Though not developed for the examination of deeply divided countries or indeed for Israel, the concept of electoral authoritarianism would seem to capture the recent tendencies of our case, enshrined by the Basic Law examined above. Albeit this process will have to be confirmed by next evolutions, it is clear that the ethnic domination of the 'ethnic incumbents' over the minority (Palestinian citizens or, more generally, Arabs, be they Druze or Palestinian, Muslim or Catholic) is strengthened by this new arrangement, not only symbolic but really effective. In fact, the ambiguity guaranteed by the decisions of the Supreme Court and the general democratic attitudes embraced by some parts of the majority group, which sometimes spill over the rest of the population and contribute to the hybridity of the system, could now be substituted by a manifest and

unequivocal discrimination, even sanctioned by a kind of constitutional law. The skewness of the political competition could then be exasperated, thus restricting the cramped straits for the democratic struggle of the minority (and for everyone who does not share this interpretation of neo-Zionism and the Jewishness of the state). Continuing with Levitsky and Way (2010, 7), we can note that

> competitive authoritarian regimes are distinguished from full authoritarianism in that constitutional channels exist through which opposition groups compete in a meaningful way for executive power. Elections are held regularly, and opposition parties are not legally barred from contesting them. Opposition activity is above ground: opposition parties can open offices, recruit candidates, and organize campaigns, and politicians are rarely exiled or imprisoned. In short, democratic procedures are sufficiently meaningful for opposition groups to take them seriously as arenas through which to contest for power. What distinguishes competitive authoritarianism from democracy, however, is the fact that incumbent abuse of the state violates at least one of three defining attributes of democracy: (1) free elections, (2) broad protection of civil liberties, and (3) a reasonably level playing field.

If we discuss these attributes of democracy in relation to the Nation-State Basic Law, in fact, the refusals of the Supreme Court to disqualify or ban Arab parties and candidates, as continuously proposed by the Electoral Commission, could be undermined in the short future, by considering the principles of the law listed in the first article and their restrictive consideration of the state identification and self-determination, uniquely owned by the Jewish people. Moreover, the protection of civil liberties could be at risk due to public disavowal of the parity status of Arabic language (article 4), as well as the reasonably level playing field, which risks of being unbalanced by the continuous rightsizing and right-peopling policies of the State of Israel, within and outside the fuzzy borders of the Green Line, unceasingly eroded by the Jewish settlements and Israeli occupation.

These changes towards a further ethnicization were advantaged by some of the conditions described above, e.g., the superiority of the core ethnic group in all the spheres of power, the persistent securitization of Jewish-Palestinian relations and the conflict on the ground, the lack a clear constitutionalized protection arrangement for minorities and democratizing pressures from the international arena. In other words, the size of the hegemonic group can explain the persistence of the control over the minority, the fact that this control is deemed no more totally feasible under formal democratic procedures and that it needs a tightening of domination practices. In fact, the democratic regression of the state of Israel could be also described, especially the increasing tensions and the outbidding dynamics between the more radical forces, through the fears, among the dominant group, of lower birth-rates and thus possible demographic changes (e.g., the increasing of the Palestinian citizens of Israel) that might reverse the current control settlement and population balance. However, these changes, by privileging radical groups, could lead to an increasing of political

instability at the same time, and then undermine the entrenchment of ethnic domination itself, that should maintain an equilibrium among its elements in order to remain stable. More radical, violent, and oppressive solutions towards the 'minority problem' are then more likely to be adopted (cf. Peleg 2007, 209). For these reasons, the ethnic domination in Israel, carried out by the hegemonic ethnic state, could now lead to a severe democratic regression, by the exasperation of the contradictions embedded in the political and institutional architectures of the country and its discriminatory treatment of the Palestinian citizens. To conclude here, we have described Israel as a defective and ethnic exclusive type of democracy, in the consideration of the predicament of its Palestinian citizens. The recent developments of the Israeli regime might therefore suggest an evolution towards a harsher ethnicization and autocratization of the country, creeping to a form of ethnic electoral authoritarianism or a possible democratic regression and, in short, a further loss of democratic quality. Future evolutions shall (dis)confirm these suggestions.

## 4.3 Estonia: European and Estonian integrations, exogenous and endogenous paths to a slow democratic deepening

Maybe more than what concerns the case of Israel, when the widely international recognition as a democratic regime does not push for some meaningful democratization or increasing of democratic quality, Estonian politics has been profoundly influenced by international actors. However, and despite any optimism (cf. Ammassari and Montanari 2003), this influence is itself controversial, and it should not be regarded as a factor increasing democratization *a priori,* without any role of the local *élites* and interconnections with other factors. Anyway, I shall discuss the Estonian case under a 'quadratic approach', which considers the interplay between nationalizing states, national minorities, external homelands, and finally international organizations—then inserting its role in the Brubaker's triadic nexus mentioned in the previous chapter (Cheskin 2015; cf. Pettai 2006, 128).

In his work examining the application of the category of ethnic democracy to the post-communist Europe, Smooha affirms that it was exactly because of the larger proportion of the Russian-speakers that the hegemonic state has implemented a rigid exclusion from the citizenry of these Russophone minorities during the initial phases of the transition (2005, 243–56; cf. Smith 1996). Afterwards, the country softened these discriminatory policies and seemed to have adopted an integrative approach towards Russian-speakers, albeit based only on language (Peleg 2004) and with the severe limits described in the previous chapter. However, the integration programs I have illustrated previously did not solve the isolation of the Russian-speakers from the political and social realms, despites (or especially because of) their vote for a mainstream and governing party—the Centre Party. In fact, according to Agarin, just like in other post-communist democracies, in Estonia (and in the Baltic States, more generally) phenomena of public disaffection are common, both inherited by the au-

thoritarian past and a limited participation of certain sectors of the population during the transition (2013, 332), but also connected to enduring institutional flaws, namely the lack of an effective citizenship and the persistent problem of stateless people (333). These institutional arrangements, and the mismatch between democracy and societal inclusion, provoked a diffused sense of lack of loyalty towards political institutions and a kind of withdrawal from political participation, especially for ethnic minorities remained outside or, at best, at the edge of the new legal framework. In detail,

> many members of post-communist societies experienced economic hardships, sustained social insecurities and curtailed opportunities relative to those experienced in the communist past. In addition, 'state-nation'-building has differentiated members of different ethnic groups in their opportunities to affect political decision-making (Agarin 2013, 335–7),

restricted to municipal elections for persons with 'undetermined citizenship'. These are the reasons of this dissatisfaction—and minorities remained alienated from politics especially because they do not have enough resources to autonomously contribute and change their discriminated conditions (cf. Agarin 2013, 342). In her intriguing work, partly confirming the findings of Agarin, Cianetti argues that the process of the Baltic States, just like some other East European Countries, is not one of democratic backsliding but one of democratic hollowing (2018), characterized and incentivized by the top-down approach of the EU accession process, which favored "a technocratic, elite dominated, 'hollow' […] version of democracy" (323). Moreover, hollowness in ethnically divided places is sometimes "part of what sustains a stable (albeit low-quality democratic) *status quo*" (318), as depicted throughout the book. During the last thirty years, furthermore, this has indeed favored the fact that many stateless individuals have been opting for a citizenship of other states, mainly the Russian Federation (Agarin and Regelmann 2012, 452). Notwithstanding citizenship hollowing and minority dissatisfaction, which was the influence of European Union and other international organizations during and after the transition?

As known, the June 1993 European Council meeting in Copenhagen prescribed for transitioning, post-Communist countries the implementation of the European *acquis communautaire* for advancing proposals of prospective accession. Within the *acquis*,

> institutional stability 'guaranteeing democracy, the rule of law, human rights, respect for and protection of minorities, the existence of a functioning market economy', as well as the 'ability to take on the obligations of membership' were recommended (Agarin and Regelmann 2012, 444; cf. Hughes 2005; Zielonka 2007).

According to Agarin and Regelmann, in fact, the EU eastern enlargement through democratic conditionality, and the possibility of obtaining the EU membership, is recognized to have "an unprecedented capacity to impact upon domestic policy-making dynamics and accommodation of minority claims"

(2012, 444). Nonetheless, as anticipated before, it is equally important to "better understand the role of nation state as an *autonomous* actor during and after the European enlargement phase" (444; emphasis mine). In fact, albeit receiving substantial pressures of conditionality in order to accommodate its internal minority, an effective inclusion of the Russian speakers in Estonia remained far to be accomplished, especially for the state-centered mechanisms of EU governance and legal standards protecting state sovereignty from national minorities and minority issues. According to Cianetti, this was properly because of the "'ethnic hollowness', this tendency to limit the democratic space as the remit of the ethnic majority, marginalizing and delegitimizing minority voices", favored and justified by the structures of incentives of the EU accession process and external intervention (2018, 326), due to the EU historical double standards concerning minority issues, and finally the same local pro-EU coalition reinforcing ethnic hierarchies and discriminations (327; cf. Smith 2003, 4). These conditions might explain the Estonian mixture of ethnocentrism and neoliberalism, ethnic chauvinism and nationalist liberalism (328; cf. Zielonka 2007, 19). However, minority activists continued to show a critical trust in the actions of the European Union, intended as a sounding board for their actions (Cianetti and Nakai 2017, 277). Nonetheless, within the minority population the feelings are diverse. Anyway, among the most important fields where the EU implemented its conditionality was the naturalization of stateless children, provision then included in the Estonia's accession partnership to be concluded before the 2004 enlargement, together with the already mentioned integration programs, of which around a third of the budget came directly from EU funds (Agarin and Regelmann 2012, 454). For these reasons, "Estonia did not become an explicitly binational or even multicultural state, but its degree of 'ethnic control' or ethnopolitical imbalances was reduced" due to the EU conditionality, at least until the 2007 Estonian crisis (Pettai and Kallas 2009, 114). Anyhow, the significant room for *manoeuvre* left to the member state, especially after the EU accession, permitted an imposition of majoritarian ideals in the design and therefore the implementation of these packages (Agarin and Regelmann 2012, 458).

Moreover, also the influence of the OSCE and the Council of Europe (CoE) should be examined for the purposes of its book. In 1993, in fact, the country entered the CoE and the Framework Convention for the Protection of National Minorities was approved, albeit with some criticism concerning the absence of a definition of national minority and any sanctioning power (cf. Hughes 2005, 749). Only one year before, in fact, in 1992 the OSCE High Commissioner on National Minorities was established, after the international failures in the former Yugoslavia and the Caucasus, and the Dutch Max van der Stoel designated for that office (Pettai 2001a; Smith 1999, 514; Zaagman 1999, 7). Endowed practically with informal powers only, the Commissioner was able to obtain, through personal recommendations, some slight modifications, and amendments to the 1993 law on aliens, naturalization prerequisites in 1997 and 1998, in 1999 for noncitizens vote applying for a permanent residence permit, and in 2001 for stateless children (Hughes 2005, 754). He also established a perma-

nent OSCE office in Estonia, between 1993 and 2001, when the mission finally closed, after some modifications to language requirements for participating in local elections (Agarin and Regelmann 2012, 452). In fact, during those years,

> in May 1999, amendments to the Parliamentary and Local Elections Law required candidates for parliamentary and local elections to have a 'sufficient' level of Estonian, thus excluding the vast majority of Russophone citizens. Modifications were made under sustained OSCE and EU pressure to the Estonian Language Law of 1995 (as amended in 1999 and 2000), which created a 'justified public interest' to make Estonian compulsory and privileged its use in many public sectors and even private activities. In Estonia, it is legally possible only for municipalities where Russophones account for more than 50% of the local population to make a request to use Russian as a language of public administrative in parallel to Estonian. This compares very unfavorably with the standard 20% population threshold for minority language use in public administration inherited from the Austro-Hungarian empire, affirmed by the League of Nations in central and eastern Europe in the 1920s, and which is a norm used today in Slovakia for the Hungarian minority. In addition, the Law on Basic and Upper Secondary Schools, as amended in April 2000, will impose after 2007 a national curriculum on all state secondary schools which will consist of a minimum 60:40 ratio in favour of the Estonian language, irrespective of the language capabilities of teachers and student (Hughes 2005, 754; cf. Smith 2002, 92).

Continuing in this trend, when in 2002 it was stipulated that EU citizen residents could participate in local elections (with active and passive rights), in order to avoid risks of discrimination with the Russophone minority in the country, an amendment to the electoral law eliminated the need for candidates in parliamentary and local elections to demonstrate proficiency in Estonian (Solska 2011, 1096; cf. Hughes 2005, 743).

More generally, despite this moderately favorable trend, the Estonian case embodies the problematics of the so-called internationalization of minority rights (Kymlicka 2002). In fact, Kymlicka pointed out how in the 1990s there were some trends towards the internationalization of minority rights and a parallel exporting of Western standards and models. He underlined how the CoE 1992 European Charter for Regional or Minority Languages and Framework Convention for the Protection of National Minorities were extremely vague and to be intended within the limits of international law and the actions of established nation-states (Kymlicka 2002, 6). Moreover, in Central and Eastern Europe, common problems concerning sub-state minorities and indigenous people combined with other local features, e.g., the traditional revocation or refusal of territorial autonomy, the presence of internal minorities and diasporas, a widely spread poverty and common understanding of minorities as dangerous allies, collaborationists, or tools on behalf of foreign oppressors (Kymlicka 2002, 21). In a context characterized by strong ethnic states and disempowered minorities, international institutions with structural problems and difficulties, one of the most significant actors for the stability of the Estonian political system could

increasingly become (or return to be) Russia, especially with the reinvention of the 'Russianness' by Putin's authoritarian power (Smith 1999, 506–7).

For the reasons outlined above, and then by dismissing the optimism in the international community, many authors underline the role of civil society for alleviating ethnic marginalization in Estonia (Kirch, Talts and Tuisk 2004; Lagerspetz 2001). According to Solska, in fact, compared to the Estonian attitude in the 1990s, the situation substantially changed: in "2004 only 11% of Estonians considered the Russian language as a threat and only 16% regarded a sizeable ethnic community as dangerous for Estonian nation and culture" (Solska 2011, 1101). In fact, the country "looks forward to the future and sets its priority on efficiency and good state management, making the citizenship more attractive", rather than focusing strictly on interethnic tensions (Solska 2011, 1105). However, every future transformation of the Estonian regime will continue to be shaped by the path dependency of the years of the transition, then the exclusion from citizenry and the naturalization processes (Pettai 2001b; cf. Linz and Stepan 1996).

To conclude, despite after the first years of independence the Estonian case has experienced a meaningful evolution towards an increasing of democratic quality and democratic deepening, its moderate democratic improvement in the long run can be explained through the absence of a multidimension superiority of the dominant nation, the significant international pressures to democratize and the modest presence of ethnic tensions within the polity, despite some sporadic outburst of violence. Among the most significant differences with the case of Israel, which can contribute to explain the diverse development of Estonia, Berent argues that behind the ethnocentric citizenship drafting, the integration, or better assimilation, for Russian-speakers was and remains difficult, but nevertheless *possible*, since not based on blood ties (2010, 664–5; cf. Järve 2002), though rather on language. However, the alienation of the minority, and its asymmetrical, partial, and limited inclusion in the polity, could undermine the democratic quality of the political regime and then leave the way open for future uncertainties.

# Lessons from the cases and future research avenues

Throughout this book, I have tried to answer the research questions about the concepts of ethnic domination and the hegemonic state in two deeply divided places, Israel and Estonia. I have therefore examined the scholarly paradigms towards ethnicity ('naturalistic' and constructivist-instrumental) and proposed a diverse (constructivist-structural) approach able to grasp the peculiarities of this complex societal organization and its effects on the political regime. After some methodological and contextual observations about the selected cases, I have delineated the ethnic hegemonic state as a type of hybrid regime, for overcoming the contradictions of scholarly debates concerning the categories of ethnic democracy and ethnocracy. The concept of hybridity, I argue, could explain the ambiguity of an institutional design founded both on ethnicity and the *demos* (namely the population inhabiting a defined territory), overlapping or conflicting in relation to some sectors of the population. I have thence operationalized the definition of ethnic domination, along three political-institutional layers (state and citizenship policies, executive and legislative institutions, parties and party systems). Furthermore, I have elaborated a comprehensive classification of political regimes in ethnically divided societies, and finally underlined the importance of equality and citizenship rights in the definition of democracy in these contexts.

The second part of the book applied this conceptual framework to the analysis of the case of Israel, and its minority of Palestinian citizens, and that of Estonia, and specifically its minority of Russophones inhabiting mainly the eastern part of the country and the capital Tallinn. These cases have been firstly scrutinized in their historical details, and then by considering the importance of their eth-

nonational ideologies (Zionism and legal restorationism), embraced by the dominant groups, and enforced by the hegemonic state. In the core part of the third chapter, I have considered the three dimensions of ethnic domination in Israel and Estonia, in order to point out how the political system has been structured as ethnically asymmetrical and skewed, e.g. in relation to: the ethnocentric state centralism and the absence of territorial autonomy, citizenship policies with a tight consideration of *ius sanguinis* as prescribed by settler-colonial and nativist legitimation principles; government formation and parliamentary dynamics articulated in ethnic terms; and finally ethnic party competition and the interconnections between parties and the society, isolated in separated monades or related only for co-opting or patronage purposes.

In the fourth chapter, I have finally tried to disentangle the relations between ethnic domination and political stability, in order to underline the feasibility of the ethnic hegemonic state in the short, but its instability in the long run. In other words, the stability of this hybrid regime has not to be taken for granted, but should be instead considered as reversible, in accordance with external and internal balance of power. In fact, in investigating the recent evolutions of the Israeli case (above all, the approval of the Nation-State Basic Law), I have depicted a further ethnicization and autocratization of the political regime, which seems to show tendencies of a possible shifting from a defective democracy to an electoral authoritarian regime, or in any case a further decay of its democratic quality. This drift and consequent tightening of the condition of the subaltern group have been advantaged by the predominance of the master group in all the spheres of power, the lack of democratizing pressures from international actors and of a robust rule of law enforcing minority rights. For what concerns the case of Estonia, instead, I have examined mainly the role of the international organizations (European Union, OSCE and Council of Europe) in the country during and after the transition years. Despite some initial enthusiasm, the action of these actors has been evaluated more critically, by underlining their influence in the processes of ethnic hollowing, avoiding territorial autonomy, of the legitimation of ethnic *élites* and thus fostering minority disillusion, especially for the most impoverished sections of the population, where ethnic and socioeconomic cleavages sensibly overlap. However, because of the absence of a multidimensional superiority of the Estonian majority group and notwithstanding all the critiques underlined previously on the international democratizing pressures, the country did not tighten the condition of the minority, though experienced a moderate trend of improving its democratic quality.

The lessons from the cases could then be the following. For what regards Israel, as reported by Kimmerling (1999, 359), when mainstream social scientists and intellectuals do not put into question Israel as a democratic regime, they consider the

> Jewish values in the state […] its primary, perhaps its only, cohesive glue, […] a necessary condition for the existence of the state. Therefore, the very

existence of democracy is first and foremost dependent upon the existence of Jewish values in the state.

For that reason, according to the Jewish scholar, the case "represents the tyranny of the majority, which is incompatible with any definition of modern democracy" (1999, 360). Indeed, this research had the purpose of analyzing the state from the perspective of the dominated, in order to question the unproblematically accepted definition of Israel as 'the unique democracy of Middle East', and to underline the "ideological and intellectual dominance of the existing order" and "its self-evidence" through a systematic inquiry of the conditions of "those outside it [...], the Arab citizens" that "can palpably sense the meaning, consequences, and results of this hegemony" (Kimmerling 1999, 340). For Estonia, the book has retraced how sometimes

> the strategic use of ethnicity-based political discourses by the group's elite can be a way to cross-cut and supersede internal differences of class, status, wealth and power, and hence to 'unify' a group of people in spite of such differences (Cianetti 2015, 194).

Moreover, following again Cianetti, the

> ethnic majority's support[ed] [...] harsh market reforms and largely delegitimized demands for redistribution, whether coming from the ethnic minority or from the socioeconomically disadvantaged within the majority. The focus on ethnic solidarities (and divisions) served the function of preventing the formation of transversal, class-based coalitions between the 'titular' population and the Russian-speaking minority (2015, 195).

The consequences of this process of ethnic otherization, albeit limited to a certain extent by the influence of international organizations, involve minority nationals, losers of the transition and consequently the democratic quality of the political regime. In other words, the main generalizable lesson from the cases is that this 'subaltern approach' could help us understand the ethnic minority not as a 'disturbing factor' in the analysis of political regime developments but rather as a test of democracy and, more broadly, as an indicator of the quality of the political regime itself, maybe more in depth than what the aggregated and quantitative democratic indexes are able to do (cf. Freedom House 2018, 2018a).

Moreover, to investigate the evolutions of Israel and Estonia, and the characteristics of the practices of ethnic domination under a subaltern approach, we should overcome the 'Tower of Pisa' and 'synecdoche' paradoxes which might stop our theoretical and practical inquiries on democracy wherever we find a superficial kind of majoritarian competition, or any cue of pluralism, then not considering the contextual conditions and whether there are other elements taking precedence over the considered procedural features. In fact, in deeply divided places (and not only, perhaps), the empirical reality itself, and then the working of formal procedures, should become an object of contestation for a truly analytical perspective. This is because hegemony in conceivable as a Bourdieu's

*habitus*, namely "a system of embedded dispositions, anticipations and expectations that help structure the way in which political institutions construe the socio-cultural and political reality that they confront" (Smith 1999, 504). These considerations, in the light of this analysis on Israel and Estonia, should be of paramount importance in order to develop a thicker conception of democracy better applicable to divided societies.

More generally, in fact, the work raises questions concerning the interplay between conflicting elements of democracy, nationalism, the nation-state, majority-minority relations, etc. In particular, it aimed to shed light on the relationships between democracy (and when it is limited, in contexts of ethnic domination) and ethnicity, which remain prominent characteristics not only of deeply divided places, but of other countries as well. In fact, the borders of the *demos*, and their enlargement, have always been a controversial element since the oligarchical 'democracy' of the ancient Greeks, excluding indeed women and slaves, the progressive extension towards the universal suffrage and then the real and effective possibility for every citizen to participate in and influence public life fully and equally. Therefore, minority rights are now to be considered at the heart of contemporary democratic politics (Pettai 2001a, 264), as based on the elaboration of the principle of equality and the meaningfulness of citizenship rights. Equality is in fact understandable as an instrument of justice, especially in ethnically divided polities. As proposed by Pettai, "it is no longer a question of ethnocultural neutrality on the part of the state, but of ethnocultural justice" (Pettai 2002, 262) and of making citizenship rights truly effective. In examining political institutions, in fact, and those centered on majority rule in particular, I have verified the intuition of Horowitz, who affirmed that some democratic institutions may be compatible with democracy in the abstract, "but may have undemocratic results if they are not conducive to ethnic inclusiveness" (Steen 2000, 79–80; cf. Horowitz 1993). If equality is an instrument of justice, inclusion should be among the legitimation pillars of the political system, and of democratic stability as well, guaranteeing the possibilities for all individuals of the political *demos*, no matter their ethnic (or whatever) identity, to influence and affect the articulations and outcomes of the decision-making process. As remembered by one of the most influential judgments of the US Supreme Court about racial discrimination in 1954 (Supreme Court Brown v. Board of Education) when societal borders are translated and reinforced in politics, and not justified by any reason of accommodation and justice, separateness is inherently a synonym of inequality, thence of non-democracy.

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Inoltre, il presente lavoro non tiene conto degli sviluppi (e dei contributi) successivi alla primavera del 2019, per rispettare fedelmente l'organicità della tesi. Tuttavia, alcune conclusioni elaborate dall'analisi comparata possono essere utili per analizzare le successive evoluzioni dei casi considerati, specialmente per quello che riguarda la condizione dei cittadini palestinesi dello Stato di Israele. Le cause dell'inasprimento delle condizioni di tale minoranza, nonché la pressoché stabilità della posizione della minoranza russofona all'interno del sistema politico estone, si possono rintracciare nelle pratiche di 'dominazione etnica' portate avanti dallo 'stato egemonico', come sostenuto dal seguente lavoro.

Molto ancora rimane da chiarire ed analizzare, specialmente da un punto di vista dinamico e su ciò che riguarda l'impatto dell'esclusione di alcuni gruppi etnici sulla qualità della democrazia e sui cambiamenti di regime. La tesi, come questo volume, vuole quindi essere un punto di partenza per lo sviluppo di un esame organico focalizzato sulle relazioni tra il regime politico e le divisioni di natura etnica.

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# Acknowledgments

The master thesis from which this volume has stemmed, defended at the University of Florence (June 2019), has been a long and collective journey. My heartfelt thanks go to the supervisor, Professor Marco Tarchi, for his support during the drafting of the thesis and other projects. A warm and special thank you goes to Sofia, my family, and all my friends, for their essential support, indispensable love, and invaluable guidance. The responsibility for every possible mistake remains mine.

Moreover, this work could not consider any developments (and contributions) after Spring 2019, also in order to maintain the coherence of the thesis. However, some conclusions drawn from the comparative analysis may be helpful in order to evaluate the later trajectories of the considered cases, in particular concerning the predicament of the Palestinian citizens of the State of Israel. The causes of the tightening of the conditions of this ethnic minority, as well as those of the somehow entrenched position of the Russian speakers within the Estonian political system, may be retraced in the practices of 'ethnic domination', carried out by the 'hegemonic state', as argued in this work.

Much more remains to be clarified and examined, in particular from a dynamic perspective, on what concerns the impact of ethnic exclusion on the quality of democracy and regime development. The thesis—and consequently this volume—aimed to be a starting point of a broader investigation on the interplay between ethnic cleavages and the political regime.

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# PREMIO CESARE ALFIERI «CUM LAUDE»

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8. Guido Panzano, *Ethnic Domination in Deeply Divided Places. The Hegemonic State in Israel and Estonia*

This volume examines the concept of ethnic domination and its manifestations in Israel (within the Green Line) and Estonia. Ethnic domination is a method of managing ethnic differences in multiethnic contexts through asymmetrical power relations, in accordance with an ethnonationalist ideology, whereby a group is subordinated to another holding the power, albeit not intent to directly eliminate the subaltern. The volume compares the predicament of Israeli Palestinian citizens and Estonian Russian-speakers in different dimensions (state-citizenship, government-parliament, parties and party system). Also, the analysis explains the divergent trajectories of the cases: the tightening of the condition of Israeli Palestinian citizens and the democratization of ethnic politics in Estonia.

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