

Bedouin Dispersion in Israel: Between Sustainable Development and Social Non-Recognition

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Abstract : The subject of Bedouin dispersion has accompanied the State of Israel from the day of its establishment. From a legal point of view, this subject has offered a launchpad for creative judicial decisions. Thus, for example, the first court decision in Israel to recognize affirmative action (Avitan), dealt with a petition submitted by a Jew appealing the refusal of the State to recognize the Petitioner's entitlement to the long-term lease of a plot designated for Bedouins. The Supreme Court dismissed the petition, holding that there existed a public interest in assisting Bedouin to establish permanent urban settlements, an interest which justifies giving them preference by selling them plots at subsidized prices. In another case (The Forum for Coexistence in the Negev) the Supreme Court extended equitable relief for the purpose of constructing a bridge, even though the construction infringed the Law, in order to allow the children of dispersed Bedouin to reach school. Against this background, the recent verdict, delivered during the Protective Edge military campaign, which dismissed a petition aimed at forcing the State to spread out Protective Structures in Bedouin villages in the Negev against the risk of being hit from missiles launched from Gaza (Abu Afash) is disappointing. Even if, in arguendo, no selective discrimination was involved in the State's decision not to provide such protection, the decision, and its affirmation by the Court, is problematic when examined through the prism of the Theory of Recognition. The article analyses the issue by tools of theory of Recognition, according to which people develop their identities through mutual relations of recognition in different fields. In the social context, the path to recognition is cognitive respect, which is provided by means of legal rights. By seeing other participants in Society as bearers of rights and obligations, the individual develops an understanding of his legal condition as reflected in the attitude to others. Consequently, even if the Court's decision may be justified on strict legal grounds, the fact that Jewish settlements were protected during the military operation, whereas Bedouin villages were not, is a setback in the struggle to make the Bedouin citizens with equal rights in Israeli society. As the Court held, 'Beyond their protective function, the Migunit [Protective Structures] may make a moral and psychological contribution that should not be undervalued'. This contribution is one that the Bedouin did not receive in the Abu Afash verdict. The basic thesis is that the Court's verdict analyzed above clearly demonstrates that the reliance on classical liberal instruments (e.g., equality) cannot secure full appreciation of all aspects of Bedouin life, and hence it can in fact prejudice them. Therefore, elements of the recognition theory should be added, in order to find the channel for cognitive dignity, thereby advancing the Bedouins' ability to perceive themselves as equal human beings in the Israeli society.

Keywords : bedouin dispersion, cognitive respect, recognition theory, sustainable development

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