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Labour Migration and Racialisation: Labour Market Mechanisms and Labour Migration Control Policies in Israel

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ABSTRACT: This article deals with the modes through which labour migration recruitment and control policies have enacted the racialisation of a new category of migrants previously unknown in Israeli society: that of non-Jewish and non-Palestinian labour migrants, adding a new stratum of disenfranchised people into an already complex and tension ridden society. Drawing on the work of Robert Miles, I see the racialisation of migrant workers in Israel as the result of political and social regulation forces conducted first and foremost by the state as a means of 'crisis management' in times of social and political unrest. Two regulatory sites have been central in the politics of racialisation of labour migrants in Israel: the binding system and deportation policy. My main argument is that while the labour market mechanism has drawn on the de-politicisation of the role of the state in controlling labour migration through the privatisation of its regulatory functions into the hands of non-state intermediaries and employers, the deportation policy has engaged in a continuous politicisation of the phenomenon premised on the representation of labour migrants as an offence to state sovereignty and law and as a threat to the demographic balance of the Jewish nation-state. Both state mechanisms have operated in a complementary way and have not only aimed to maximise profits from and control over labour migrants, but have also served as a central means to actively prevent them from becoming rights-bearing residents. Moreover, the apparent contradiction between state and market logics that underlies the labour migrant system combines a function of misrecognition that is crucial in reinforcing the legitimacy of state induced racialisation.

After the Immigration Police announced the launching of the 'House Cleaning' campaign, aimed at arresting undocumented domestic workers at their work-sites for deportation, many Israeli employers suddenly became 'law-abiding citizens' and began firing those that had loyally served them for most of the last decade. M, a teacher from a middle-class neighbourhood in the central part of Israel, was no exception, as she could not stand anymore the terrorising broadcasts of the new campaign: 'I am a law-abiding citizen and a very moral person', she vehemently explained.

After all, she [the migrant worker] was the one that was here against the law [...] In my view those that trespass the law are the immoral [...] The

state of Israel does not have any obligation to take care of her or her children [...] Let them get into a plane and take off from here. (*HaAretz*, 'So who will do the cleaning' Sarah Leibowitz-Dar, 19 September 2003, pp. 22–28)

M's words strongly evoke some of the key issues that link labour migration and citizenship to racialisation processes in contemporary nation-states. Above all, they make legible the existence of the double moral standard that fuels the phenomenon of labour migrations globally: on the one hand, the increasing demand for and recruitment of a cheap and docile labour force in the guise of migrant men and women that pervades many neoliberal economies, and on the other, the strengthening of social and political barriers aimed at preventing their incorporation as legitimate members of the community. It is the unsustainable tension between the two moralities implied in M's words — the morality of the market in its liberal fashion and the morality of a republican version of state law — that prompted many western European nation-states to revise their policies of immigration and their definitions of citizenship and national identity in the post-World War II era (Baubok, 1994). Israel, which endorses an ethno-national definition of citizenship based on a restrictive *jus sanguinis* principle, has predictably refused to engage in a similar revision of its immigration regime and has done so on the grounds that 'Israel is not an immigration state'.

Albeit ideologically and institutionally true, such an argument becomes sociologically refutable once we take into account the following facts: since the beginning of the 1990s, the state has been involved in the massive recruitment of non-Jewish labour migrants from every corner of the world; the opening of the front door to officially recruited labour migrants has also opened the back door to undocumented migrants, who comprise 60 per cent of the labour migrant population. Both documented and undocumented labour migrants comprise nowadays 11 per cent of the Israeli labour force, a figure that has turned Israel into one of the major OECD labour importing countries.¹ Most undocumented labour migrants are concentrated in the metropolitan area of Tel Aviv where they make up 16 per cent of the population within its municipal bounds; and migrant communities have been already created and established (Kemp *et al.*, 2000; Kemp and Rajjman, 2003a; Kemp and Rajjman, forthcoming).

A similar ideological denial of a solid sociological reality has until recently been central to German policies towards immigrants who were recruited after World War II under the aegis of guest worker programmes and who eventually became 'permanent temporary residents' (Castles and Miller, 1993). While the German self-deception regarding the 'temporariness' of labour migration broke down already in the early 1970s, resulting in a considerable revision of the ethno-national citizenship regime in the 1990s, for the time being it seems unlikely that Israel will follow these steps (Levy and Weiss, 2001; Ohliger and Munz, 2003). Indeed, much of the state authorities' formal policies and informal decisions regarding migrant workers in Israel have endeavoured to preserve the wedge between their being 'migrants' and 'workers'. By defining

migrant workers as a 'temporary' solution to an allegedly temporary labour shortage, state authorities in Israel seek to prevent any practical as well as ideological recognition of migrant workers as prospective members of Israeli society.

This article deals with the modes in which labour migration recruitment and policies have enacted the racialisation of a new category of immigrants previously unknown in Israeli society: that of non-Jewish and non-Palestinian labour migrants, therefore adding a new stratum of disenfranchised people into an already complex and tension ridden society. By racialisation I refer to the structuring of social relations through the signification of biological or cultural characteristics in such a way as to define and construct differentiated social collectivities as natural and hence immutable (Miles, 1989, p. 75; Miles, 1993). As such, racialisation has no necessary connection with 'race', 'race relations' or with race as 'identity' (on the development of race studies and different conceptions of race, see Goldberg and Solomos, 2002). It rather bears upon the political processes that legitimise the exclusion, exploitation and in extreme cases the degradation of entire populations and social groups on the basis of alleged cultural and biological differences.

Drawing on the work of Robert Miles (1982; 1989; 1994), I see the racialisation of migrant workers in Israel as the result of political and social regulation forces conducted first and foremost by the state as a means of 'crisis management' in times of social and political unrest. In fact, the perception of labour migration as a means of crisis management has been explicit from the outset in the Israeli saga of labour migration. Since the late 1980s and following the outbreak of the first *intifadah*, labour migrants in increasing numbers were recruited to replace Palestinians, who comprised 7 per cent of the Israeli labour force (Bartram, 1998). Given the state's unwillingness to introduce major economic and social restructuring measures, the guest worker programme in Israel was soon to become a means to both manage the separation process between Palestinians and Israelis and to enable the steadfast passage from a collectivist welfare state into one based upon neoliberal social policies (Shafir and Peled, 2002). Once the recruitment system was set in motion, two main regulatory mechanisms have contributed to the racialisation of migrant workers: the 'binding system' chosen by Israeli governments to regulate the incorporation of non-citizen workers into the Israeli labour market and the deportation policy envisaged by state authorities since 1995 and institutionalised since September 2002 with the creation of the Immigration Authority. My main argument is that while the labour market mechanism has drawn on the de-politicisation of the role of the state in controlling labour migration through the privatisation of its regulatory functions into the hands of non-state intermediaries and employers, the deportation policy has engaged in a continuous politicisation of the phenomenon premised on the representation of labour migrants as an offence to state sovereignty and law and as a threat to the demographic balance of the Jewish nation-state.

Different logics notwithstanding, I suggest that both state mechanisms — the binding system and the deportation policy — have operated in a complementary way and have aimed not only to maximise profits from and control

over labour migrants, but have also served as a central means to actively prevent the possibility of their becoming rights-bearing residents. Moreover, the apparent contradiction between state and market logics that underlies the labour migrant system combines a function of misrecognition that is crucial in reinforcing the legitimacy of state induced racialisation (Balibar, 1991, pp. 17–28).

The focus on labour market policies and on police regulations is by no means exhaustive of the racialisation process undergone by labour migrants in Israel. Nor is their significance unique to the Israeli case. Both labour market regulations and border control have been instrumental in the commodification of migration in Israel and elsewhere (Cornelius *et al.*, 1994; Castles, 2000, pp. 95–103). However, these mechanisms are of particular value, as they disclose the modes in which non-racial language and practices are utilised by state agencies and by employers to create and maintain racialised orders of inequality and exclusion.

Theoretical Background

During the 1990s, a rich body of scholarship has evolved in an attempt to grasp the changing face of immigration and racism in contemporary nation-states. Much of this research focuses on the rapid transformations that European nation-states have been undergoing in the post-WWII period and that have been further enhanced with the re-organisation of Europe's geopolitical space (Wrench and Solomos, 1993; Castles and Miller, 1993; Goldberg and Solomos, 2002). Bearing in mind that debates on immigration and the position of minorities have taken place within particular social, political and economic contexts, it is still the case that the phenomenon of migration has been commonly presented in public and academic debates as one that is challenging the nation-state in relation to two main foundations: sovereignty and citizenship (see Baubock, 1994; Cornelius *et al.*, 1994; Jacobson, 1996; Sassen, 1996; Joppke, 1998). Despite major differences in the interpretations of the nature of this challenge,² most observers agree that the growing incongruence between political and cultural boundaries — and more specifically between rights and identity — lies at the very heart of the exclusionary practices and discriminatory policies that target immigrant minorities (Solomos and Back, 2001, p. 347; Wrench and Solomos, 1993; Castles, 1993). Indeed, in many societies in contemporary Europe, questions about migration and immigrants' incorporation have become amongst the most hotly contested areas in political debate (Wrench and Solomos, 1993, p. 4), and anti-immigrant discourse has become part of the political platform of 'New Right' movements and parties in much of the continent. Moreover, new kinds of 'cultural' or 'differentialist' racisms have evolved that are replacing 'race' with 'immigrants' and 'biology' with 'culture' and political theories of national sovereignty and identity (Balibar, 1991).

Pointing at the emergence of contemporary forms of racism in Europe, Robert Miles argues that their novelty lies not so much in the proliferation of racist social movements but in the intensification of ideological and political struggles around the expression and institutionalisation of a racism that often

claims not to be racism (Wrench and Solomos, 1993, p. 8). Similarly to past articulations of racism, recent struggles also engage, both directly and indirectly, the state and state power.

Most research on the articulations of migration and racism is located within the geopolitical space of western European states and the US (Cashmore and Jennings, 2001). However, the dynamic of mass migration of people and groups perceived as non-assimilable in terms of the political and cultural tapestry of the nation-state did not pass over states that have recently engaged in the massive recruitment of labour migrants outside the northern transatlantic axis. Israel is an example of that.³

The debate on citizenship and migration in the Israeli context became especially relevant during the 1990s, in the light of significant socio-demographic changes brought about by the immigration of almost one million migrants from the Former Soviet Union, and about a quarter of a million overseas labour migrants. The sociological significance of the last decade's immigration stems from its involving massive numbers of non-Jews who are also non-Palestinians. According to estimates, about one third of the immigrants from the Former Soviet Union are not Jewish, even though most of them were afforded entrance to Israel according to the Law of Return,⁴ while none of the labour migrants are Jewish, and most of them are not Arab either.⁵ These demographic changes are of far-reaching sociological and political import as they 'mess up' the central categorical rubrics through which discussions on citizenship and nationality have been carried out in Israel until now: Jews and Palestinians (Shafir and Peled, 2002).

The structural position of migrant workers in Israel is similar to that of Palestinian non-citizen workers who since 1967 had become an integral part of the Israeli dual labour market. However, unlike Palestinian daily commuters, whose incorporation into the Israeli labour market was handled by the military administration and whose participation in the Israeli economy did not give rise to a public debate around their civil status as residents, the recruitment of overseas labour migrants involved transplanting their place of residence into the heart of Israeli society, and created a new social stratum of non-citizens, whose transience is anchored in law, even though some of them have become *de facto* 'permanent temporary residents'.

The gap between the state's declared intention to establish a Jewish majority and the massive immigration of non-Jews — partially supported by the state itself — has led to the unintended, albeit expected creation of a new category of 'minorities' that places the discussion of citizenship, immigration and racialisation outside the endogenous arena of intra-Jewish ethnic relations and Jewish-Arab ethnonational relations.

In the following, I shall describe the socio-political setting within which labour migration has taken place in Israel during the last decade. Then I shall offer an analysis of the modes in which labour market regulation and the deportation policy have created a new category of racialised migrant workers, and the conditions that legitimise their constitution as the ultimate *homo sacer* of the Israeli state and society.

Labour Migration in Israel

Labour migration from overseas countries is a relatively new phenomenon in Israel. It started in the early 1990s, when the government authorised the recruitment of a large number of labour migrants to replace Palestinian workers from the occupied territories (State Comptroller, 1996; Bartram, 1998; Rozenhek, 2000). The deterioration of the political and security situation triggered by the *intifadah* (which began at the end of 1987) brought about a severe labour shortage in the construction and agriculture sectors, in which Palestinian workers had been concentrated since the early 1970s (Semyonov and Lewin Epstein, 1987). However, it was not until the Israeli government decided to seal the border with the occupied territories, at the beginning of 1993, that the large-scale recruitment of overseas workers began, primarily from Romania (construction sector), Thailand (agriculture), and the Philippines (geriatric care, nursing, and domestic services).

The recruitment of overseas workers was consistent with the interests of both the state and the employers, as it was considered a temporary, low-cost solution to a temporary problem (Bartram, 1998). The result was that in the 1990s the ground was prepared for the transformation of overseas labour migration from a negligible phenomenon — as it had been until then — into an institutionalised process. As in other countries, the official recruitment of labour migration brought about an influx of undocumented migrants. According to data from the Ministry of Interior Affairs, non-Jewish undocumented foreign workers arrive in Israel from almost every corner of the world — though mainly from Eastern Europe, South Asia, Africa, and South America — and are employed primarily in the services sector. According to estimates of the Central Bureau of Statistics, by the end of 2002 there were some 240,000 labour migrants in Israel, about 40 per cent of whom had work permits; together with Palestinian daily commuters they made up 13 per cent of the total labour force in Israel (CBS Press Release, October 2003).

Although it is a 'democracy', Israel has instituted a labour migration policy that has been by and large forsaken by most Western European nation-states since the 1970s (see Castles, 2000, pp. 63–78). The Israeli laws and regulations governing labour migration are much more akin to the patterns of labour migration regulation and control in the Gulf system and in the newly industrialised countries (NICs) in Southeast Asia, and are much stricter than those prevailing in states with longer histories of foreign labour recruitment. Similar to the Gulf states and to Taiwan, in Israel work permits are granted to employers, to whom the migrant worker is indentured, thereby maximising employer and state control over the foreign population. The state does not allow residence without a work permit; it does not recognise any right of asylum or of family reunification, nor does it guarantee access to housing, social benefits, or public medical care. Finally, the state carries out a blatant deportation policy that allows the arrest and expulsion of undocumented migrants at any time by simple administrative decree.⁶ In that sense, Israel's labour migration policy reflects the Janus face of labour migration systems:

labour migrants are seen by the state as both an indispensable answer to economic issues and as a threatening problem to the national community.⁷

In the following, I expand on the two main pillars of Israel's labour migration policy — the binding system and the deportation policy — and analyse the modes in which they gear the racialisation of migrant workers while at the same time legitimating it. While the binding system concerns officially recruited labour migrants, the deportation policy targets mainly undocumented immigrant workers.

The 'Binding' System

The official recruitment of workers is conducted through licensed manpower agencies and employers, to whom the permits are allocated by the state Employment Service. No bilateral or multilateral agreements between the sending and receiving states have been introduced to regulate the process. By this means, the state is supposedly not party to the employment of the workers and delegates the responsibility for their recruitment, living conditions and terms of employment to the employers.

The pattern of formal labour recruitment and employment in Israel adheres to the definition of 'contract' or 'indentured labour', according to which the worker is placed by contract outside the free labour market. Officially recruited labour migrants in Israel are attached by governmental decision not only to particular sectors of the labour market (mainly agriculture, construction, and geriatric care, but also light industry, catering and tourism services), as is mostly the case in other labour importing countries, but also to a particular employer.⁸ Because work permits are granted to employers and not to employees, leaving one's original employer means becoming automatically an 'illegal' worker and resident. This pattern, known in Israel as the 'binding system', has numerous historical precedents, and it was crucial in European industrialisation (Castles and Miller, 1993; Sassen, 1999). Contract or indentured labour was also applied in the Bracero Program in the US that was initiated in 1942 to recruit Mexican agricultural workers (see Massey and Liang, 1989). Originally established as an emergency programme to overcome the labour shortage in wartime, the Bracero system outlived its original *raison d'être*, remaining in effect until the early 1960s. The programme became synonymous with an exploitative system that created what Kitty Calavita calls 'a captive labour force' while simultaneously setting in motion unintended migratory flows that led to settlement (1992, pp. 74–82).

The rationale for using workers whose legal status is contingent on their staying with one employer is twofold: it buttresses not only the interests of the employers in reducing the turnover of workers attracted to better wages or working conditions elsewhere, and stabilising or even reducing labour costs, but also those of state agencies interested in controlling foreigners and in eliciting employers' continued cooperation and preference for documented (over undocumented) labour migrants (Calavita, 1992, p. 74). In other words, indenture allows for the privatisation of state control into the hands of employers who become not only beneficiaries of unfree labour but also

responsible for keeping it that way. The system is detrimental to the workers themselves, as indenture creates a fertile ground for flagrant violations of human, civil and social rights (see Hotline for Workers Reports in www.kavlaoved.org.il).

The pros and cons of indentured labour are crudely displayed by the labour migrant recruitment system in contemporary Israel. From a juridical point of view, Israel is a signatory to international conventions such as that of the International Labour Organisation on labour migration (1949), which the Israeli Knesset ratified in 1953, and through the years the state has enacted progressive laws concerning workers' rights, including minimum wage, work hours and conditions, and health care (a patients' rights law). The territorial definition of these laws enables their application without discrimination to all residents in Israel, whether they are citizens or not, and irrespective of their legal status in the country. Until recently, both documented and undocumented migrant workers were entitled to Israeli National Insurance allotments, although recently this entitlement has been revoked from the latter.⁹

In practice, an immense gap exists between the formal prescriptions of these laws and their implementation (see, e.g., Yanay and Borowosky, 1998). What in fact induces the violation of migrant workers' social and civil rights in Israel is not the absence of appropriate legislation, but the lack of an infrastructure, compounded by the state's lack of will to enforce the laws. According to Central Bank of Israel reports, migrant workers work an average of 250 hours per month, while the monthly average for an Israeli worker is 152 hours, and they cost 30 to 40 per cent less than an Israeli worker (Central Bank of Israel, 2000). According to the State Comptroller, in 1997–98, 68 per cent of migrant workers earned less than the minimum wage, as compared to 3.3 per cent and 4.7 per cent of Israeli Jewish and Arab citizens respectively (State Comptroller, 1998) and as compared to 38 per cent of undocumented migrant workers (Bar Tzuri, 2000).¹⁰ Gottlieb has found that the probability for male migrant workers to earn less than minimum wage grew from 24 per cent in 1996 to 80 per cent in 2000 (Gottlieb, 2002, table 2). Breaching the minimum wage law is accomplished mainly by means of 'legitimate' deductions for housing, private health insurance, and so on, for which the employers are made responsible by the state via the binding system. It should be noted that according to the Migrant Workers Law of 1999, employers must provide salary reports to the Labour Ministry when requested; however, this clause of the law has not been enforced under the pretext of budgetary constraints.

Labour market discrimination against non-nationals is neither the only nor the main racialising aspect of the binding system.¹¹ More telling in this respect is the kind of social relation that the binding system establishes between the employer and the labour migrant and how it has become instrumental in the creation of *illegalised* labour migrants. As already mentioned, the binding policy assigns work permits to a specific employer. If the worker decides to terminate the contract and leaves the employer, he or she must leave Israel or become subject to deportation. The same situation is created if the employer is the one who decides to terminate the contract, regardless of the reasons adduced. Whether the reasons are connected to the worker's performance or to the

employers' own circumstances and whims — be it the worker's poor health condition or the employer's violation of working conditions standards — even contractual obligations cannot protect the worker's legal status.

This particular nature of the binding system in Israel has become one of the main catalysts in the creation of *illegalised* workers, 'run outs' in the employers' jargon. According to data from the Manpower and Research Unit in the Ministry of Labour in 1999, 53 per cent of the undocumented migrant population entered Israel with a work permit and either overstayed it or left their original employer (Bar Tzuri, 2001). According to the Hotline for Migrant Workers, between February and March of 2003, 81 per cent of migrant workers under arrest entered the country with a valid work permit (based on a sample of 607 detainees). Among these, 21 per cent became 'illegal' for one of two reasons: they were reassigned to another employer or their visas expired without their knowledge as their passports with the permits were confiscated by their employer (see Hotline for Workers and Hotline for Migrant Workers, 2003).

The main point here is that state labour market regulations are not only ineffective in preventing the turnover of labour migrants, but more importantly, they are directly producing the phenomenon that the state is allegedly combating through the Immigration Police. As such, Balibar's observation that the modern state opens the door to 'clandestine' circulation of the foreign labour force, and at the same time represses it, is highly pertinent in this context (1991).

There are several informally sanctioned practices that sustain the distortions of the binding system. The most noticeable among them are passport confiscation, privatised manhunts carried out by employers who have been left by indentured workers, and the charge of mediation fees and collateral to migrant workers (for a detailed description see Hotline for Workers Annual Report 2002).

It should be pointed out that these three practices are illegal under Israeli law. However, the authorities have done little to prevent these violations until recently.¹² And more importantly, while these practices are not a necessary corollary of the binding system, there is no mechanism inherent to it that may prevent or deter employers from carrying out these abusive practices. On the contrary, as the binding system has created a legal infrastructure conducive to the definition of the employer/labour migrant relation as a 'property'-like relation, and the worker as a 'commodity' that the employer can dispose of at his or her will with little chance of being punished, can return if not satisfied and even 'get compensated' as if we were talking about a store returns policy, the employer's immunity before the law in most cases has precedence over the rights of migrant workers. At the risk of stating the obvious, it is clear that poor and discriminatory enforcement of protective laws and the threat of deportation make it easier for employers to dispose of their indentured workers.

Illustrative of the modes in which the employer's practical immunity to the enforcement of legal and administrative measures takes precedence over the protection of labour migrants' rights is the fact that until the end of 1999, the location, apprehension and arrest of undocumented workers was carried out

by inspectors from the Ministry of Labour, whose official task is to supervise working conditions and the compliance with labour laws. This scenario was corrected following the intervention of various NGOs and the media, which systematically exposed the situation (for a detailed analysis see Kemp and Rajiman, 2001), but which was unable to generate the systematic enforcement of protective laws.

Following the establishment of the new Immigration Police in September 2002, stronger measures have been taken against illegal employers. According to official data, fines on illegal employers have been doubled from 5000 NIS to 10,000 NIS (close to \$2,000 US); 3,019 reports have been filed against employers and 400 indictments have been submitted in court (www.hagira.gov.ac.il). However, it remains unclear how many of these cases have been prosecuted and it is still to be seen whether the *laissez faire* era of labour migration has come to a conclusion.

The Struggle against the Binding System

Endorsed by major employer lobbies (such as the Constructors and Builders Association and the Agriculture Cooperatives Movement) that have profited from the large numbers of permits for unfree labour, state authorities have consistently refused to replace the binding system with less stringent modes of labour migrant recruitment and employment. Citing the regulatory rationale of the state, governmental authorities argued that the binding system is vital in preventing the infiltration of cheap labour migrants into sectors other than those where they are needed, and in protecting local workers from unemployment.

The binding system has been seriously contested both from within state bureaucracies and agencies and by human rights NGOs working on migrant worker issues. As the state plays a central role in sanctioning the binding system, it is not surprising that most activities geared at abolishing it engage directly the state and state policy.

The arguments adduced against indenture have varied according to the logics of action that guide its various opponents. For example, the Central Bank of Israel has expressed its opposition to indenture on the ground that it prevents labour market competition between local and foreign workers, as it prices whole sectors of the labour market above the competitive market price because of cheap and unprotected foreign workers (Central Bank of Israel, 2000). In face of the obvious failure of the binding system to achieve its manifest regulatory purposes, a professional committee appointed by the Minister of Labour in 2001 to examine the labour migrant employment policy in Israel has strongly supported the revision of the binding system to increase mobility of workers among employers, raise the costs of labour migrants and allow for limited amnesty of existing undocumented migrant workers (Buchris, 2001). The quest for periodical amnesties and abolishing indenture has become almost a chimera for human rights organisations working on labour migrant issues in Israel. For almost a decade now they have been unremittingly denouncing the violations of human, civil and workers' rights that the binding

system entails (see ACRI, Hotline for Workers, Hotline for Migrant Workers, and PHRI reports).

Following an appeal submitted by a coalition of six NGOs on the binding system in 2002, the Supreme Court of Justice summoned the Minister of Labour and the Minister of Interior Affairs to justify within 90 days the indenture policy (SCJ, 4542/02). However, consecutive Israeli governments have refused to replace the binding system throughout the 1990s, and have only once seriously entertained the idea of an amnesty to deal with the large numbers of undocumented migrants, a proportion of which, of course, was produced by the binding system itself.

Whereas the government has adhered to regulatory arguments, strong organised employers that enjoy large numbers of permits have been more straightforward in explaining their opposition to cancelling the binding system, while at the same time striving for the enlargement of permit quotas and for the reinforcement of deportation policy. The Head of the Constructors and Builders Association, the biggest employer sector of labour migrants until the end of 2001 with 44,000 permits, explained that the root of the black labour market lays in the scarcity of work permits and not in their proliferation. This argument was formulated at a time when the total number of work permits reached one of its highest points of the 1990s, unemployment figures in Israel climbed to close to 11 per cent, and the construction sector entered an alarming slowdown. According to him,

the real problem is not to be found among foreign construction workers. The problem is that there are 200,000 undocumented migrants. The Negro that comes with his wife and raises here his three children that attend the school that Ron Huldai (Tel Aviv city mayor) provides, or the Indian that his children do not speak Spanish anymore but only Hebrew, these are not foreign workers, these are illegal migrants. If Benizri (Minister of Labour at the time) is such a hero, I dare him to put them all in a plane and send them home. (quoted in Wurgaft, 2001)

The fact that organised employers allude to African and South American migrant workers as 'the real problem' is not accidental. Since these migrants are not targets of official recruitment but rather 'spontaneous' migrants, they are not subjected to indenture but are instead mobile, 'free', undocumented labour migrants, doomed to deportation. As such, they do not provide employers with the mediation fees and the advantages allowed by the indenture system. Therefore the fact that among the alleged '200,000' undocumented workers, a large proportion is produced and at the same time repressed by the state regulatory system itself is not seen as problematic by employers but rather as a gold mine, whereas spontaneous migration (be it 'Negro' or 'Indian' as well as 'Asian' or 'Eastern European') that lies outside the regulatory system of the state becomes their worst nightmare.

It has not been until recently that the state partially yielded to pressure by NGOs and the Supreme Court of Justice and has allowed for some flexibility in what has been called the 'relocation of workers among employers'. This new procedure was introduced in 2002, following an appeal submitted to the

Supreme Court of Justice in the case of Valentin Ferdinand, a Filipino care worker whose original employer had died and who therefore became automatically 'undocumented' (SCJ, 8088/01). Although the court allowed the deportation of Ferdinand before he had the chance to obtain a work permit under a new employer, it also instructed the state to issue new procedures to allow care workers to change employers. It took a further appeal to the Supreme Court before the new procedures were finally published requiring the labour migrant to present a position letter from the previous employer, albeit these seem to be still incomplete and confusing.¹³

Relocation has also been extended in 2003 to construction labour migrants following the implementation of the 'closed skies' procedure, formulated and approved by the Ministry of Interior. Under this procedure, the Interior Ministry allows authorised employers to come to prison to interview the candidates for deportation, and to select the workers who would suit them. Implemented following the government's decision to cease admittance of new foreign workers (hence its colourful name), the 'closed skies' procedure does not resort anymore to the laundered language of legal terms to make labour migrants' captivity evident.

Outraged by the scene whereby contractors' representatives come to prison as though they were 'coming to check out the merchandise in the market', the judge on the Court for the Supervision of the Custody of Illegal Residents expressed her clear disgust in her decision in the case of two Chinese construction workers who were detained after their permits became invalid and became eligible for relocation. She wrote,

It is not at all clear to me according to what unacceptable custom the employer believed that foreign workers are merchandise, for which they can receive credit at a prison or a custodial facility any time they feel like it ... [I]s [it] acceptable that in the State of Israel in the 21st century, employers, who receive hiring permits from the Interior Ministry and the Employment Service of the State of Israel, behave like slave traders? (quoted in Dayan, 2003)

The answer to this question, which was addressed first and foremost to the state, came from the Tel Aviv District Attorney's Office in a document that explained that the contractor had acted in fact according to an official procedure. As employers do not have to commit in advance when would they recommence the employment of persons under arrest nor when would they bring it to a halt, the Interior Ministry and the Immigration Police act as custodians of the workers and the prison as a reservoir for disposable workers.

State officials have been persistent in their reluctance to forsake indenture as a means that allows maximum control over migrant workers and which reduces them to their economic function alone. While indenture has been presented by the state as a safeguard of national economic interests, the property-like relation between employer and migrant worker envisaged by the binding system has been taken by employers and mediators to its ultimate conclusion: not only work is for trade but also people in the guise of permits.

Human Trafficking or the Swing of Revolving Doors

Benizri: [Migrant worker trafficking] is the most lucrative business in Israel. A business estimated at \$3,000,000,000. Unfortunately it goes all the way to the top. There are interested parties in the most senior governmental ranks, in parliament, outside parliament, businessmen ... I'm telling you, it is very big money.

Azran: Personal interests, sir?

Benizri: Of course.

Azran: Commissions, percentages?

Benizri: Of course.¹⁴

The excesses facilitated by the binding system have been conducive to a full-fledged human trafficking industry. In 2003, the US State Department Report on Human Trafficking in Israel stated cautiously but clearly that

Israel is a destination country for trafficked persons ... Persons in search of work are trafficked into situations of coerced labor, where they endure physical abuse or other extreme working conditions. Many low-skilled foreign workers in Israel have their passports withheld, their contracts altered, and suffer non-payment of salaries of varying degree and duration. Construction firms and other businesses have brought male laborers from China and Bulgaria into Israel to work under conditions equivalent to debt bondage or involuntary servitude.

The report followed an appeal of various Israeli NGOs on the subject.¹⁵

According to semi-official pronouncements (see Benizri above), trafficking in migrant workers in Israel has become an industry with an annual turnover of hundreds of millions of dollars.¹⁶ The motivation behind the massive import of migrant workers into Israel is not only cheap labour but also illegal mediation fees, charged to workers who wish to come to Israel.¹⁷ These mediation fees range from \$3,000 in the case of Thai agriculture workers up to \$10,000 in the case of Chinese workers (see *Hotline for Workers*, 2002), which are split between Israeli employers and mediators both in Israel and in the respective countries of origin.¹⁸

Public attention was drawn to the trafficking phenomenon in December 2001, following the publication of an extensive article on the superfluous importation of thousands of Chinese migrant workers, many of whom had become 'unemployed' immediately upon arrival (Meiri *et al.*, 2001). Published in the mass circulation Israeli daily, *Yedioth Ahronoth*, the article set on the public agenda the modes of operation of the trafficking industry of which the Chinese migrant workers case was a clear example.¹⁹ According to the newspaper, by the end of 2001, some 13,000 from a total of 23,000 Chinese workers were officially recruited to work in construction, albeit needlessly. The recruitment of unemployable workers was made public at a time when the real estate market fell into a deep slump, and the new official policy was to reduce the number of permits considerably by 'closing the skies'.²⁰ The number of migrant

workers, however, did not drop. Manpower agencies realised that it was more profitable to bring Chinese workers to Israel — after being paid thousands of dollars to do so — than to employ them once there. Urging constructors to request increasing numbers of permits from the Labour Exchange, mediators promised in return thousands of dollars for every worker that reached Israel, without requiring their employment. Unemployed and without the legal possibility to work for another employer, migrant workers were destined for arrest and deportation. Once back in China they were to face insolvency (Meiri *et al.*, 2001).

The press reports that uncovered the political and economic interests behind this scam, and the anatomy of the phenomenon that has entailed not only the commodification of migration but also more critically the commodification of human beings, were confirmed by various state officials. 'Chinese workers — that's where the money is', stated the head of the visa section in the Ministry of Interior.

They pay more for them than for any other worker. It's a business in the billions. It pays to bring them here even if they're not given jobs. They bring people who are not even skilled workers. Nobody needs them. The handlers come to contractors or farmers, asking them to sign a form for the Labour Exchange and pay them for doing that. (quoted in Sinai, 2002)

According to the former director general of the Labour Exchange,

it's all a loop that begins from above, with the Labour Exchange, through the manpower companies and, sometimes, through the contractor. And the guy paying for it all is the Chinese worker. And we're talking about an awful lot of money. (*ibid.*)

Press reports have exposed serious allegations of corruption in issuing migrant workers employment permits: heads of the Employment Service have been repeatedly replaced over this matter, and former Labour Minister Benizri himself is currently being questioned regarding his role in this affair. Despite some public pressure and the interest taken by the Knesset's economy committee, no official inquest committee has been appointed to study the allegations.²¹

Although extreme, the case of Chinese migrant workers does not entirely fall outside the officially sanctioned practices of state regulation and discriminatory enforcement of labour migrants. While gaining high mediation commissions constitutes the main motivation for employers, private mediators and corrupt government officials to participate in criminal acts, this should not overshadow the modes whereby stringent state regulations applied to labour migrants (such as indenture and the threat of automatic deportation), coupled with poor governmental enforcement of employers that breach the law, have provided both the means and the opportunity for the labour migrant system to degenerate into a human trafficking industry.

'The Government of Israel does not fully comply with the minimum standards for the elimination of trafficking', concluded the 2003 US State

Department Report on Human Trafficking in Israel, 'however, it is making significant efforts to do so'. Among these efforts, the report refers to the Immigration Authority established in 2002 with the declared purpose of 'coordinating government activity related to foreign nationals, including the investigation of offences against migrant workers' (quoted in Hotline for Migrant Workers, 2003).

While the 2003 US State Department Report on Human Trafficking in Israel addressed explicitly the role of the state in prosecuting traffickers and protecting trafficked persons, it has also precluded any discussion of the role of the state in facilitating the phenomenon that it is supposed only *ex post facto* to combat. Delegating the responsibility to private (including criminal) actors is central to the politics of racialisation incurred by the state on labour migrants and I suggest that this is exactly what the binding system aims to achieve: restricting the violations to labour market excesses and partisan interests and not the principles that underlie the system. In the following, I dwell on the second pillar of the politics of racialisation of labour migrants: the deportation policy and the ways in which it complements indenture through the definition of labour migrants as a threat to state sovereignty and to the national character.²²

Deportation

I ask you to refrain from carrying out the erroneous decision of establishing a new division for the deportation of foreigners within the Israeli Police ... Undocumented migrant workers have indeed infringed the law but they are not criminals ... the cost of creating a deportation system is high and unwarranted when compared to its benefits ... deportation is indeed a vital and important means however it does not hold out as the major instrument for dealing with the phenomenon of illegal migrant workers.²³

With the official recruitment of labour migrants in Israel resulting in an increasing number of undocumented migrants, some of whom have since settled, state policies have had to address ever more complicated situations. The answer to the new sociological realities enacted by the labour migration system has mainly taken the shape of a deportation policy. Indeed, except for a six month period of respite between January and June 2000, deportation has operated from 1995 to the present day as the main, if not the only, means to deal with undocumented labour migration. The establishment of the new Immigration Authority, of which the Immigration Police was the first step, signalled the institutionalisation and systematisation of an existing practice that has become, together with indenture, a central pillar of labour migration control policy.

There is nothing surprising nor unique in governments resorting to deportation when dealing with unwanted migrants. According to Castles, this has been the case in most labour importing countries whose responses have almost invariably been piecemeal and *ad hoc*, oblivious of long-term objectives and

strategies. Shortsighted policies apply particularly where governments have been unwilling to admit the reality of long-term settlement and continued immigration (Castles, 2000, p. 24). Deportation is an extreme, if unsurprising, example of the exercise of state power.

The logic that underlies its practice draws on a modern political theory of sovereignty that establishes the right of states to control the movement of people as superior to the right of people to free movement. This theory has been ratified and codified in the UN Declaration on Human Rights of 1948, which recognised the right of people to exit their country of origin as a basic human right but did not establish a concomitant right of entry (Zolberg, 1981).

The deportation policy in Israel emerged from the outset with the declared purpose of putting an end to a situation that had run out of control. The official target in 1995 was to reduce the proportion of migrant workers from 10 per cent of the Israeli workforce to just 1 per cent. However, for most of the 1990s, a considerable gap has existed between the great hopes harboured by the advocates of deportation and its practical implementation. Thus, according to data from the Ministry of Labour's Manpower Authority, between 1995 and 1999 some 13,000 migrants were deported at an estimated monthly cost of \$1.7 million (NIS 7.2 million, NIS 200 per day per detainee), when the established goal had been 1,000 persons per month (Bar Tzuri, 2000). In early 2001, Sharon's government decided on a quota of 500 deportations per month that resulted in practice in a total number that did not exceed 3,000 deportations for that year (compared with less than 2,000 deportations in the year 2000, and some 5,000 deportations in the year 1999; these numbers correspond to the Barak and Netanyahu administrations respectively).

The gap between official goals and their factual implementation was to be considerably narrowed with the inauguration of the Immigration Police, endowed with a US \$50 million budget and the ambitious objective of deporting 50,000 undocumented migrants within a year.²⁴ Several additional steps have been taken to achieve this, including, among others, the opening of new detention facilities for both men and women that tripled the number of places for detainees, and the allocation of some 480 positions to the new police force.

According to official reports, since the creation of the Immigration Police, 16,500 migrant workers have been deported, and an additional 38,500 have left 'voluntarily'. Police spokesmen admit that it is difficult to estimate whether these numbers are directly related to the reinforcement of activities or whether they are part of the natural turnover of temporary migrants. The lack of systematic data on past deportations makes it difficult to assert the efficacy of the new policy, let alone its efficiency, since the cost of each deportation has been estimated at NIS 6,700 (US \$1,500). Also, the results of enforcement measures against illegal employment are far from self-evident, as it seems that so far the toll of illegality is much heavier on migrant workers than on their employers.²⁵ More crucially, the arrest campaigns at worksites, public places and the domiciles of labour migrants have entailed the violation of basic human rights and have been the target of harsh criticism.²⁶

Uncertainty and violence notwithstanding, the government regards the new Immigration Police and the reinigorated deportation policy as a 'success

story', and has instructed the doubling of deportations next year to 100,000. This perception is hardly surprising considering the timing of the inauguration of the Immigration Police. The establishment of the Immigration Police coincided with the government's attempt to implement a new 'Economy Plan' that would encroach considerably on protective systems and on local workers' rights in general. As such, the Immigration Police blueprint is to apply the political economy theory on which labour migration systems are premised: migrant workers should be ready to go to work when needed, should be gone when not needed (Calavita, 1992, p. 21). The simplicity of the formula whereby labour migrants perform as a low cost solution to both labour shortage and rising unemployment was not lost in the eyes of policy makers and their critics; however, it has not thus far prevented the implementation of massive deportation and the manufacturing of public consent to it.

At the start of summer 2003, deportation of undocumented migrants took a more systematic and dramatic turn as it targeted whole communities. Under the title 'Operation Voluntary Repatriation', the Immigration Police launched a two-stage plan design to encourage undocumented migrant workers to leave the country voluntarily. In the first stage, the police called on families to register at Immigration Police stations. This registration guarantees the families two months of protection from arrest, during which they are supposed to settle all their affairs in Israel and purchase airline tickets. In order to make the registration easier, the Authority promised to grant family heads a grace period and not to arrest them at all until the beginning of September. In the second stage, which began on 1 September, the Authority resumed arresting families who had not registered and did not have a departure date. Information about the campaign was presented in press conferences, meetings with representatives of organisations working with migrants, circulation of leaflets and the like. Conspicuously missing from the disseminated information was the third stage envisaged by authorities, in which whole families including children would be arrested and detained until their deportation. This stage, regarded by authorities as the 'last and final stage of the operation', would commence toward the end of October or the beginning of November 2003 (Wurgaft, 2003b, p. B-3; Chabin, 2003). According to estimates from Tel Aviv Municipality, there are some 6,000 children of undocumented migrant workers living in the metropolitan areas. Some of these children were born and grew up in Israel but they lack any legal status and are not eligible for naturalisation. Once they reach the age of 18 they become undocumented residents and are doomed to deportation (Lavie, 2003). Up until now, authorities have refrained from deporting parents who live with their children in Israel, although there are reports of many cases in which one parent has been deported, in the hope that the other parent and children will follow voluntarily (Wurgaft, 2003c; Friedman, 2003).

The situation of undocumented migrants that have settled, formed families and established whole communities (such as African, Latin American and Filipino migrant workers) is the starkest reminder of the unintended consequences of labour migration systems and of the racialisation processes geared by neoliberal labour market policies that aim to create an unsurmountable

wedge between labour and migrants. On 23 February 2003, the Supreme Court of Justice deliberated on a petition submitted by various NGOs against the massive deportation but it did not reverse the government's decision. In the officials' view, the Voluntary Repatriation operation has yielded satisfactory results, as 1,300 migrant workers and their families, 500 from Ghana, left the country in organised flights (Sinai, 2003d).

Aware of the challenges entailed in the phenomenon, politicians in office have repeatedly presented the undocumented migrant communities as a 'time bomb' (pzaqa metakteket). '*They have to be deported before they become pregnant*' the former Minister of Labour and Interior Affairs, Eli Yishai, warned repeatedly.²⁷ He initiated the deportation policy in 1995 and became its most enthusiastic advocate.

He has not been the only one to adduce the demographic argument. In an interview, the new Head of the Population Administration declared that his main mission was to put a halt to the chaotic situation reigning in the Ministry of Interior Affairs that allowed for 1 million non-Jews to enter the country through the 1990s (Graibski and Kempner-Kritz, 2002). In September 2002, Schlomo Benizri, then Minister of Labour, resumed the work of the Public Council on Demography. Presented as a practical answer to demographic anxiety over 'threats' to the Jewish majority in Israel, the Council has set among its main objectives to address the 'problem' of migrant workers.

The 'success' of the deportation policy and its main carrier, the Immigration Police, should not be interpreted in the narrow framework of numbers. Their efficacy lies instead in the ideological work of racialisation, namely the ability to frame deportation as an inevitable measure to combat unemployment and the malaise of economy as well as a safeguard to the demographic threat presented by non-Jewish labour migrants and their families. With that purpose in mind, xenophobic media campaigns have been launched by the police, overtly scapegoating migrant workers for unemployment, recession, and for mixed marriages that threaten to undermine the Jewish character of the state of Israel. Following a petition organised by the Hotline for Workers, and criticism raised by the Institute for Jewish Pluralism and other organisations and individuals, the demagogic overtones of the campaign were softened, and warnings have been re-directed against minimum wage violations and passport confiscation by employers (see www.hagira.gov.ac.il).

The interesting point is that all through the 1990s, migrant workers have not become a 'national' issue around which political parties or 'New Right' social movements have attempted to mobilise public opinion. Except for a few incidents, migrant workers have neither been the targets nor the victims of xenophobic attacks. This is not to say that public opinion is not prejudiced against migrant workers or does not perceive them as a threat (Raijman and Semyonov, 2000). My point is rather that the ideological work of anti-immigrant discourse has been carried out as a top-down process and has been deeply ingrained in institutional state practices.

Conclusion

Non-racial language can become instrumental in producing and reproducing racialised orders of inequality and exclusion while at the same time allowing for the misrecognition of their effects. This article probed into two major instances of this double process whereby the politics of institutional discrimination and exclusion denies its own nature and also 'gets away' with it: labour market regulations and border control policies. More particularly, I dealt with the modes in which labour market and border control policies have enacted the racialisation of a new category of migrants hitherto unknown in Israeli society: that of non-Jewish and non-Palestinian labour migrants.

Drawing on the understanding that racialisation bears upon political processes that legitimise the exclusion and exploitation as well as the degradation of entire populations and social groups on the basis of alleged cultural and biological differences, I suggested that the racialisation of migrant workers in Israel has been the result of political and social regulation forces conducted first and foremost by the state. Indeed, despite economic recession and a pervasive thick definition of ethnonational identity, Israel has not witnessed the formation of an anti-immigrant public discourse, let alone attempts at mobilising civil society against labour migrants similar to those that have developed in many Western European societies.

The politics of racialisation in Israel has instead taken place in two regulatory sites: the labour market and border controls. While the labour market mechanism has drawn on the de-politicisation of the role of the state in controlling labour migration through the privatisation of its regulatory functions into the hands of non-state intermediaries and employers, the deportation policy has engaged in a continuous politicisation of the phenomenon premised on the representation of labour migrants as an offence to state sovereignty and law and as a threat to the demographic balance of the Jewish nation-state. The legitimacy of state regulatory forces lies precisely in their ability to create an apparent contradiction between the discourse on privatisation and the national sovereignty rhetoric that conceals the power continuum between them.

Although it is beyond the scope of this article, I see the simultaneous 'privatisation' of labour migrant recruitment and the 'nationalisation' of their control as intrinsic to larger transformations that have been taking root in Israeli society during the last decade and a half. These affect the re-structuring of state authority through constant negotiation between the 'public' and 'private' realms, and through processes of delegation and *ex post facto* control,²⁸ and bear upon the changing nature of citizenship and national identity in a context of increased transnational mobility. As such, labour migration in Israel helps make visible stories larger than its own.

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Notes

1. Indeed it ranks among the first three labour importing economies of the OECD countries after Luxemburg and Switzerland.
2. Broadly speaking, the modes in which migration challenges the nation-state has yielded to two main interpretations. The first and somehow more conservative interpretation contends that in the absence of a viable alternative political framework to the nation-state, the growing numbers of fully disenfranchised or partial members of society in the guise of migrants, refugees and asylum seekers constitute a serious deviation from and deficit of the holistic and universal nature of national modern citizenship (see Brubaker, 1989). The second interpretation conceives of the new waves of migration as a transforming rather than a reaffirming force of national models of membership and of nationally contained politics as a whole (Soysal, 1994).
3. For examples of other states in the Persian Gulf and Asia, see Castles, 2000. Those instances are comparable to the Israeli case. They are all states that, among other characteristics, (a) have been involved during the last decade in the massive recruitment of labour migrants; (b) have an extremely exclusionary regime of incorporation based on 'thick' ethno-national or '*jus sanguinis*' conceptions of membership; and (c) are relative latecomers — compared with North America and Europe — to the global capitalist economy, which relies on the transnational importation of cheap labour.
4. On the question of the number of 'non-Jewish immigrants' from the Former Soviet Union, and on the shroud of secrecy that surrounds the issue in the political and public discourse in Israel, see Lustick (1999). In this context, it is important to emphasise that not all of those classified as 'non-Jewish immigrants' are non-Jewish. Some of them are indeed not Jewish according to any criteria, while others are not Jewish only according to the orthodox-religious definition. The data presented by Lustick concerning the proportion of immigrants that are non-Jewish are confirmed by a research report by Al-Haj and Leshem (2000). According to their findings, in the first half of the 1990s non-Jewish immigrants constituted about 20 per cent of all immigrants, while from 1995–99 the proportion of non-Jews or those married to non-Jews rose to 41.3 per cent.
5. This article does not deal with Palestinians from the Palestinian Authority who have undergone naturalisation in Israel during the Oslo era under the clause of family reunion. Palestinian workers who have entered the Israeli labour market since the early 1970s have typically not been regarded as 'migrant workers' but as daily commuters.
6. For a discussion of labour migration in the Gulf System, see Massey *et al.*, 1998, pp. 134–59; Castles, 2000; and for Taiwan, see Cheng, 2003.
7. For a discussion of different guest worker programmes in Western Europe, see Martin and Miller, 1980, pp. 315–30.
8. The National Insurance benefits applicable to migrant workers include only three components: work accident compensation, employer's bankruptcy, and maternity benefits. They do not include unemployment and pension

- benefits. It should be noted that even the recognised benefits to which workers are entitled can be very hard to obtain.
9. A similar situation exists with regard to the availability of welfare services for migrant workers. The state ignores the special needs of this population, since to acknowledge them would be to recognise foreign workers as legitimate residents of the nation-state. As a result of the state's withdrawal, the bulk of the responsibility for the migrants' welfare, education, and health care needs devolves on the local governments, which find themselves 'solving' immediate day-to-day problems of those living within their jurisdiction (Kemp and Rajjman, forthcoming).
 10. Food deductions are a very common means of avoiding minimum wage payment. According to the Israeli Ministry of Justice, there is no legal limit on these deductions, apart from the vague requirement that they be 'reasonable'.
 11. Generally speaking, the recruitment of non-nationals is not a necessary prerequisite for the development of a dual labour market, it only renders discrimination invisible in the eyes of the political community and therefore easier to justify.
 12. According to the Ministry of Employment, Trade and Industry, out of NIS 26 million (close to US \$5 million) in illegal employers' fines, less than half (and in 2003 only one quarter) were collected (Leibovitch Dar, 2003a).
 13. The new relocation policy has created a situation in which many employers agree to cooperate only if the worker renounces all financial claims against them. The new regulation does not indicate criteria for denying workers' mobility, or the time-span of the procedures. The regulation does not allow appeal against the Ministry's decision. The most recent improvement is that the worker can obtain a 30-day tourist visa upon leaving his employer in order to find new work. There is no indication, however, of the worker's status before this visa is issued (under current practice, workers' stay is considered illegal from the moment their work is terminated). A further problem is that 30 days do not allow for a trial period, which would be required in any sensible employment contract. Finally, employers prefer to import cheaper, commission-carrying new workers, rather than employ an experienced, more expensive employee. See Hotline for Workers, 2002.
 14. Transcript from 'Exposure', the Israeli Broadcasting Authority's investigative news show, 27 February 2002. Reporter H. Azran interviewing Labour and Welfare Minister S. Benizri.
 15. Trafficking in Israel has been previously addressed by the UN Commission on Human Rights but only in respect to trafficking in women and prostitution in Israel. The intervention of the UN followed the activities of national NGOs and it resulted in the establishment of the 'Inter-ministerial committee to study and combat the trafficking in women' in November 2002. See national NGOs report to the annual UN Commission on Human Rights: Evaluation of National Authorities activities and Actual facts on the Trafficking in Persons for the purpose of prostitution in Israel, submitted by the Awareness Center and Hotline for Migrant Workers, to the UN Commission on Human Rights, 59th session, 17 March–24 April 2003.

16. There are no official estimates on the mediation and trafficking industry in Israel. In a highly regarded investigative news programme, the annual turnover of mediation and trafficking fees has been estimated at NIS880,000,000 (some US \$200,000,000), see Dayan (2003). See also Kemp and Rajjman, 2003b.
17. Mediation fees are not allowed by Israeli law, but are charged to virtually all officially recruited migrant workers. The mediation fees include a collateral component, such as house mortgage.
18. On the illicit mediation fees industry see also Sinai, 2001a (in agriculture); 2001b (on geriatric care workers); 2003a, (in construction).
19. For other examples of trafficking in Israel see the 2001 US State Department Report on Human Trafficking, which placed Israel on the list of 'Tier 3' countries, which did not comply with the minimum standards for combating human trafficking. The report condemned seriously the situation of Romanian construction workers in Israel.
20. At the end of September 2002, the Sharon government issued a decision to put a halt to the recruitment of labour migrants except for geriatric care. Due to pressure campaigns exerted by strong employers in agriculture and construction, the decision was not carried out and new permits were issued.
21. See Sinai, 2001c, 2001d, 2001e; Meltz, 2003; *Ha'Aretz* Editorial, 2002.
22. The Supervision Department in the Labour Ministry in charge of the enforcement of migrant worker recruitment and placement issues has been showing some improvement in its activities. So is the newly established Immigration Police, also active in this regard. It is very difficult for the Police to monitor fees paid abroad to foreign agents, which are subsequently transferred to Israeli hands. Nevertheless, in order to resolve this problem, a new policy has been established that restricts the number of importing placement agencies.
23. August 2002, letter submitted to the Minister of Interior Affairs by Hagai Herzl, former advisor on Migrant Workers Affairs in the Ministry of Interior Security. Quoted in Sinai, 2003b.
24. The idea of creating an Immigration Authority has been raised before. See Knesset Committee on Foreign Workers, 2000.
25. By September 2003, one year after the creation of the Immigration Police, only 20 files were opened against employers of undocumented domestic migrant workers and none of them had paid the fine. See Leibovitch Dar, 2003a.
26. Police violence and human rights violations are not new. Since they began in 1995, deportation campaigns have incurred several violations: many migrants were deported when they tried to demand their rights from their employers or from the National Insurance Institute (social security); hundreds were held in detention for lengthy periods under harsh conditions and without being brought to trial; families fell apart after the father was apprehended, often before the eyes of the children. On the violations incurred since the creation of the Immigration Police see, Sinai, 2003c; Leibovitch Dar, 2003b; Algazy, 2003; Wurgaft, 2003a.

27. Minister of Labour and Social Affairs Eli Yishai, meeting of the Knesset Committee on Foreign Workers, 16 May 2000.
28. For a conceptualisation that sees state-market relations in the neoliberal era as conducive to the 'privatization of the state', see Hibou, 1998; 1999.

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