



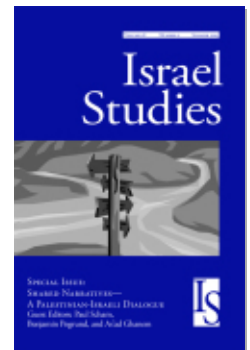
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Managing Political Conflicts: The Sociology of State Commissions of Inquiry in Israel

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INTRODUCTION

CULTURAL FRAGMENTATION, INCREASING SOCIAL AND economic inequality, and attempts to normalize the relationship with the surrounding Arab populations are among the major reasons causing social conflicts and political disagreements in Israel today. The assassination of Prime Minister Rabin and the massacre in the Tomb of the Patriarchs in Hebron are best perceived as outcomes of these disagreements. In order to investigate these events (and several others), the State of Israel established special Commissions of Inquiry; however, these committees have shied away from the political causes that drive such events in the first place. They constitute their investigations within the realm of legal, managerial, and rational discourse, re-defining these conflicts as functional problems requiring technical solutions.

This article analyzes the conclusions published by two Commissions of Inquiry which were established by the State of Israel during the past decade to investigate (a) the massacre in Hebron (1994), and (b) the assassination of Prime Minister Rabin (1995). The article focuses mainly on the state's *raison d'être* in the management of political conflicts, but first we depict the two events and the establishments of the committees at hand.

On Friday, 25 February 1994 at about 5:30 A.M., Baruch Goldstein, a religiously observant Jewish doctor who lived in the Jewish settlement of Qiryat Arba, entered the Isaac Hall in the Tomb of the Patriarchs in Hebron. Goldstein, who wore an Israeli army uniform and was armed with an automatic rifle, proceeded to gun down twenty-nine Muslim worshipers who were kneeling in prayer and to wound dozens more. The shooting was stopped only when he was killed by other worshippers in the hall. Goldstein was a leading activist in the ultra-right wing Kach movement. He represented the movement as a member of the Kiryat Arba local council and was

a candidate for the Eleventh Knesset, when he was number three on the Kach list. He had planned the massacre at the Tomb of the Patriarchs in thorough detail well before he acted.

Two days after the massacre, the government decided to establish a State Commission of Inquiry (hereafter, TPM 94) to investigate it.¹ Following consultations, Supreme Court President Meir Shamgar named a five-man commission; in addition to himself as chairman, the members were Justice Eliezer Goldberg, Judge Abd al-Rahman Zuabi, Professor (of economics) Menahem Yaari, and former army Chief of Staff Moshe Levy. The commission produced a report containing its findings, together with “recommendations that are intended to try and help restore normal life in the Tomb of the Patriarchs in particular, and in Hebron in general.”² One of its major conclusions, formulated in managerial-organizational language, was that the massacre was the result of a “breakdown in a proper-decision making process in the light of a prognosticated hostile attack.”³ In other words, it was defined as a rational failure in estimating the probability of an attack in conditions of uncertainty.

Two years later, on Saturday evening, 4 November 1995, tens of thousands of people packed Kikar Malchei Yisrael—a large plaza adjacent to Tel-Aviv city hall—to attend a rally in support of the peace policy being pursued by the government of Prime Minister Yitzhak Rabin. As the event was drawing to a close, a young religiously observant Jew named Yigal Amir positioned himself on the sidewalk next to the parking area behind city hall and waited for Rabin to leave the rally and get into his car, which was parked a few meters from where Amir stood. When Rabin descended the stairs and reached the sidewalk, Amir pulled out a pistol, walked forward a few steps, and, with a practiced movement, aimed the weapon at Rabin and fired three shots, killing the Prime Minister. During his interrogation, Amir admitted that, after Israel signed the Oslo accords with the Palestinians (in September 1993), he had planned to assassinate the Prime Minister on several occasions. He had one clear goal: to terminate the peace process. Four months later, Amir was found guilty of premeditated murder and sentenced to life imprisonment.

Four days after the assassination, the government decided to establish a State Commission of Inquiry to investigate the event and the circumstances surrounding it. The President of the Supreme Court—at that time, Aharon Barak—appointed a panel of three: retired Supreme Court President Meir Shamgar (chairman), Major General (Res.) Zvi Zamir, and Professor (of law) Ariel Rosen-Zvi. The commission’s main conclusion, as

stated in its report (hereafter, PM 96) was that the assassination was a the result of a “system breakdown” originating in the organizational culture of the General Security Service (GSS) and flaws in the overall method of protection.

Striking resemblances exist between the events investigated by the two commissions of inquiry. Both the massacre and the assassination were well-planned acts of political terrorism that were intended to sabotage the Oslo accords. Directly or indirectly, both events were acts of defiance against the state, its apparatuses, and its policy. Both impacted powerfully on the political situation within Israel and outside the country as well. Islamic fundamentalists reacted to the massacre in the Tomb of the Patriarchs by launching a series of suicide bombings in Israel, and terrorism engulfed the country. About half a year after the Rabin assassination a right-wing government came to power in Israel, which effectively halted negotiations with the Palestinians. Moreover, both acts of violence won support among a certain segment of the public in Israel, some of whom revered the perpetrators as saints.⁴ Such support for acts of political terrorism by Jews is not surprising in the light of the deep conflict within the Israeli society over the occupation of the West Bank and the Jewish state’s ethno-national character.

There is also a resemblance between the two commissions in terms of age, origins, social status, and social-political worldview. Both consisted of judges, academics (economics and law), and military men, and the judicial, fact-finding character of the commissions’ reports concealed their manufacturers from the public-eye. Moreover, both panels barely addressed political and ideological questions. Their conclusions are characterized by “objective” unequivocal expert language which converts social and ideological discrepancies into consensual technical solutions. The reports did not deal with the sociology of the Israeli society or with the potent conflicts that are hidden in its deep structure. Furthermore, the second commission recycled the text of its predecessor and, by standardizing the conclusions that were reached, broadened the scope of their legitimization (their “self-evident” nature).

This article focuses on the conclusions of the two commissions of inquiry. We will argue that both commissions extensively invoked legal language (e.g., “the rule of law”) and organizational rhetoric (e.g., “system breakdown,”) to cast their conclusions, adducing sterile instrumental solutions to those crises. The solutions that are offered blur and obscure the social and political conflicts that gave rise to these events and effectively preserve them as institutionalized conflicts.

STATE, STATISM (MAMLAKHTIUT),
AND INSTRUMENTAL RATIONALITY

“State” and “society” are two predominant images in political theory and public discourse. Whereas “society” is characterized as “unpredictable,” often “irrational” and “chaotic,” “state” institutions and state actions are perceived as “modern” and “rational.”⁵ Inherent in the very act of positing these dichotomous analytical categories is the tacit assumption that a sharp division exists between forces of order and forces of disorder, between equilibrium and disequilibrium. The immediate implication of this distinction is that the social order is “fragile” and that only the state can save the society from anarchy.⁶

We argue that, while the boundaries between “state” and “society” are actually amorphous, the very image of their existence constitutes a mechanism that grants discursive power to state practices. The politics of boundary-drawing paints the state as a universal system, both modern and rational, which rests on orderly foundations of social management and on an ethic of public order. The social order, which serves as a criterion for comparison, is perceived as “natural” and as “external” to any political action. This image portrays the state as operating outside ideological conflicts and uninfluenced by particularistic interests. This perception legitimizes the penetration of state’s bureaucracy as a neutral entity into all spheres of public life: moral, civil, and political. We therefore argue that “state” and “society,” and the relationship between them, should be viewed as an outcome of cultural construction of reality, being used as a rhetorical device in the political arena.⁷ Our thesis is that the state and its investigation committees capitalize on this constructed dichotomy to manage deep social conflicts. The protracted existence of conflicts situates the state’s mechanisms—which are perceived as external to them—in a position of strength.

In the context of Israeli society, *mamlakhtiut* [statism] is a concept that best reflects the attempt to shape a political, governmental, and bureaucratic mechanism that will control the society by including it within this all-encompassing framework, on one hand, and by blurring this distinction, on the other. *Mamlakhtiut* creates a discourse of rationality that distinguishes “state” from “society” and enables the state to be presented in universalist, egalitarian, modern terms, with its actions perceived as neutral and as representing the entire society. At the same time, “state” and “society” are perceived to be one unity. The principle of *mamlakhtiut* then serves as a

source of power for the state, not only by drawing the boundary between that which is of the “state” and that which is of the “society,” but also by blurring that boundary by invoking symbols that express an affinity for particularist Jewish sovereignty.⁸

The instrumental system of values espoused by state-ordained *mamlakhtiut* helped neuter (depoliticize) social conflicts and principled confrontations for three interrelated reasons. First, the statist instrumental discourse shifts social conflicts from the ideological sphere, where the essence of the social order is determined, to the technocratic sphere, in which the legal and managerial procedures of the constructed order are shaped. Ideologically rooted events, such as the Hebron massacre and the Rabin’s assassination are perceived as administrative disturbances, upsetting the equilibrium of the “system.” In accordance with this logic, the commissions’ work is guided by their perception of those occurrences as pathological events, social flaws that are perceived as dysfunctional to the system on which the state is based (and which is characterized by *mamlakhtiut*). State practices underlying the investigations generate a discourse which emphasizes social homogeneity over conflicts, while preserving a neutral and universal image of the state.

Second, the statist discourse lays down operational, rather than social, rules for political participation, as well for the distribution of social rewards.⁹ The system-based operational ethos creates an image of a market mechanism, which functions on the basis of an image of a rational reality with equal access to new statuses that rest on neutral, objective, and achievement-oriented values, though, at the same time, enabling differentiated rewards based on one’s contribution to the state. The state, then, can extend its patronage to groups according to their “closeness” to the state; i.e., their contribution to the Zionist project, and how far they are along the path to modernity.¹⁰

Third, the system-operative ethos of *mamlakhtiut*, and the instrumental rationality that is embedded within it, legitimates the state’s blatant penetration of the society and the economy. The depiction of the society as “weak” justified the expansion of the state-bureaucracy apparati and the state’s role as mediator. The instrumental discourse of *mamlakhtiut* seeks to become the alternative to what is depicted as the political system’s failure to solve social problems. In that discourse, the state’s existence is justified as a modern, rational organization possessing apparati that are described as “strong” on the grounds that they are intended to assist society, which is described as “weak” (unpredictable, sectorially-based, non-rational, rifted

or gripped by a “crisis”), and perpetuates the dominance of both the modern state and of the groups that are characterized as “modern.”

The penetration of these state-bureaucracy apparati into the political sphere and of their complete domination of civil society is the creation of negative images for politics and positive images for expertise and technocracy. Such images constitute a type of what Habermas called “formal power” within the framework of which political decisions are portrayed as essentially “technical.” *Mamlakhti* politics, which presupposes that social amelioration is a technical problem that is amenable to solution by technical means, generated a politics of organizational reform, of a rational system of decision-making, and of “proper administration,” which is identified with management by experts.

An inevitable result of these processes is the reduction of democracy from a value-based conception (as an expression of political morality in the center of which are human beings who are entitled to equal rights) to an instrumental, formal, and conjunctural status of the “rule of law” and the perception of the democratic state as a “law-abiding state.” *Mamlakhtiut* thus serves as a structural framework that enables the “legalization of politics”: the rule of law in its judicial, rather than its democratic, sense.¹¹

This being so, events that reflect these disputes are perceived as an injury to the rule of law, and the rule of law is perceived as a paramount method to ameliorate the ills which these events reflect.¹² The fact that social conflicts are defined, in the eyes of the state, in terms of a blow to the “rule of law” has implications regarding the place where the solution to the problem should be sought. Of paramount importance is the fact that the solution is, ostensibly, not to be found in the social-political sphere, but to be located in judicial and legal sites such as investigation committees.

The investigation of the Rabin assassination and of the massacre in the Tomb of the Patriarchs as events of “violation of the law” (as well as the condemnation of Baruch Goldstein or Yigal Amir only or primarily as law breakers), while the social, political, and moral aspects of their acts are ignored,¹³ is a flagrant example of the ideological blurring generated by investigation committees and the technocratic discourse. The two bodies of inquiry are affiliated with the state not only by virtue of their judicial status as state-appointed panels. Their actions are inspired by their image of a neutral rational actor guided by criteria of system and planning. They view the government as an administrative apparatus which ought to formulate goals, mobilize resources, and dispatch various tasks to its subsidiaries.

The following passage, which appears in the reports of both commis-

sions of inquiry that are under discussion here, attests to the manner in which such panels perceive their role: as an institution that serves to heighten the efficiency of law enforcement and fulfills the function of ensuring that the statist (*mamlakhti*) social order continues to prevail:

Our point of departure is that without effective law enforcement there is also no effective government. In an atmosphere of everyone doing as he pleases . . . the orderly activity of the authorities in charge of effective control on the ground is adversely affected . . . Orderly government is inconceivable without a diligent effort to maintain the rule of law, for this is what builds a protective wall against anarchy and ensures the existence of the state [*mamlakhti*] order . . . No organized activity by any unit of people is possible, nor is discipline conceivable, without normative standards, which draw on the relevant binding legal provision.¹⁴

That the state commission of inquiry on the Rabin assassination was aware of its “*mamlakhti*” role, and of the instrumentalist form of investigation which is thereby mandated, is clear from the apologetic note it sounded on the last page of its report:

This commission was not appointed to investigate the causes and reasons for the creation of a social and political culture of which the assassination was an expression. It was not asked to proffer its opinion on the circumstances that brought about the assassination. Nor is that a task which a commission of inquiry can or should take upon itself. The commission was limited, rightly, to examining the performance of the personnel and of the institutional systems that were responsible for the prime minister’s security.¹⁵

Therefore:

The commission will investigate and will decide on findings and conclusions with regard to the security and intelligence deployment and with regard to the protection of VIPs in general, and with regard to the rally at which the assassination occurred in particular.¹⁶

The commission of inquiry that dealt with the Hebron massacre decided to set for itself—by its own choice—substantial limitations (which were not included in the letter of appointment) and to focus on operational matters:

The focal point around which the commission's discussions are focused is that "matter" for the clarification of which it was established . . . It may be that the matter under clarification raises mainly general issues, which bear a system-related character, with the heart of the discussion being to clarify them and draw conclusions regarding them, and which in the light of their importance shunt aside all the other conclusions . . .¹⁷

Several other reasonable questions—other than system-related issues—come to mind concerning "the facts and circumstances related to the massacre." What were the political circumstances that engendered the massacre—military occupation, an apartheid policy imposed on an Arab population that was stripped of its rights?—and how do these fit Israel's image as a democratic state? What is the ideological culture that underlay the murder—religious fanaticism, the interconnection between religion and nationalism—and how does that interact with the social-political order in Israel, which defines itself as the state of the Jewish people? What is the origin of the myth—and how deeply rooted—that a Jew will never kill Arabs? Similarly, in the Rabin case: what was the origin of the conception that a Jew will not kill another Jew? Is the assassination of a prime minister in Israel a contingent mishap, an exceptional, one-time event stemming from a passing momentary impulse, or does it perhaps reflect a deep and inherent gulf within the Israeli society? These questions were not explicitly addressed by the committees. At the same time, they were not completely overlooked. The technical and functional formulations used by the committees displaced moral questions—not to hide them altogether, but to reproduce them disguised in a technical language.

The "state" commissions of inquiry constituted their investigation in accordance with the assumption that a commission is a component of the rational state system that is intended to investigate and resolve "problems" in the society by applying legal and organizational rationality. In other words, the rational-instrumental discourse leads to a technocratic inquiry which presupposes that the objects of the probe are "mishaps" deriving from the failure of societal system. The upshot is that "the circumstances of the massacre and its consequences" were described as a mishap, a glitch in the system's equilibrium, and the solution to the problems was perceived to lie in the stabilization and realignment of the system's components in order to enable the continued orderly, efficient, and harmonious operation of the rational system called "social order," which is identified with the state. Accordingly, the technocratic investigation proposed rational managerial

and organizational conclusions and solutions, subject to the desired system-based model, which is identified with the social order that is constituted as “external” to the inquiry itself.

Thus, for example, the Rabin assassination commission (PM 96) sums up its conclusions as follows:

Our findings and conclusions, as cited in this report, reflect flaws in thought and execution in broad spheres, and a weakness in the culture of management of the governmental authorities. From this point of view, this report serves as a signpost and a warning to a large variety of institutions.¹⁸

A technocratic inquiry constitutes such events as “weakness in the culture of management” in order to confer on them rational solutions, and is therefore teleological and tautological, caught up in a vicious circle which is “objectively” identified with “rational management.”¹⁹

JUDICIAL ACTIVISM AND MANAGERIAL ACTIVISM

The activity of state commissions of inquiry can be viewed as a site where two positivist disciplines interlock: the judicial and the managerial. Judicial discipline relies on the doctrine of reasonableness, encapsulated in the term “the reasonable individual” and identified with the values of the “enlightened public.”²⁰ The aspiration for an “enlightened” social order is realized through the reasoned expertise of the legal professional through which the social is translated into the judicial by means of the bureaucratic technique of the judicial inquiry.

Arguably, state commissions of inquiry express a pattern of “judicial activism” in that they represent an attempt to extend the judicial discourse into social and political spheres that are defined by the state as “requiring clarification.” It is worth examining how the following text constitutes the logic of “reasonableness”:

It is clear to us that without a retrospective examination of the decision makers’ considerations it is impossible to obligate them to come and give an accounting. And without the obligation of giving an accounting, democracy and the rule of law become a mockery. Both judicial scrutiny, administrative scrutiny . . . and public scrutiny—are all necessarily based on a retrospective examination of the considerations and actions of the scrutinee and on subjecting them to the tests of proper functioning and reasonableness. The Commis-

sions of Inquiry Law . . . provides the society with a tool through which public scrutiny can be conducted cautiously and in as error-free a manner as possible . . . The commission's view is that great caution should be exercised in drawing conclusions post factum . . . The courts often engage in reviews of this kind in deciding the reasonableness—at the time—of an action or a blunder . . . There is no reason why a commission of inquiry cannot conduct itself in a similar fashion . . .”²¹

This text is crucial, *inter alia*, because it appears in the report of both commissions under discussion. The commission of inquiry on the Rabin assassination saw fit to reproduce it from the report of the Hebron massacre panel in order to explicate the considerations it invoked in determining its conclusions. The rationality of a commission of inquiry is here constituted through its examination of the rationality displayed by the scrutinee, using tools which are ostensibly rational.

Another example of this appears in two of the four questions that the commissions chose to place at the center of their probes (here, too, the Rabin assassination commission reproduced the relevant passage from the Hebron massacre report) as a logical conclusion following from the previous passage:

The second question is what a reasonable person concludes from the data and the facts that were available to the decision makers . . . The question that derives from this concerns what the reasonable prognostication is in these circumstances . . . The fourth question is . . . how the decision making process will be implemented, that is, the conclusions that were drawn from the data, the deployment that was decided upon, and how reasonable it was . . .”²²

The expansion of the judicial discourse is aided by the rationality of organizational discourse, which becomes part of the rhetorical reservoir drawn on by the state to consolidate the legitimation of relying on the judgment of “experts” and to extend the powers of the state’s judicial and bureaucratic apparati. The tendency of commissions of inquiry to fuse the discourse of judicial reasonableness with managerial discourse (“how the decision-making process will be implemented”) can be understood against the background of the decline in public support for the Supreme Court’s increasing intervention in public life in Israel, and the sharp criticism by conservative and liberal circles against the contention that “everything is justiciable.”

Surprisingly, while judicial activism is criticized, managerial activ-

ism—the expansion and penetration of organizational and managerial discourse into every sphere of life—seems immune to criticism. The encroachment of the organizational discourse and the attitude that “everything is manageable” encounter virtually no obstacles or public discussion of their limitations. The upshot is that the rationality of management is portrayed as the be-all and end-all, universally relevant, an indisputable fact of social life.

The main problem with this organizational-managerial activism is that it subordinates issues such as politics and morality to logic, to the language and practice of bureaucratic rationality. The critics of judicial activism claim, rightly, that political and moral dilemmas (such as the justice of war or ideological disputes) cannot be decided by purely judicial tools. On the other hand, when the judicial discourse uses the instrumental logic of organization and management discourse in the name of “protecting the rule of law,” it succeeds in penetrating every sphere of life deeply and pervasively without being subject to any concrete criticism. The politics of organizational management and the politics of judicial reasonableness (combined) enable commissions to place themselves at the center of a rational-bureaucratic political culture, which magnifies the knowledge of the objective expert and his/her ability to create decisive solutions.

We shall now illustrate how managerial activism develops in the deliberations of the commissions of inquiry and how it constructs itself and the objects of its investigation as purely organizational subjects.

MANAGERIAL ACTIVISM AND THE LOGIC OF ORGANIZATIONS

Two key terms in organization discourse are the “system,” which supposedly enables an all-inclusive, broad, and comprehensive overview, and “uncertainty,” which constitutes organizational rationality as its antithesis. As we will show, these two terms are embedded in the thought process of commissions.

INVESTIGATION AS A PRODUCT OF SYSTEM LOGIC

In modern organization discourse, the term “system” signifies the relations between objects within the organization. These relations are amenable to a logical description, with each object being functional *vis-à-vis* the goals of the system. The mechanical perception of the organization as a “system” presupposes that the organization is capable of adapting to the environment, learning, and improving itself.²³ “Systematization” is a term that

reflects an attempt to shape a mechanism of control and supervision over human beings by means of an instrumental discourse. The commissions of inquiry make use of system discourse as a metaphor for “social order” and as a normative criterion for making judgments:

. . . there are system-related phenomena, which stem from an action or a failure, that can be attributed to the continuity of service of office holders . . . In such a case there is considerable logic in the commission’s focusing on the system-related issues . . . In these circumstances, the dominant elements which [*sic*] will be the subject of the clarification will be the phenomena themselves, such as the implementation of organizational functions, the level of implementation, the modes of filtering information, the method of decision making, and similar subjects. That is to say, from the public standpoint, what is requested of the commission of inquiry is the crystallization of a system-related finding and the presentation of a system-related solution within a reasonable time—when [the commission] comes to draw its conclusions and formulate its recommendations—which will meet future needs.²⁴

An analogy between the principle of “system” within organizational theory and the principle of “*mamlakhtiut*” in political practice is called for.

“Systematization” and “*mamlakhtiut*” are two congruent forms of a rational, instrumental discourse which emphasize consensus and social harmony over tensions and conflicts, and preserve the rational expert’s neutral, universal image so that it can continuously manage ongoing behavior. Harmony in the system conception, like consensus in the state-*mamlakhtiut* conception, is intended to contain conflicts, political disagreements, or any potential for confrontation, by depicting them as disharmonious, or dysfunctional, for the system. *Mamlakhtiut* and systematization create a discourse of harmony that conceals tensions and disputes, enabling the state or the organization to concentrate the means of control in their hands. “Systematization” portrays the organization as “*mamlakhtiut*” portrays the state: as a neutral structure that is detached from interests or politics. The system discourse converts social conflicts into rational logic that possesses a purpose external to individual actors, which enables the organization to be presented as bearing a universalist-egalitarian character and its actions as neutral and universally representative. In addition, the system discourse helps present the organization as “strong” in terms of its “efficiency” and “rationality,” and people as “weak” in terms of their (bounded) rationality.²⁵

In the case at hand, the commissions of inquiry constructed two possible options for dealing with the assassination and the massacre: as dys-

functional events stemming from a “system failure,” or as “localized” and “personal” failures. Both alternatives are nevertheless ostensibly apolitical, and focusing the inquiry around one possible dichotomy— that of personal/system— traps it within a logic field of instrumental rationality. The panel on the Rabin assassination already trapped itself at an early stage of its report around the dichotomy of the system/localized failure. The invocation of this dichotomy legitimized the system logic and enabled the commission to deal with the assassination as a system dysfunction originating in the “method of protection”:

It should be emphasized already now that the claim, according to which the flaw lay solely in the fact that the guard unit did not look to the left, ignores the totality of the data and seeks to create the impression that the failure was localized and was a chance occurrence. Unfortunately, this was not the case . . . The Prime Minister was not protected properly on the evening of his assassination, and that failure was the result of the method of protection which was applied by the unit and not only a localized failure or failures.²⁶

The commission located the “system failure” in flaws that occurred in the method of protection of the Prime Minister, which “was not updated and was not reasonable”²⁷:

The unit protects the lives of the state’s leaders . . . who manage the systems of government. This is a state function which protects the political regime that exists in the state . . . An attack on the leaders of the government as part of an internal political and ideological struggle is subversion which undermines democracy and endangers the social fabric . . . The danger exists that chaos will be engendered . . . The attack on prominent figures is aimed at disrupting the disposition of life in the state . . . All these [factors] indicate the centrality of the VIP Protection Unit and the close connection between its mission and the roles of the General Security Service.²⁸

The commission explained the flaws in the method of protection by citing the organizational culture that prevailed in the General Security Service (GSS), in which supervision and control were inefficient because the powers were delegated unidirectionally, from the top down. According to the commission, this organizational culture reduced the level of supervision and control from above, “which are essential in the operation of a hierarchical, discipline-based framework which possesses a comprehensive policy.”

In accordance with this system-based logic, the commission proposed a bi-directional managerial strategy: decentralization of powers without abandoning the obligation of supervision and control or the command initiative from above. Here, then, is how the commission of inquiry into the Rabin assassination opened the section that addressed “system conclusions”:

At the stage of the responses to the [commission’s] warnings [to certain individuals who were liable to be harmed by the commission’s findings], the head of the GSS submitted to the commission the testimony of an expert in organizational communication for strategic management and thought, who, among other tasks, advises the IDF [Israel Defense Forces] and the GSS. The basic assumptions upon which she formulated her conception are that we live in a changing world, and that organizations are tested by their ability to adapt themselves to the changing reality . . . The most important element in crystallizing the overall strategy of the GSS derives in the first place from mapping the external environment and identifying threats and opportunities. The GSS operates primarily *vis-à-vis* threats in the external environment. In light of the threats that are identified in the external environment, an examination is made of the internal environment, and the disparities are identified. Where discrepancies are identified, resources should be given to increase the gap.²⁹

This citation illustrates how the system discourse serves not only the commission of inquiry in determining its conclusions, but also those who have been warned by the commission and wish to defend themselves. The validity of the system discourse as representing the social order was affirmed by the judges and the judged alike.

The commission of inquiry on the Hebron massacre located the “system failure” in the flawed decision-making process in the light of a prognosticated attack. It explained the flaws in terms of the “conditions of uncertainty” in which the security personnel operate and in terms of their human limitations. According to the commission, these conditions prevented the protection and security personnel from arriving rationally at a correct estimate of the probability of a hostile attack (which the commission termed a “reasonable prognostication”). Pursuing this system logic, the commission proposed a rational-organizational solution for making an effective estimate of the probability of a hostile attack in conditions of uncertainty and thus making decisions that are more effective. As a result, the political and moral question was accorded technocratic treatment as a system-related matter involving the measurement of input and output:

We measure the heightened deployment of the GSS in the face of the growing danger of violence against Arabs by Jews . . . according to output (investment in resources), whereas the correct measurement is according to input, that is, according to the scope of [information] gathering and concrete preventive activity in the field. Unfortunately, a full input measurement is beyond our reach, and we have to rely on the level of output as representative . . . We wish to emphasize that sample information regarding output, information gathering, and preventive activity was in fact provided to the commission.³⁰

System rhetoric is characterized by the quest for a deterministic perspective on the world, as an alternative to its conceptualization in terms of chance. The perception of the world as an organization subordinates reality to uniform rules that stem from the general qualities of the system. In addition to mechanistic determinism, system-based thinking adduces the concepts of “equilibrium” and “homeostasis,” which indicate the existence of self-regulatory mechanisms, enabling the system’s stability and continuity.

Thus, for example, the commission dealt with the policy—which bears political and moral implications—of supplying arms to the settlers (deriving from the ethno-national conception that the Palestinians are the assailants and the Jews are the assailed defenders) by means of the system metaphor of “risk balancing”:

Establishing a policy of supplying weapons to civilians or permitting civilians to carry weapons stems from a process that can be called risk balancing . . . the risks entailed in refusing [to supply] means of self-defense, as opposed to the risks entailed in the area being saturated with weapons which are readily available while control over the arms bearers is perforce limited. Hence, the policy that determines the level of arming the population . . . is necessarily the product of a judgment which attempts to strike a balance between these two categories of risk. The optimal policy is effectively that which permits the introduction of weapons into the region up to the point at which, if additional weapons are introduced, the degree of risk that will be engendered will exceed the risk that will be spared (by increasing self-defense capability). In other words, the optimal policy is determined by equalizing the “marginal risks” in the two categories to each other.³¹

The two passages quoted above illustrate how a central political issue of occupation policy and settler violence can be addressed, by invoking system

rhetoric which likens the social order to a system mechanism (with neutral logic based on the dichotomies of balanced/unbalanced and efficient/inefficient). The system conception conceals beneath it an ideological position of power, as it represents society as neutered of politics and above all as a harmonious and consensual society (system).

It is noteworthy that in the passage cited above the commission uses the term “risk” as an epistemological pillar. This corresponds to another central concept in organization theory: “uncertainty.”

INVESTIGATION AS THE PRODUCT OF A RHETORIC OF UNCERTAINTY

“Uncertainty” is a major concept in organization and management theory, as it represents disorder, lack of planning, capriciousness, and opportunism. As such, it also justifies the use of complex organizational techniques. It is quite understandable, therefore, that organizations tend to construct their practices using discourse about “uncertainty” and “uncertainty reduction.” Organizational theory constitutes its emissary and creator—the manager—as a mediator between “planning” and “uncertainty.” Managerial rationality and uncertainty are portrayed as two opposing and complementary aspects of organizational order, rather like binary opposites that are linked in a manner that produces the myth of the manager.³² The commission of inquiry operates in a similar fashion: by creating uncertainty in the course of analyzing the event under investigation, it brings about the demand for rational tools that are supposed to reduce the uncertainty.

Why did the guards in the Tomb of the Patriarchs fail to prevent Goldstein from perpetrating his crime? According to the commission of inquiry, the reason was a “breakdown in a proper decision making process in the light of a prognosticated hostile attack,” stemming from a failure to estimate the probability of an attack in conditions of uncertainty:

Because of their importance and centrality, the estimates of probability were thoroughly studied . . . The studies found a whole series of fallacies that vitiate human judgments of probability. The meaning of a “fallacy” in judgment is that in practice the judgment displays a gross deviation from the theoretical standard which is desirable from the point of view of anyone who wishes to choose his mode of action rationally . . . The fallacy is embedded, supposedly, in the perception of the examined subject, and he reverts to his wrongheaded ways despite the explanation he has been given and despite his understanding of the fallacy in a rationalistic analysis.³³

Or:

Many of the witnesses who appeared before the commission of inquiry addressed the question: Was the massacre at the Tomb of the Patriarchs predicted in advance, and if not, could the decision maker have predicted the massacre in advance, and by not doing [so] was he derelict in his duty? The witnesses responded in the negative to this question, in both of its parts, and some of them reached a further conclusion, [namely] that no prior deployment in advance of the massacre was possible . . .³⁴

The commission of inquiry into the Hebron massacre relied, *inter alia*, on the opinion of Dr. Ruth Bait-Merom and Dr. Dan Zakai in its proposal of an organizational solution (“a normative model of the decision making process”), which is supposed to override the “bounded rationality” of people who are required to make probability judgments in conditions of uncertainty and to serve as a criterion for judging the effectiveness of the protection at the site. This analysis (which is quoted in the report) is reductive in terms of the commission’s occupation with the massacre and allows it to deal with the procedure of decision-making in conditions of uncertainty:

The question arises of how it is possible to evaluate the quality of the decision making process in conditions of uncertainty. Researchers of decision making posit a recommended normative model for the decision making process. The evaluation of the decision is based on a comparison of the process, as it was carried out in reality, with the normative model . . . The normative process of decision making includes the following stages and components [six stages are described] . . . Psychological research has shown that people are vulnerable to aberrations at every one of the stages we have noted. In particular, they tend to define problems vaguely, do not consider all the possible moves involved in the action, evaluate probabilities erroneously, and the like. Each of these aberrations appears in all its acuity when the decision making process is not carried out systematically and with strict attention to all the components that were noted.³⁶

Organizational rationality depends on the system, not the individual. When the system is at the center, the human being is sentenced to the status of a component. Implicit in the system concept is the tautological assumption that a human being cannot achieve perfect rationality, because if that were the case there would be no need for the system. The open expression

of this assumption in system-oriented thinking is the definition of human beings as possessing “bounded rationality.”³⁶ Human rationality is only partial because people have limited knowledge and ability in analyzing alternatives, since they entertain a number of parallel goals at the same point of time (some of them even contradictory), and because they are not certain about their order of preferences. In other words, human rationality is limited because people are incapable of dealing with complex issues under conditions of uncertainty. Why did the organization of the protection for the Prime Minister fail at the peace rally? According to the commission of inquiry that probed the assassination, the reason is that it was not sufficiently efficient to assist the personnel involved to overcome what management theory would call their “bounded rationality” stemming from conditions of uncertainty.³⁷

This view magnifies system rationality and diminishes human rationality. What are the limitations on the rationality of those engaged in protection, which the organization in charge was unable to overcome? The commission of inquiry to the Hebron massacre found one major limitation: a failure in judging the probability of an attack. The commission attributes that failure to the bounded rationality of the individuals involved—that is, their inability to deal with an expected course of behavior that leads them to think that the effectiveness of protection is related solely to its probability to succeed:

Deployment in the face of an assailant is an extremely difficult task . . . Even in conditions where the deployment in the face of the danger of an attack is optimal, the probability of foiling or moderating it is generally low. This fact underlies the groping in the dark of those who are in charge of coping with the phenomenon of the hostile assailant . . . However, it should not be inferred from this fact that the perpetrators of an attack can be treated as a necessary evil and that it is futile to devote thought and resources to deploying against [them].³⁸

Pursuing the concept that system rationality is supposed to override the bounded rationality of human beings (who are described as “groping in the dark”), the commission points to the light at the end of the tunnel:

The importance and usefulness of an operation to foil or moderate an attack is not measured exclusively by the prospect that the operation will in practice foil or moderate it . . . The correct index for the importance and usefulness of an action to foil or moderate a possible hostile attack is the multiple of the

probability of its success, which is then multiplied by an evaluation of the pain and damage that will be spared if the preventive operation succeeds. Because the pain and the damage caused by a lethal mass terror attack are extremely high . . . the investment of large resources, relative to the overall limitation of resources, for prior deployment is justified even if there is a low probability that the attack will be foiled or moderated by the deployment.³⁹

Human limitation makes way for organizations, on which are conferred the rationality that is denied to human beings. The concept of “bounded rationality” assumes that people’s cognitive limitations render them unfit for independent life, and therefore they are naturally prone to accept bureaucratic authority. Organizations enable a complex reality to be simplified, they permit consistency and determine an order of priorities, and thereby assist people to behave rationally. The political and ideological context of the operation has long since been forgotten. In the following sections, we illustrate two additional features of the instrumentalization of inquiry derived from managerial activism.

DEPOLITICIZATION OF THE ASSASSINATION AND THE MASSACRE

The depiction of reality as a system enables a commission to subordinate the behavior of the “components of the system” to procedural criteria of evaluation. More important, however, is that system logic includes also the negation and delegitimation of every other criterion for evaluating reality. Thus, for example, the use of political, ideological, or moral criteria to evaluate behavior is rejected because such criteria involve precisely what the system wishes to eliminate. If, nevertheless, the investigation must address the behavioral motives of a particular individual, the system-based mode of thought constitutes his/her motives as capricious, irrational, extreme, or abnormal urges.

Thus, for example, the commission on the massacre discussed Goldstein’s motives under the title of “Activity to Reduce the Impulse to Perpetrate an Attack”:

One of the prominent traits of the lone assailant . . . is the tendency to fall under the sway of distorted religious and ideological ideas. In fact, the broadest common denominator of potential assailants with regard to the impulse and motivation to perpetrate an attack lies in the distortion of the religious or

ideological element . . . We must, therefore, clarify how those in charge of the effort to foil the assailant's plot are supposed to act in this sphere of the religious or ideological impulse.⁴⁰

The interesting point in this passage is that it constituted the autonomous impulses of the individual as irrational (distorted), while instrumentalizing the distortion. Ideology and religion were portrayed as elements in the system and the impulse to perpetrate an attack was described as a distortion of those elements. The massacre could then be perceived as a distortion of religious and ideological ideas, not an outcome of them.

The depiction of the assailant as irrational by invoking system-rhetoric was part of a general tendency to depoliticize the assassination. Depoliticization was achieved, as we have seen, by focusing on psychological and criminal traits in the assassin's personality, thus individualizing him and detaching him and his motives from any possible general context, be it historical, social, or political. Even if the commission had formed the impression that the assassin's motives were ideological, his individualization enabled the panel to evade a political discussion of the ideology that led to the assassination and to concentrate on the "distortion" rather than on the ideology. In other words, the commission could focus on the assassin's personality traits, categorize them as criminal, and thereby suggest them as a possible motive (which is of course apolitical) for the assassination.

In a section of its report entitled "The Image and Traits of the Assailant," the commission of inquiry into the Hebron massacre addressed the personality-based motives that prompted Goldstein to act. Here is what the commission had to say about him, following what it called "a post factum analysis, to examine the traits and motives of Dr. Baruch Goldstein for perpetrating the massacre":

Dr. Baruch Binyamin Ben Yisrael Goldstein . . . espoused extreme right-wing political views . . . His views, as noted, were highly extreme, both in the sphere of religion and in the ideological sphere . . . Police files had been opened against Goldstein in the past, on matters relating to disturbances of [public] order having a political background . . . interfering with a soldier in the line of duty . . . suspicion of overturning a cupboard containing Korans in the Isaac Hall [of the Tomb of the Patriarchs] . . . In 1984, while in Lebanon doing his compulsory military service, he refused to treat a wounded terrorist . . . In May 1990 he organized, together with others, reprisal raids in [the West Bank village of] Beit Umar in reaction to Arab shooting at a Jewish bus . . . Over the years he voiced highly extreme statements concerning revenge and reprisal . . .

His fanaticism did not recognize the supremacy of the law . . . Because of his blind fanaticism he did not understand that his act would cause tremendous damage to the state . . . Perhaps he was subject to mental distress . . . Goldstein was haunted by a siege mentality . . .⁴¹

When the commission solicited opinions about Goldstein from various sources, however, it discovered that they conflicted with the analysis of Goldstein's personality traits which it noted in the wake of "what was revealed about him" after the massacre:

The opinion regarding his military service describes him as a disciplined officer who functions effectively and does his job in the best way possible . . . In his civilian work he is considered a devoted medical doctor who is very popular among the public and in recognition of this was even awarded the prize of the Leumit Kupat Holim HMO . . . In the eyes of many, his image as it was perceived by the public, did not correspond with what was revealed about him in the wake of committing mass murder in a holy place: the man was described by those who knew him as modest, well-liked, excelling in his studies, quiet and affable, naive, decent, loyal, idealistic, good-hearted, very serious. This image, which hid his covert intentions, also helped him with regard to the attitude taken toward him by the guards who were present in the cave. As Second Lt. Ravivi said: "There are three civilian vehicles that are authorized to park in the area of the [army] outpost . . . Goldstein was one of them. I had the idea that this was because he was alright. . ." In the light of his image as described here, the government authorities also formed the mistaken assumption that this was someone who could distinguish between permissible and prohibited, and who was not suspected of being a candidate to engage in militant activity.⁴²

Even though the commission learned that these opinions about Goldstein contradicted its analysis of his personality traits, the discussion as such served the general trend of depoliticization by making possible an individual framework of reference in the investigation of the motives for the massacre. Such a framework detached the act from any broad historical, social, and political context and lay the blame on the traits of an abstract entity called the "lone assailant." By means of this system rhetoric, the motive for the murder was described as a distortion of religious and ideological elements existing within an anonymous abstract individual without their being associated with any concrete entity. The commission's emphasis, then, was on the individualization of the murder, which enables conclu-

sions to be reached without the need to address any broader moral and political context than that of the “lone assailant” himself.

This was the case for the depiction of Yigal Amir as well.⁴³ The chapter in the Committee’s conclusions that deals with Yigal Amir shows that this committee also adopted the “individual assassin” assumption. Nevertheless the Committee decided not to deal with Amir’s personality and preferred to leave it to the court where his trial took place.⁴⁴ The depoliticization of the assassination continued within the courtroom; as Zvi Har’el from *Ha’aretz* reported: “during his testimony, Amir never ceased to try and express his political views. Judge Levy, attempted time and again to interrupt Amir, asking him to make his testimony “factual.” Among other things, he said: “. . . stop preaching. I have got the impression that you are in a political rally. You should restrain yourself, or else we will restrain you.”⁴⁵ In response, Amir said: “What do you want me to say? That I killed him because I felt like it?”⁴⁶

THE INQUIRY AS A SOCIAL PRODUCT OF MORAL INDIFFERENCE

Instrumental thought is morally blind. State institutions derive their authority from the regulations that determine their purpose, while their power stems precisely from the neutralization of all personal and ethical attitudes from the invisibility of the people who are subject to their control. Bauman terms this phenomenon, in which the moral norm is replaced by technocratic norms, as the “moralization of technology.”⁴⁷ He argues, contrary to the prevailing interpretation, that instrumental rationality does not do battle against moral norms and does not negate them; rather, instrumental rationality reorganizes and regulates those norms in accordance with its principles. The result is not only that moral norms are replaced by instrumental rationality, but that instrumental rationality itself becomes a moral norm, the sole criterion for determining “good” and “bad.”

Thus, it is the technology of the operation (the method of operation), and not its substance and results (massacre and assassination perpetrated for ideological and political motives), that becomes the ethical criterion according to which the commissions were supposed to investigate and evaluate the events. In the system concept, good and bad are converted into rational and irrational, failure and success, improving and worsening, equilibrium and disequilibrium. The reports of both commissions explain their focus on the technology of the operation, rather than on its results, in the following terms:

The nature of a decision in conditions of uncertainty is that cases may occur in which, even though the decision making process and the deployment are executed properly, the result is bad. On the other hand, cases are possible in which a desirable result was achieved despite totally mistaken judgment. Therefore, we cannot accept an approach which holds that the decision maker should be judged solely according to the results of his actions.⁴⁸

This text, which the commission of inquiry on the Rabin assassination copied verbatim from the report of the commission on the Hebron massacre, shows how the emphasis is shifted from a discussion of the moral essence of the action to a consideration of its technology, invoking the system logic of cause-effect and means-goals. On the surface, the argument appears logical and serious: the evaluation of an event should address the entire process that brought it about and not concentrate only on the outcome. But logic of this kind, which gives rise to system-based thought by invoking the dichotomy between means and goals, neuters the event of interests and politics, and conceals an ideological position of power that replaces the individual human being, humane norms, and morality based on humanity with organizational rhetoric, instrumental norms, and technological morality of good/bad means and good/bad results.

Additional light is shed on this argument in a passage in which the Rabin assassination panel explains the operative technology that underlies the codewords “deployment,” “decision-making,” and “method,” on which the investigation is to be focused:

From the point of view of planning the Prime Minister’s movements at the rally, what was involved was arriving in a vehicle, walking on the stage, remaining on the stage for a time, delivering a speech on the stage, and returning by descending the stairs through the parking area . . . The considerations which it was obligatory to take into account were the matter of the Prime Minister’s movement . . .⁴⁹

Basing itself on instrumental norms of evaluation, the commission thus reached the following conclusions concerning the circumstances of the assassination:

The planning of the Prime Minister’s moves in the present case, as it relates to the transit in the parking area and on the stairs, did not cope properly with the risk . . . Unfortunately, we can conclude only that the decision making process

. . . did not attribute correct weight to the existing risks, and consequently an unreasonable equilibrium was created between the risks and the means that were adopted.⁵⁰

In the logic of means-result, the Rabin assassination was depicted as the result of a bad method of protection. According to these instrumental norms of technological morality, the murder of Rabin was conceptualized in technical terms and the logic of rational decision-making. The discussion thereby veers away from the moral-social-political aspect of Rabin's assassination (good or bad, and for whom?!) to the moral-technological aspect of the method of protection (good or bad, and why?). The result: the assassination of the Prime Minister was portrayed in this system-based discourse as an upsetting of the equilibrium (or an unreasonable equilibrium) between risks and the means that were adopted. Efficiency, not the individual human being, becomes the ethic, the criterion for all things.

To address the substance of the moral indifference that the language of instrumentality creates, we will consider again the citation in which the commission on the Hebron massacre takes up the quantification of pain:

The correct index for the importance and usefulness of an action to foil or moderate a possible hostile attack is the multiple of the probability of its success, which is then multiplied by an evaluation of the pain and damage that will be spared if the preventive operation succeeds. Because the pain and the damage caused by a lethal mass terror attack are extremely high, this value (the multiple of the damage evaluation by the probability of prevention) may be high even if the prospects of the preventive operation itself are low.⁵¹

Here, then, is the model the commission proposed for a quantified measurement of pain: divide the effectiveness of preventing the pain by the potential for inflicting pain. This vicious circle transforms pain simultaneously into an operation and into the object of the operation. The upshot is that human beings—the true objects of the pain-inflicting operation—disappear from the inquiry's technocratic discourse. According to this logic, murder is “damage” and morality is a behaviorist matter that can be expressed by means of arithmetical manipulations of input and output: “good” is an output of the input according to which the efficiency of foiling the “bad” (“the method”) is determined, divided by the probability of foiling it (“the reasonable prognostication”).

EPILOGUE: STATE, SOCIETY AND THE POLITICS OF INSTRUMENTALISM

In recent years, “new historians” and critical sociologists have voiced heavy criticism against the hegemonic statist-driven Zionist national identity.⁵² They point to Israel’s emerging cultural fragmentation and the rejection of the state principle of *mamlakhtiut* as the basis for their legitimate existence.⁵³

The tendency among these scholars is to explain these processes of social and cultural fragmentation within a broader external—regional and global—context. In particular, scholars point to the decline in the potency of the Zionist-Palestinian conflict and to Israel’s increasing integration in global capitalist developments.⁵⁴ These developments, combined with local trends (the crystallization of new groups within the Israeli society), are perceived to be gradually eroding the supremacy of the state and auguring the approaching end of the era of Zionist hegemony and the onset of a new, “post-statist” era, based on a transition from a mobilized state to a civil society.⁵⁵ In other words, a tendency exists to view the state as a negative force and civil society as a brake on its power, a basis for limiting its influence, and a stage toward “political maturity.”⁵⁶ The civil society is perceived as an ontological entity and as an alternative to the state, leading to political freedom and a multicultural society.

The theoretical framework that is adduced in this paper suggests otherwise. It leads to the conclusion that the civil society possesses no value in itself, but that its existence depends on its relations with the state, and that, like the state, it is a field for a struggle over the consolidation of a hegemonic social order and its reproduction. Viewed through the prism of that framework, the increasing indications of changes that are taking place in the structure of control in Israel do not necessarily reflect mounting resistance to state hegemony.

To be sure, the social and cultural fragmentation reflect on the diminished ideological importance of the old ethos of the labor movement and its elite. The central critique of this “nation-building” ethos, however, addresses only the mobilizing, homogeneous, and unambiguous framework of solidarity which this myth helped shape; it does not address the structure of control itself or the state hegemony that is shaped within its framework.

The state’s increasing involvement in social processes, which is formulated in terms of “maintaining public order,” “maintaining the rule of law,” or an expanded judicial system, constitutes an incentive to develop the representation of political power in instrumental technical terms. The rise

of the state bureaucracy at the expense of the resilience of the frameworks within which the political debate is conducted contributes to the depoliticization of social conflicts and of cultural and class distinctions, thus isolating the individual *vis-à-vis* state managerial and bureaucratic unity.⁵⁷ Effectively, this produces a positive correlation between the potency of social conflicts and the expansion of the instrumental discourse and the augmentation of the state's power.

True, the decline in the potency of the state ethos has brought about a certain rise in the costs of state control, which is expressed in a reduction in the scope of monitoring (de-regulation) and ownership (privatization) of the state in the economic sphere, and in an increasing transfer of political, material, and cultural resources from the state to groups that are autonomous *vis-à-vis* the state. In return for the concession by the state elites of part of the state's resources, however, the state assures the conservation of its power and the continued existence of the social division of labor. On one hand, the state's liberation from economic obligations toward social groups and economic sectors, while diverting economic accountability to the sphere of the market, guarantees that the state will keep its autonomous position *vis-à-vis* society as a neutral, unbiased, administrative factor.⁵⁸ On the other hand, the state's autonomy provides the legitimacy needed to deepen the state's penetration into society through the unceasing improvement of the statist-instrumental discourse.

This dialectical process, at the base of which stands "willful liberalization"⁵⁹—i.e., a situation where states relinquish power (in the form of resources) only to win it again (in the form of autonomy—might explain how, despite the fact that the Labor Movement elite is gradually losing its hegemonic political and cultural dominance, it is able to preserve its centrality as a class. It continues to control big business, commerce, industry, the establishment media, and the senior ranks in the army and academia, and this situation shows no signs of imminent change.⁶⁰ Through the use of instrumental discourse and institutional tools, liberalization enables the (state) elites to protect their privileged status, and even to strengthen it, "in a manner that changes all and nothing."⁶¹

The hegemony of the instrumental discourse persists, and, with even greater force, in a situation of cultural heterogeneization. The liberal economics that characterizes the social fragmentation and reflects the abandonment of the ethos of class solidarity and of the welfare state, generates material uniformity precisely in conditions of a multiplicity of identities and symbolic diversity; and that uniformity gives rise to instrumentalist versions of state hegemony. The strength of the state bureaucracy blurs the

distinction between state and society to the point where resistance to this pattern of control is possible almost solely within alternative fundamentalist frameworks (religious, national, ethnic). The social fragmentation may be a harbinger of the weakening of the constituting myths of the Zionist state as a nation, but not of the weakening of the instrumental rational structure of control around which the state is organized, or of the weakening of the bureaucratic hegemony which that structure of control engenders and reproduces.

The cultural heterogeneization in Israel does not, in our view, fit the multicultural model.⁶² On the contrary, most of the social groups are fighting for control in the state and view the state as a possible conduit and agent for changing the rules of the game and revising the criteria for the allocation of resources and for gaining access to positions of power within the state.⁶³ From this point of view, the cultural fragmentation entails the dissolution of the mechanisms of social and class solidarity, which are then thrust into the “marketplace,” to the applause of the business corporations. The discarding of solidarity and the multiplication of social conflicts serve precisely the state, bureaucratic, business, and professional elites, which are eager to propose legal-managerial and organizational solutions to every social problem. Therefore, the strengthening of the instrumental, managerial, and judicial discourse should be seen as part of the changes in the hegemonic project.

The instrumentalization of action is a political technique that grants much legitimation for the use of power by the state. Scholars, therefore, should deal less with the aesthetics and the theatricalization of the government’s activities—that is, with attempting to call into question the various types of state ethos that express the “common good.” The criticism should focus instead on the “eros” of instrumentalism, to expose the institutional and political mechanisms that blur the meaning that inheres in the state’s operations by means of a discourse that rests on rationalist principles, through which the division of labor and the social order are preserved. Such criticism should call into question the very possibility of consolidating apolitical criteria for the use of force, the distribution of resources, the division of labor, and the definition of the public interest and the “common good.”

Therefore, the challenge is not to strengthen the society in the face of the power of the state—in the conditions of the present structure of control, this would amount to reinforcing state hegemony through the agency of rational fundamentalism. The challenge is to posit an alternative project, which will undercut the very instrumental discourse itself that nourishes

state hegemony and the bureaucratic elites. Israeli society has yet to wrest from itself a demand for an alternative inquiry to that of the state.

NOTES

1. TPM, *Commission of Inquiry on the Matter of the Massacre in the Tomb of the Patriarchs in Hebron* (Jerusalem, 1994) [Hebrew].

A State Commission of Inquiry is established by decision of the government and appointed by the President of the Supreme Court under their authority according to Articles 1 and 4 of the State Commissions of Inquiry Law 5729–1968. Their establishment is the result of a decision by formal state institutions (government and Supreme Court). We do not try to describe the history of Investigations Committees in Israel. For such analysis, see Avigdor Klagsbald, *Tribunals of Inquiry in Israel*, Unpublished Ph.D. Dissertation, School of Law, Tel-Aviv University (Tel-Aviv, 1987). For legal aspects, see Zeev Segal, “The Power to Probe into Matters of Vital Public Importance,” *Tulane Law Review*, 58 (1984) 941–73; Yitchak Zamir, “Investigations Committees from a Legal Aspect,” *HaPraklit*, 35 (1984) 323–32 [Hebrew]; Peter Elman, “The Commissions of Inquiry Law, 1968,” *Israel Law Review*, 6 (1971) 398–416. We use the texts produced by the committees as an illustrative example of state’s management of conflicts and the relationship between state and society in Israel.

2. TPM 94, 253.

3. *Ibid.*, 143–7.

4. PM, *Commission of Inquiry on the Matter of the Assassination of the Prime Minister, Mr. Yitzhak Rabin* (Jerusalem, 1996) [Hebrew].

Yigal Amir told the police that the massacre in Hebron and the reactions of admiration for Goldstein that followed encouraged him to assassinate Rabin because he believed the act would gain wide backing. Amir himself idolized Goldstein. In his interrogation he stated: “I was curious how a doctor, a person of delicate soul, gets up, leaves his family and sacrifices his life . . . I went to the funeral. I came and saw all the thousands who were at the funeral. I saw the love they had for him . . . This is a public that fought hard for the nation, for which Jewish values are very important”; quoted in Amnon Kapeliuk, *Rabin: Assassination with God’s Help* (Tel-Aviv, 1996) 24 [Hebrew]; To Margalit Har-Shefi, Amir said that Goldstein “is a hero who gave his life, but the impact of his act was small . . . I would have killed Rabin” (*Ibid.*, 41).

5. Timothy Mitchell, “The Limits of the State: Beyond Statist Approaches and Their Critics,” *American Political Science Review*, 85(1) (1991) 77–96.

6. Charles Tilly, *Big Structures, Large Processes, Huge Comparisons* (New York, 1984) 1.

7. Uri Ben-Eliezer, “The Blurring of the Distinction between State and Society

in Israel: The Genealogy of the Halutz," *Megamot*, 37(3) (1996) 207–28 [Hebrew]; Timothy Mitchell, "The Limits of the State: Beyond Statist Approaches and their Critics," *American Political Science Review*, 85(1) (1991) 77–96.

8. Charles S. Liebman and Eliezer Don-Yehiya, *Civil Religion in Israel* (Berkeley, CA, 1983).

9. See the discussion on the ethnic-based delegitimation of political organizing in Hanna Herzog, "Is it Really Political Ethnicity?" *Megamot*, 38(2–3) (1984) 31–52 [Hebrew].

10. Gal Levy, *The Politics of Mizrahi Ethnicity in Israel*, M.A. Dissertation, Department of Political Science, Tel-Aviv University (Tel-Aviv, 1995) 94 [Hebrew].

11. M. Mandel, "The Rule of Law and Legalization of Politics in Canada," *International Journal of the Sociology of Law*, 13 (1985) 273–87; Ronen Shamir, "The Politics of Reasonableness," *Theory and Criticism*, 5 (1994) 7–23 [Hebrew].

12. Haim Ganz, *Obedience and Refusal* (Tel-Aviv, 1996) [Hebrew].

13. In the Yigal Amir trial verdict, the judges added: "We should emphasize that the trial was a criminal trial not a political one. The glory that the accused attempted to attribute to his felony, as if he sacrificed himself for an altruistic cause, is therefore a false one"; quoted in *Ha'Aretz*, 28 March 1996, B1 [Hebrew].

14. TPM 94, 243; PM 96, 123.

15. PM 96, 203.

16. *Ibid.*, 13.

17. TPM 94, 213–14.

18. PM 96, 203.

19. Yehouda Shenhav, *Manufacturing Rationality: The Engineering Foundations of the Managerial Revolution* (Oxford, UK, 1999).

20. Shamir, "The Politics of Reasonableness"; Menachem Mautner, "The Reasonability of Politics," *Theory and Criticism*, 5 (1994) 25–53 [Hebrew].

21. TPM 94, 143; PM 96, 129–30.

22. TPM, 194, 144; PM 96, 130.

23. Yehouda Shenhav, *The Organization Machine: A Critical Inquiry into the Foundations of Management Theory* (Tel-Aviv, 1995)[Hebrew]; Yehouda Shenhav, *Manufacturing Rationality: The Engineering Foundations of the Managerial Revolution*.

24. TPM 94, 213–14.

25. Shenhav, *Manufacturing Rationality* . . .

26. PM 96, 85.

27. *Ibid.*, 129.

28. *Ibid.*, 115.

29. *Ibid.*, 192.

30. TPM 94, 148.

31. *Ibid.*, 152 [emphasis in the original].

32. Shenhav, *The Organization Machine* . . . ; Shenhav, *Manufacturing Rationality* . . .

33. TPM 94, 141.

34. *Ibid.*, 145.

35. Ruth Beit-Merom and Dan Zakai, "Committees of Inquiry from the Psychological Perspective—The Potential of Learning from Experience," *HaPraklit*, 37© (1987) 424–7 [Hebrew].
36. Herbert Simon, *Administrative Behavior: A Study of Decision-Making Processes in Administrative Organization* (New York, 1946).
37. See PM 96, 129–32.
38. TPM 94, 147.
39. *Ibid.*, 147.
40. *Ibid.*, 154.
41. *Ibid.*, 76–9.
42. *Ibid.*, 76–8.
43. PM 96, 88–9.
44. *Idem.*
45. *Ha'aretz*, 28 March 1996, B3 [Hebrew].
46. *Yedi'ot Aharonot*, 28 March 1996.
47. Zigmund Bauman, *Modernity and the Holocaust* (Cambridge, UK, 1989).
48. TPM 94, 144; PM 96, 130.
49. PM 96, 131.
50. *Idem.*
51. TPM 94, 147.
52. E.g., Baruch Kimmerling, "State-Society Relationship in Israel," in Uri Ram (ed), *Israeli Society: Critical Perspectives* (Tel-Aviv, 1993) 343 [Hebrew]; Yoav Peled and Gershon Shafir, "The Roots of Peacemaking: The Dynamics of Citizenship in Israel, 1948–1993," *International Journal of Middle East Studies*, 28(3) (1996) 391–413; Uri Ram, "Memory and Identity: Sociology of the Historians Debate in Israel," *Theory and Criticism*, 8 (1996) 9–32 [Hebrew]; Gershon Shafir, "Land, Labor and Population in the Zionist Colonization: General and Exclusive Aspects," in Ram (ed), *Israeli Society: Critical Perspectives*, 116–18; Oren Yiftachel, "Israeli Society and Jewish-Palestinian Reconciliation: 'Ethnocracy' and its Territorial Contradictions," *Middle East Journal*, 51(4) (1997) 505–19.
53. Yossi Yonah, "State of Its Citizens, Nation State or Multicultural Democracy," *Alpayim*, 16 (1998) 238–63 [Hebrew].
54. See Peled and Shafir, "The Roots of Peacemaking . . ."; Ram, "Memory and Identity . . ."; Yiftachel, "Israeli Society and Jewish-Palestinian Reconciliation . . ."
55. Ram, "Memory and Identity . . ."
56. *Ibid.*
57. Levy, *The Politics of Mizrahhi Ethnicity in Israel*, 50.
58. Michael Shalev, "The Contradictions of Economic Reform in Israel," *MERIP Reports* (April 1998).
59. Michael Shalev, "Have Globalization and Liberalization 'Normalized' Israel's Political Economy?" *Israel Affairs*, forthcoming (2000).
60. Baruch Kimmerling, "The New Israelis—Multiplicity of Cultures without Multiculturalism," *Alpayim*, 16 (1998) [Hebrew].

61. Shalev, "Have Globalization and Liberalization 'Normalized' Israel's Political Economy?"
62. Yonah, "State of its Citizens, Nation State or Multicultural Democracy?"
63. Kimmerling, "The New Israelis . . ."