Disability in the Mirror of Zionist Ideology: A Comparative Perspective on the Israeli Disability Books

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The interrelationship between the disability category, military service, Zionism, and political thought in the State of Israel has rarely been studied. This Article offers, for the first time, a comparative perspective on three Israeli disability books and an inquiry into the hierarchy between them in the context of Zionist ideology. The first book is the military profiles book, which examines the medical fitness of candidates for military service and, consequently, affects the roles selected for them. The second is the Ministry of Defense’s disability book that estimates disability because of and/or during military service. The third is the civil disability book, which estimates the disability of work or disabled people in general.

Based on the theoretical intersection of critical disability studies, critical military studies, and science and technology studies, the article examines the mutual relations between political thought, social concepts, and the disability category. On the one hand, the article explores the effects of political thought and social concepts on the construction of the disability category. On the other hand, it inquires into the influence of the construction of the disability category on political thought and society. The potential and dangers of these mutual relations are appraised.

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INTRODUCTION

The construction of the human body, the conceptualization of disability,
military service status in Israel, the principles of Zionist ideology, and the interrelations between them are the focus of this Article. It undertakes a comparative study of the conceptualization of disability in relation to three Israeli social contexts. The first relates to disability assessments for determining medical fitness to enlist in the Israeli military. The second regards disability that results from military service. The third considers civil disability caused by work accidents or general disability. Each of the three contexts has a disability book, and each book has specific regulations for determining disability.

The Israeli disability studies literature has focused, so far, on the hierarchy between the different Israeli disability programs and their different benefits packages. The major contribution of this study, therefore, is its focus on the construction of disabled bodies according to each of the three disability books and the comparison between those constructions. The arguments of this article are comparative and individualized. The comparative level refers to the overall structure of the three competing disability books. The individualized level refers to unique attributes of each book. Both kinds of argument demonstrate the socially constructed nature of disability in Israel.

Comparatively, a hierarchy exists concerning the conceptualization of the body and the construction of disability in the three disability books. I argue that the disabled body of an Israel Defense Forces (“IDF”) veteran is the most esteemed disabled body. The Ministry of Defense’s disability book (“MOD Book”), as I will show, is more generous in comparison to other disability books. Its generosity is manifested in its definition of disability categories and in the disability rates attributed to them. The second-highest-valued disability is that suffered by candidates who are exempted from mandatory service in the IDF but choose to volunteer for the military anyway. The least-valued disability is attributed to the civil-disabled body—the body that results from a work injury or the body of the person who is generally disabled. The underestimation of the Civil Disabilities Book (“Civil Book”) in comparison to the MOD Book is evidenced in its definition of disability categories and in its granted disability rates.

The mere existence of three disability books and the influence of Israeli politics on the conceptualization of disability within each of them indicate the social nature of the disabled body in the contexts discussed in this research. If bodily disabilities were universal truths rather than social constructs, there would be no need to legislate competing disability books.

Striving to examine the specific political context in which the disability

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books were enacted, I explore the influence of Zionist ideology and the military’s status in Israel on the construction of the disabled body and the hierarchy governing the three disability books. I claim that the highest estimation of IDF disabled veterans is in line with Zionist ideology. In the Zionist view, the bodies of soldiers who were injured while attempting to ensure the country’s security are the most productive bodies.\footnote{Mor, supra note 1, at 118-21.} Their damages occurred in the most heroic of circumstances, and their disability is therefore the most valued. The disabled bodies of candidates for military service whose disability was caused by relatively prosaic circumstances are second in line in the Zionist perspective. According to this perspective, such a disability is not as valued as a disability that resulted from heroic circumstances. Nevertheless, disabled bodies that can maximally fulfill their productivity for national security purposes are valued more than bodies perceived as unproductive. Under the Zionist view, because the civil-disabled body is not productive for heroic purposes (i.e., the work-disabled body) or not productive at all (i.e., the general disabled body), it is less valued. Explaining the different constructions of the disabled body in the three disability books through the lens of Zionist ideology further demonstrates the contextual nature of disability. The importance of disability, so it seems, is not an objective state of affairs but instead derived from its cause and context.

Not only is the influence of Israeli military service and Zionist ideology on the construction of the body studied here, but also the reverse: the impact of disability’s conceptualization on the Israeli military and Zionist ideology. This article argues that the different constructions of the disabled body in the three disability books strengthen militaristic perceptions inside Israel.

On the individualized level, the Article separately examines the socially constructed disabled body within each of the three books. It addresses the changing of disability in each context and inquires into the reciprocal influences of the conceptualization of the disabled body and political thought (i.e., Zionist ideology or militarism) on each other.

In addition to substantially exploring the conceptualization of disability in the three disability books, this Article also gives an account of the disability percentages method used in these books for classifying and measuring disabilities. Despite the pseudo-scientific characteristics of this method, I expose the complex social considerations involved in defining the disability rate that have been obfuscated by the use of numerical values. I additionally claim that the system of measuring and classifying the disability percentages constitutes the disability categories themselves and serves as a mechanism of governance.

The Article proceeds as follows. Part I presents the main theoretical
frameworks upon which the Article is based and its potential contribution to these schools of thought. Part II outlines the doctrinal framework of the Article. It focuses on the regulation of three disability books and presents the methodology for their analysis. Part III critically studies the construction of the disabled body in the three disability books as related to three different contexts: (a) disability for determining medical fitness to serve in the military; (b) disability as a result of military service; and (c) civil disability following work accidents or general disability. Part IV presents a comparative perspective on the three Israeli disability books and discusses the socio-political implications of the construction of the disability category in them. Part V looks into the relevance of this Article’s arguments in contexts beyond Israeli Zionism. I then offer concluding remarks.

I. THEORETICAL BACKGROUND

The Article’s theoretical framework integrates three major fields of scholarship: (1) Disability Studies (DS); (2) Science and Technology Studies (STS); and (3) Critical Military Studies (CMS). A short review of these theoretical fields will be presented here. I clarify their relevance to my work and their contribution to understanding the topic of this research more generally.

A. Disability Studies

DS critically explores the concept of disability and centers the perspectives of people with disabilities as a central origin of knowledge. The questions in which DS is interested include, *inter alia*, what is a human body; what is a disabled body; how do we distinguish between the “proper” or “normal” body and the “disabled” or “perverted” body; and how is human identity designed based on these distinctions.

The evolution of DS can be organized in three waves. The first wave offered a social, rather than bio-medical, model for understanding disability. The bio-medical model perceived disability as an individual medical defect that necessitated professional aid due to personal tragedy. DS, however, proposed adoption of the social model which understands disability as a product of socially constructed impediments preventing

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people with disabilities from living like able-bodied people. Consequently, a distinction between “impairment” and “disability” was made: “impairment” was understood as the physical conditions of the body, “disability” as the socio-cultural meaning of those conditions.

The second wave enhanced and developed the idea that disability is created by society and its mechanisms. It focused on the physical and mental experiences of people with disabilities, as reported by them, and designed an affirmative model for understanding disability. This model emphasized the advantages of lives with disability and considered them a basis for defining proud self and group identity.

The third wave offers an anti-essentialist model for studying disability and inquires into the construction of the disabled body and identity. It examines the limits of disability and normalcy and offers a fluid, contextual understanding of the disability category. Robert McRuer, for example, has called for the dismantling of “compulsory able-bodiedness” and provocatively inquired into the relevance of the disability category for each of us.

Despite the significant contribution of the legal discipline to DS, there

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10. See John Swain & Sally French, Towards an Affirmation Model of Disability, 15 DISABILITY, HANDICAP, & SOC’Y 569 (2000).
13. See McRuer, supra note 4, at 1-33.
14. See Neta Ziv, People with Disabilities – Between Social Rights and Existential Needs, in SOCIAL, ECONOMIC, AND CULTURAL RIGHTS IN ISRAEL 813 (Yoram Rabin & Yuval Shani eds., 2004); Neta Ziv, The Social Rights of People with Disabilities, Reconciling Care and Justice, in EXPLORING SOCIAL RIGHTS BETWEEN THEORY AND PRACTICE 309 (Daphne Barak Erez & Aeyal Gross eds., 2007); Sagit Mor, Disability Rights in Israel: Between Socio-political Conceptualization and Legal Recognition, in ACCESS TO JUSTICE AND SOCIAL RIGHTS 79 (John Gal & Mimi Azemeshat eds., 2009); Mor, supra note 1; Sagit Mor, Between Charity, Welfare, and Warfare: A Disability Legal Studies Analysis of Privilege and Neglect in Israeli Disability Policy, 18 YALE J.L. & HUMAN. 63 (2006); Sagit Mor, The Dialectic of Wrongful Life and Wrongful Birth Claims in Israel: A Disability Critique, 63 STUD. L., POL. & SOC’Y 113 (2014); Sagit Mor, Equal Rights for Disabled People in Employment Law
are very few studies which explore the construction of the disabled body or adopt an anti-essentialist framework for their understanding.\textsuperscript{15} This Article, however, studies the construction of a disabled body in the disability books regulations, analyzing these constructions under frameworks that forego a strict bio-medical understanding of disability in favor of models that are social, affirmative, fluid and contextual.

\textbf{B. Science and Technology Studies}

The tension between nature and society is evidenced not only in DS but also in STS.\textsuperscript{16} STS focuses on the interrelations between science and technology on the one hand and society, culture, and politics on the other. These studies examine how social, cultural, and political values form the basis of science and technology\textsuperscript{17} and vice versa: how scientific research and technological developments influence society, culture, and politics.\textsuperscript{18}

STS scholars deconstruct the rigid distinction between the features of science and technology and the characteristics of society, culture, and politics.\textsuperscript{19} They undermine the presumption that science is objective, rational, and leads to universal truth. STS scholars explore how scientific truth arguments are made, stabilized, and distributed. In other words, science and technology are studied as social institutions and the context in which scientific and technological knowledge is constructed is critically examined.

This article employs STS scholarship to understand the disability percentages method that is used by all three disability books. It critically studies this method and examines to what extent it reflects a so-called “scientific truth.”

\footnotesize{– From Fixing the Person to Fixing the Society, 35 Tel Aviv U. L. Rev. 97 (2012).
\textsuperscript{15} See, e.g., Bradley A. Areheart, Disability Trouble, 29 Yale L. & Pol’y Rev. 347, 360-76 (2011) (offering an anti-essentialist framework for understanding disability and arguing that impairments, though theorized as biologically asocial, are indeed a social concept).
\textsuperscript{18} See Bijker et al., supra note 17; Kline, supra note 17; Mackenzie & Wajcman, supra note 17; Marx & Smith, supra note 17.
\textsuperscript{19} See Barry Barnes, Scientific Knowledge and Sociological Theory (1974); Bruno Latour, We Have Never Been Modern (1993).}
C. Critical Military Studies

The human body is a central locus of analysis for scholars of CMS. This is primarily because war and military power are experienced through the body. As Elaine Scarry notes, war is an activity centrally concerned with injury. Feminist scholars, furthermore, have emphasized how gendered bodies are necessary for military needs.

The interest of CMS in bodies led to its preoccupation with the disability category. Nevertheless, the disabled bodies examined by military studies scholars are mostly those of veterans. The possibility of recruiting disabled candidates for military service has often been overlooked. Apart from James Eastwood’s work, scholars in DS have refrained so far from examining the potential contribution of disabled recruits. A possible reason for this lack of study could be the exclusion of disabled soldiers from combat roles, which are considered more privileged than other roles in CMS.

This Article offers a critical study of the category of military fitness (of recruits), comparing its conceptualization to the construction of veterans’ disability and to the understanding of civil disability.

D. The Crossroads Between Disability Studies and Critical Military Studies

Few studies have tried to integrate the fields of DS and CMS. This Article offers such an integration by exploring how CMS can explain the construction of disability in the three disability books and how this construction affects, in return, the military’s social status. I will specifically focus on the re-signification of disability through militarism and then

20. James Eastwood argues that “[o]ne of the major contributions of CMS and the adjacent field of critical war studies, has been to recenter the body in analyses of war and international relations” (Eastwood, supra note 7, at 4). See also KEVIN MCSORLEY, WAR AND THE BODY: MILITARISATION, PRACTICE, AND EXPERIENCE (2013); LAUREN B. WILCOX, BODIES OF VIOLENCE: THEORIZING EMBODIED SUBJECTS IN INTERNATIONAL RELATIONS (2015); Synne Dyvik & Lauren Greenwood, Embodying Militarism: Exploring the Space and Bodies in-Between, 2 CRITICAL MIL. STUD. 1 (2016); Paul Higate, The Private Militarised and Security Contractor as Geocorporeal Actor, 6 INT’L POL. SOCIO. 355 (2012); Christine Sylvester, War Experience/War Practices/War Theory, 40 MILLENNIUM: J. INT’L STUD. 483 (2012).


25. Id. at 5.

26. See, e.g., Eastwood, supra note 7 (demonstrating that DS and CMS have productive insights to offer each other).
examine the geopolitical restrictions on this re-signification. One of these restrictions can be deduced from the discussions on “homonationalism.”27 This term is used to describe the inclusion of national queer bodies as loyal and the simultaneous defamation of foreign queers as monstrous and threatening.28 I will offer a similar discussion in relation to the inclusion/exclusion of disabled bodies in/from military service and treatment.

II. THE DOCTRINAL FRAMEWORK AND METHOD

Three legal enactments are the doctrinal focus of this Article. The first is the Defense Service Law, which conditions, in clause 5, the Israeli military’s authority to enlist people based on medical fitness.29 The first and second additions to the Defense Service Regulations present a long list of medical impairments, diseases, or problems that void the enlistment of candidates for military service,30 and the Regulations for Determining the Medical Fitness (“the Military Profiles Book”) set the method for estimating candidates’ medical fitness.31

The second enactment is the Disabled People Regulations (Tests for Determining Disability Levels), which function as the Ministry of Defense’s disability book (the MOD Book).32 The MOD Book regulates the disability level of veterans for IDF and other security forces.

The third and final enactment is the second addition of the National Insurance Regulations (Determination of Level of Disability for Work Injuries) (the Civil Book).33 This book regulates disability levels of either work-injured or general disabled people.

Discourse analysis is the qualitative research method chosen for this study.34 In order to better understand the doctrinal framework of the study, and in light of the confidentiality of the Military Profiles Book, documents related to the enactment and implementation process of the three books, IDF internal guidelines, and complementary secondary literature were also analyzed.

III. THREE DISABILITY BOOKS: INDIVIDUALIZED AND SOME

34. See BRIAN PALTRIDGE, DISCOURSE ANALYSIS: AN INTRODUCTION (2006).
Comparative Analyses

A. Disability and Medical Fitness for Serving in the Military

1. The Legal Arrangement

As early as 1949, enlistment in the IDF became subject to the decision of an authoritative committee on medical fitness.35 This ruling aimed to balance Israel’s need for national security with protection of the individual’s health (which can be subversively read as the protection of the military’s health). The individual’s medical profile affects the roles selected for them.36 This principle of balancing national security and health is also evident in the process of ranking medical profiles. A non-combat profile is given, for instance, to an individual who suffers from severe asthma which may endanger their life in field unit conditions.37

The military medical classification began before the establishment of Israel and the IDF. It was carried out while the Land of Israel/Palestine was under the British Mandate in the early 1940s.38 With the establishment of Israel in 1948, military medical classification was formally adopted by the young Israeli State and continued to be implemented. As part of the establishment of the IDF in 1950, new regulations for determining medical fitness were published39 and, in 1956, the medical profile method was introduced.40 According to this method, which is still in operation, the medical profile is rated by numbers ranging from 21 to 97. A 97 profile represents the highest fitness level for military service; a 21 represents permanent unfitness. This method was first set in the Military Profiles Book in 1961.41 The Military Profiles Book determines the different kinds of profiles and the medical tests for their determination.

Under this arrangement, a military physician must examine each candidate, determining who is and is not medically fit to serve.42 The medical selection process begins with the collection of relevant medical data on the candidate. The data are sent to a medical board composed of at least one physician. The candidate then appears before the board.43

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35. Tamar Tavory, Medical Selection in the IDF, 43 LAW & MED. 10, 10 (2011).
37. Tavory, supra note 35, at 11.
38. Tavory, supra note 36, at 201.
40. Tavory, supra note 36, at 203.
42. Tavory, supra note 35, at 11, 19-20 (citing § 5-7, Defense Service Law (Consolidated Version), 5746-1986, LSI 1170 107 (1985-86) (as amended)).
43. See id.
medical board takes an anamnesis, examines the candidate, and, at the end of its examination, determines whether the candidate is medically fit, unfit, or temporarily unfit to serve in the military.\(^{44}\) Thereby, Israeli disabled people are exempted from mandatory service in the IDF.

In light of the unique status of military service in Israeli society and the individual’s rights connected to this service, however, the IDF has a generous volunteerism policy which enables individuals exempted from military service, including the disabled, to volunteer for the military.\(^{45}\)

In 2000, the Defense Service Law was amended and a new classification for military service was acknowledged: “fit for service under special conditions.”\(^{46}\) A medical committee was authorized to determine, for instance, that a needed professional (e.g., physician or engineer) who was diagnosed as unfit was, in fact, fit for service under special conditions. And in 2005, a new policy was introduced according to which the profile number of a candidate who volunteered for military service after being diagnosed as unfit would be changed from 21 or 24 to 30.\(^{47}\) This change was meant to indicate the military authorities’ acknowledgment of the social meaning related to the military profile and the authorities’ willingness to assist volunteers in removing the stigma attached to being classified as unfit.\(^{48}\)

In a similar vein, the IDF’s ethical code of military medical selection states that “requests from candidates to do military service and from soldiers [medically] ‘unfit to [. . .] serve’ in the IDF, should be positively answered, as much as possible.”\(^{49}\) According to the IDF medical volunteering policy, a candidate or soldier is permitted to volunteer only if the medical staff is convinced that military service will not harm their health.\(^{50}\) Occupational medicine and medical selection determine the conditions under which the voluntary recruit serves (e.g., exemption from basic training, permission to sleep at home, assigned service close to a hospital).\(^{51}\)

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45. Id. § 17. At first glance, it could be argued that the IDF has a generous volunteerism policy for individuals exempted from military service in order to increase the military’s size and not to advance disabled people’s rights. Considering the fact that military service in Israel is mandatory, and in light of hidden unemployment within the Israeli military, this argument is unconvincing—the IDF is not short on personnel. See, e.g., Meirav Arlosoroff, It’s High Time for Israel to Reduce the Period of Compulsory Army Service, HAARETZ (Sep. 5, 2019), https://www.haaretz.com/israel-news/.premium-it-s-high-time-to-reduce-the-period-of-compulsory-israeli-army-service-1.7799545.\(^{46}\)
47. Tavory, supra note 36, at 214.
48. Tamar Tavory, who was the vice-chairperson of the Consultation and Legislation Department of the Military Prosecution and the Legal Advisor to the Medical Corps at that time, explains that raising the profile of candidates, who volunteer for military service, was solely a semantic change. She clarifies that this increase in the profile was intended to benefit these candidates by removing the social stigma attached to their being classified as unfit. See id.
49. Affek et al., supra note 41, at 28, 32.
50. General Medicine Officer Instruction No. 302.009 § 1.
51. Tavory, supra note 36, at 90-189.
Despite these facially generous volunteerism policies, it is important to stress that the default is that people with disabilities do not serve in the IDF. Military volunteerism by the disabled is dependent on their willingness to deal with long and complicated procedures. As a result, they often do not participate in a central and important institution in Israeli society.

2. The Status of the Military in Israel in the Context of Enlisting in the IDF

“The whole nation is the military” (in Hebrew: kol ha’am tzava) is a well-known expression in Israel that demonstrates the centrality of military service in Israeli citizens’ lives. Military service accompanies Israel’s citizens like a shadow, and it is hard to exaggerate its significance in Israeli society. The typical life course in Israel includes military service after graduation from high school. This stage is frequently considered a transition stage from adolescence to adulthood.

The Defense Service Law, which was legislated with the establishment of Israel, imposed general mandatory military service on all Israeli citizens and, allegedly, drew no sex or ethnic origin distinctions. Throughout the years, the IDF served as a central means for the integration process of Israeli society and was part of the Israeli “melting pot” in the 1950s. The social groups that do not serve in the IDF (i.e., the ultra-Orthodox Jews or Arab citizens) enjoy only limited civil legitimacy.

Although there is not an enforceable right to serve in the Israeli military, the Israeli Supreme Court has acknowledged the ethical and social significance of military service. Military service in Israeli society grants a special status to soldiers who have completed their service. Sasson-Levy has argued (based on Kimerling) that military service is perceived as a dominant factor in defining the individual’s commitment and belonging to the country.

53. Id. at 5; see also Danny Kaplan, The Military as a Second Bar Mitzvah: Combat Service as Invitation to Zionist Masculinity, in IMAGINED MASCULINITIES: MALE IDENTITY AND CULTURE IN THE MODERN MIDDLE EAST 127 (Emma Sinclair-Webb & Mai Ghoussoub eds., 2000).
54. See § 1-3, 13, Defense Service Law (Consolidated Version), 5746-1986, LSI 1170 107 (1985-86) (as amended). Of course, the claim that military service in Israel draws no sex or ethnic distinctions is dubious considering the different durations of service for men and women, id. § 15-16, the exclusive exemptions from military service for women, id. § 39-40, the exclusion of Arabs from service, id. § 36, and the exclusion of women from certain jobs, id. § 16A(b), among other exceptions.
55. Tavory, supra note 36, at 224.
58. Tavory, supra note 35, at 12.
a criterion for normalcy, one that bestows legitimacy on the individual to participate in civil society.\textsuperscript{60} Sasson-Levy has claimed that military service in Israel signifies the individual’s measurement of belonging and loyalty to the country. As a result, the soldier is deserving of social resources upon release from the military.\textsuperscript{61} Though serious changes relating to Israeli society’s treatment of people who did not serve in the military have been won, it is still true that a Jewish Israeli young adult who is not ultra-Orthodox and who does not serve in the military raises questions among people in their community and potential employers.\textsuperscript{62} In addition, an individual who does not serve in the military is ineligible for certain economic benefits including scholarships for higher education and funds for professional training.\textsuperscript{63}

Sasson-Levy stresses that the individual’s commitment to the country and one’s willingness to die for it are the ultimate test of citizenship.\textsuperscript{64} Therefore, the “perfect citizen” in Israel is a Jewish male serving in combat roles.\textsuperscript{65} According to Sasson-Levy, two significant themes stem from the relationship between military service and citizenship. The first is a theme of deservedness which assumes that a combat soldier deserves more (social prestige, status, work, government funds, etc.) as a result of their contributions. The second is a theme of “belonging to, and ownership of, the country” which assumes that the military service of males grants them rights and legitimacy to participate in the security-political discourse in Israel.\textsuperscript{66}

Military service turns out to be significantly important to integrating a citizen into Israeli society. Therefore, by not recruiting disabled people into the IDF, the state can interfere with these individuals’ full integration in Israeli society, the job market, politics, and so on.

3. Perception of Disability in Light of the Legal Arrangements for Determining Fitness for Military Service

Up until 2000, the medical fitness standard for military service was based on the combat-soldier model with the “chosen body.”\textsuperscript{67} According to this model, the “chosen body” belongs to a male with a strong body who is straight, has all of his limbs, is capable of carrying a weapon, is neither fat

\textsuperscript{61} Sasson-Levy, supra note 59, at 299.
\textsuperscript{62} See, e.g., Sara Helman, Militarism and the Construction of Community, 25 J. Pol. & Mil. SOCIO. 305 (1997); Sasson-Levy, supra note 60, at 38; Sasson-Levy, supra note 59, at 299-300.
\textsuperscript{63} Sasson-Levy, supra note 59, at 299-300.
\textsuperscript{64} Id. at 299.
\textsuperscript{65} Id. at 300.
\textsuperscript{66} Id. at 01-300.
\textsuperscript{67} Tavory, supra note 36, at 205.
nor thin, and has no “disgusting” scars. Afterward, the model became more flexible regarding people with disabilities and began to examine the disabled person’s functionality and potential contribution instead of merely diagnosing their medical condition. In other words, the disability perception in the IDF was softened. Instead of perceiving disability as abnormal and defining people accordingly, disability was indexed to productivity tests.

Despite this positive tendency, a serious change relating to classification outcomes (who is and is not the fit soldier for military service) has not occurred, and very few people with disabilities have served in negligible roles. These disabled people, diagnosed as unfit for military service, could only volunteer for the IDF. This is because, up until 2000, the Israeli military’s disability perception was fairly conservative. At the most, it examined the potential contribution of disabled people to the military, without fundamentally examining the social barriers imposed by the standard of medical fitness for military service itself.

In 2000, the Defense Service Law was amended, and a new fitness level was set: “fit for military service under special conditions.” According to this amendment, a medical committee was authorized to determine that candidates working within needed professions who had been found unfit for military service are nonetheless fit to service under special conditions. Therefore, they are obligated to serve. The motivation to make this change was the ‘brain drain’ stemming from medical exclusion. Individuals who worked in needed professions and who had been exempted from military, because they were labelled “unfit,” continued to work in the civil job market.

In order to label a candidate “fit under special conditions,” the following three conditions are required: (1) they work in a needed profession (as defined in the military’s orders); (2) they have been found “fit to serve under special conditions,” meaning there is a certain job suited to the candidate’s health condition; and (3) the medical committee determines that the candidate is fit for military service under special conditions according to the medical tests set in part B of the first and second additions to the Defense Service Regulations. The service of a candidate categorized as “fit for service under special conditions” is subject to special service conditions set by the medical committee (e.g., exemption from basic training, serving near a hospital, or having sleeping arrangements at home).

The new legal category reflects a novel model of the professional soldier

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68. Id. at 209-14.
69. Id. at 215.
70. Id.
71. Id. at 216.
73. General Medicine Officer Instruction No. 701.014.
whose role is based on education and skill. This model expresses a change of the perception of disability in the IDF. Instead of perceiving disability as an “objective” medical condition that prevents one from serving, disability is measured by standards of productivity and functionality which take into account the changes the military must undergo in order to absorb the disabled person. This shift reflects a more complex perception of disability which enables the integration of disabled people into the military. The IDF’s willingness to make its facilities suitable for people with disabilities demonstrates an updated perception of disability that perceives society as responsible for creating the appropriate conditions for integrating disabled people into the military. The utilitarian approach which values the productivity of the individual and their contribution to the military, however, remains dominant.

An additional significant update to the psychiatry chapter in the first and second additions of the Defense Service Regulations, 1967, was made in 2008. This revision indicated a change in the medical selection process, shifting its focus from medical and functional diagnosis to accommodation of the disabled candidate. According to the update, candidates suffering from depression, anxiety, or other psychological problems who, in the past, were perceived as unfit to serve, are enlisted in accordance with their medical condition and skills. Consequently, accommodations relating to their service are made, including easing their service conditions and limiting assignments in their unit or job.

The legal arrangements for determining fitness for military service reflect, so it turns out, a progressive development in defining disability. In Israel, there was a shift from making a medical estimation of the impairment to examining the functionality and productivity of the recruit, taking into account the accommodations and adjustments required by the military. According to critical disability studies, this shift can be perceived as a turn from the medical model to the social model for defining disability.

Considering the significant importance of military service for integration of a citizen into Israeli society, the turn in determining fitness for military service is a welcomed change that can benefit people with disabilities. It can be argued, however, that the new conceptualization of disability, as well as the aspiration to include disabled people in the military, strengthens the status of IDF and fosters militarism in Israel. It advances the prominence of military recruitment as a “ticket” to equal citizenship and tightens the linkage between military service and social resources. Moreover, the aspiration to integrate disabled people into military service conditions the social integration of people with disabilities upon service in the IDF. Similar concerns have been raised with respect to integrating other minorities in the

75. Tavory, supra note 36, at 217.
military, such as women, Palestinians, migrants, and gays and lesbians.\textsuperscript{76} It is not militarism alone that is fostered by the inclusion of disabled people in the military. Utilitarian perceptions are also reinforced by the new definition of military fitness. Because the recruitment of disabled people is conditioned upon the professional needs of the Israeli military, a utilitarian approach that values the productivity of the disabled person above all else is advanced.\textsuperscript{77} Updating the definition of military fitness and, consequently, enlisting people with disabilities in the military, reveals both the potential of re-signifying military fitness for people with disabilities and the dangers in promoting certain political or ethical ideas (militarism or utilitarianism).

4. Perception of Disability in Light of Zionist Ideology

With the establishment of the State of Israel, Israeli society aspired to shake off the image of the exiled, ill, or weak Jew and to create a new image of the healthy and military-fit “Sabra” (“Tzabar,” “prickly pear cactus,” in Hebrew), a nickname given to native Jewish-Israelis.\textsuperscript{78} In continuation of this aspiration, the Zionist leader, Max Nordau, coined the idiom “the muscled Judaism.”\textsuperscript{79} The literary scholar Michael Gluzman has argued that “the male body became a central theme in Hebrew literature following the European national discourse that positioned the body as the nation’s symbol.”\textsuperscript{80} Moreover, Gluzman has argued that the father of modern political Zionism, Benjamin Ze’ev Herzl, along with Nordau, tightly linked nationality to the new Jewish body. The rehabilitation of the Jewish body, therefore, turned into a significant factor in nation building.\textsuperscript{81}

Sagit Mor points out that the Zionist movement negatively regarded disabled people and perceived them as unproductive in a world in which work is conceived of as a supreme value.\textsuperscript{82} Sasson-Levy mentions the anti-
Semitic origins of perceiving the Jew as ill or having defects, much like similar tropes regarding women, the Roma and Sinti, and homosexuals, created a foil against which the strong male image was developed as a symbol of the European nation. Both Mor and Weiss stress the image of the “new Jew” as having a complete, healthy, and male body and posit that this image had far-reaching influence on the perception of people with disabilities in Israeli society. 

Relating to bodily image in the military ethos, it appears that the image of the “new Jew,” one with a strong, healthy, and male body, was emphasized because a soldier’s accomplishments in military training and on the battlefield are physical. The first prime minister of Israel, David Ben-Gurion, noted that:

[The military functions as an] educator . . . directed to raising the physical . . . status of the youth. Our defense needs, and our nation building, are not fulfilled, if the military does not create fighting pioneering youth, healthy in body and mind . . . we should not forget that we have not become a normal people yet.

Examining the medical fitness of a candidate for service is a critical point for studying the soldier’s bodily image.

Studying the health criteria which deprived the disabled of military service reveals that, up until 2000, a male body model was adopted by the IDF. The unique female criteria relating to gynecology were briefly mentioned at the end of the criteria list, while unique male criteria related to the testicles, urethra, or prostate were highly detailed in a few clauses, elaborately discussed, and located in the center of the list. Since a male bodily model was chosen, unique female problems were relegated to an implicitly inferior significance.

Not only was the male body designated as being superior to the female one, the combatant body was designated as superior to the non-combatant body. There is evidence demonstrating the primacy of the combat-soldier model, for example, in the activating weapons test. According to the Defense Service Regulations of 1949, people with various impairments in their limbs (e.g., lack of arm or fingers) were deprived of doing military service, probably due to their inability to activate a weapon. In 1993, the regulations were amended and the ability to activate a weapon was added as an independent test for determining unfitness to serve. As the Head of

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83. Sasson-Levy, supra note 59, at 33.
85. DK, 1st Knesset, Session No. 2, (1949) 1338 (emphasis added).
86. Tavory, supra note 36, at 208.
87. Id.
88. Id.
89. Id. at 209-11.
the Israeli Human Resources Directorate in the IDF stated in 1993, “[e]very soldier must be able to defend him/herself, that is, to carry weapon. A soldier who is unable to defend him/herself . . . will only be able to volunteer for the military.”

Another medical criterion for determining the fitness of the candidate for military service related to their external appearance and, specifically, their skin. In 1949, “scars causing disgust” deprived candidates from serving. This standard was only removed in 1986 and points to the handsome appearance required of a soldier. Additional important standards regarding the soldier’s external appearance relate to height and weight. These metrics were measured, serving as important criteria for determining fitness for the military. It appears that, at the beginning, height and weight were measured not only for health reasons but also in order to reify a number of additional values: (1) it gave a handsome appearance to the unit; (2) it matched people to certain roles based on height and weight (e.g., making the tall people military police or sending overweight people to the artillery corps); and (3) it eased the quartermaster’s work in finding appropriate clothes and shoes for the units.

In 2000, there was an important shift in the military body model. In that year, an amendment to the Defense Service Law was accepted. This amendment permitted a determination of military fitness under special conditions. For instance, even if the candidates were unable to activate weapons, they would be permitted to serve if they worked in needed professions. The prior requirement to be able to activate a weapon was also the reason, according to Gordon and Affek, for setting a minimum height for soldiers. Height indicated arm length and, consequently, predicted the soldier’s ability to carry a weapon. After the requirement to carry a weapon was overturned, the minimal height demand was also retracted in 2004.

Similar to the height standard, the weight tests became more flexible and in accordance with the growth of the population’s weight. In 2005, an important amendment of the regulations raised the normal weight standard for serving in the IDF. Instead of rejecting overweight candidates, the military promoted specific plans for coping with obesity. An example of a well-known program that offers special training and encourages lifestyle

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91. Tavory, supra note 36, at 211.
92. Id. at 212-13.
93. Tavory, supra note 36, at 201 (citing Dr. Shiba’s Letter to the Military Adjutant General Branch).
95. Tavory, supra note 36, at 211 (citing Affek & Gordon, supra note 90, at 28).
96. Id. at 212-13.
changes is the “From Being Fat to Being a Warrior” program. Nevertheless, the program’s name indicates that, from the military’s perspective, the status of “fat” is an anti-thesis to that of the “warrior.”

After these amendments to military policy were implemented, the focus shifted from examining the individual’s formal medical status to considering their functional integration possibilities. The productivity test continued to rule, however, because only disabled people working in needed professions could be enlisted under special conditions. Tamar Tavory argues that the change in the IDF’s perception of people with disabilities and the stabilization of their right to serve stems from a military interest which continues to emphasize the Zionist “people’s military” ethos in an era in which many young Israelis evade military service. In fact, the recent changes related to military medical standards demonstrate the merging of interests between developing the rights of people with disabilities and strengthening the Israeli military ethos, especially as it pertains to Zionist notions of collective defense and strength projection.

B. Disability Due to Military Service

1. The Hierarchy between IDF Disabled Veterans and Others

The Israeli welfare benefits system for people with disabilities is complex. Eighteen legal arrangements, distinct from one another, regulate various categories of disabilities. The major difference between them is the cause of the disability or the individual’s status when they were injured. These categories include, inter alia, work injury, IDF disability, World War II disability, and hostile activity disability. Alongside these specific

97. Id. at 212.
98. Id. at 223-26. Advancing universal participation in the military, in order to promote the “people’s military ethos,” had been supported by Zionist ideology since the establishment of Israel. The changes that occurred relate to the status of the military in society and to the subversion of the social legitimacy of military service. These changes fostered accepting disabled people into the IDF. Disabled people were not the first category of disempowered and excluded groups that were assimilated into the IDF. In the 1980s, new immigrants and youth from disadvantaged and lower-class communities (“Ne’arey Rafal”) were integrated into the military. Beginning from the 1990s, women were integrated into combat roles and people who had declared their homosexuality were recruited. According to Hassan Jabareen, these transformations were possible due to the erosion of the security ethos in Israel. Furthermore, technological developments and the evolution of the professional soldier over the combat soldier, contributed to the inclusion of disadvantaged groups in the military. At the same time, however, people with disabilities were not included in the IDF. It was not until the 2000s that the military changed its treatment of people with disabilities. The rise in young adults that evade military service, society’s tolerance of their behavior, and the real threat to the “people’s military ethos” accelerated the recruitment of disabled people. See Jabareen, supra note 76, at 52; Tavory, supra note 36, at 223-26.
99. Prima facie, it can be argued that stabilizing the right of disabled people to serve stems neither from a Zionist interest to emphasize the ethos of “the people’s military” nor from a military aspiration to develop the rights of people with disabilities. It can be argued that integrating disabled people into the IDF stems from a more general desire to increase the size of the military to ensure adequate national defense. For an explanation that undermines this argument, see supra note 45.
100. Mor, supra note 1, at 107.
101. Id. at 107.
categories, the Israeli National Insurance Institute activates a residual program for other disabled people who are unable to work in a full or partial manner.\textsuperscript{102}

In a comprehensive study from 1974, Procaccia and Miller discuss the complexity of the Israeli welfare system and note three models of disability allowances. The first is the Disability (Compensation and Rehabilitation) Law of 1949, which anchors the allowances for disabled veterans. The second is a work-injury insurance program that appeared in the National Insurance Law in 1954. And the third is a general disability insurance program that was added to the National Insurance Law when it was corrected in 1973.\textsuperscript{103} Analyzing the three models exposed the enormous gaps between the benefits they provide and the hierarchies they establish: it turned out that IDF disability benefits were worth the most and general disability benefits worth the least. In the middle were the work-injury disability allowances.\textsuperscript{104}

John Gal has elaborated the hierarchy from benefits to disability categories.\textsuperscript{105} He argues that the IDF disability benefit arrangements are based on compensation, the program for work injuries is based both on compensation and insurance foundations, and the general disability program is based on need.\textsuperscript{106} Gal’s work has exposed the inequality of the Israeli disability benefits system.

The Disability (Compensation and Rehabilitation) Law, enacted in 1949, created a generous system for disabled people from Israel’s 1948 War of Independence. In fact, it was the first welfare law of the State of Israel. The definition of IDF disabled veterans is the widest among the three programs and the standard for granting IDF disability allowance is the lowest.\textsuperscript{107} While a medical disability rate of 10\% grants an IDF disability allowance, the medical standard is 20\% for work injury.\textsuperscript{108} General disabled people are forced to pass two tests in order to receive their allowance. The first is a medical test, requiring a 60\% (or, in certain cases, 40\%) disability rate. The second is a functional test requiring lack of at least 50\% of income capability.\textsuperscript{109}

The IDF disability allowance rate also reflects serious gaps. While the

\textsuperscript{103} Mor, supra note 1, at 107-08.
\textsuperscript{104} Id. at 108.
\textsuperscript{105} Gal, supra note 1, at 230-32.
\textsuperscript{106} Id. at 232-36.
\textsuperscript{107} Disabled Law (Compensation and Rehabilitation) (Consolidated Version), 5719-1959, LSI 295 276 (1959-60) (as amended).
general disability allowance equals 25% of the average salary in the job market and is not given to an individual who is working, the IDF disability allowance is calculated in accordance with the salary of an average-level state worker. Moreover, active employment does not result in deprivation of the allowance.110 An IDF disabled veteran who does not work is instead given an additional gratuity.111 The rate of the work disability allowance is located in the middle and equals 75% of the previous salary of the injured person.112

The benefits basket for each category also highlights the gaps between them. Under this benefit regime, IDF disabled veterans are coded as deserving wide rehabilitation services, including aid in searching for a job and affirmative action programs. Work-disabled people or general disabled people, however, receive only rehabilitation at work.113 IDF disabled veterans, moreover, receive medical treatment services from the state, while general disabled people do not.114 In sum, the Israeli disability benefits system concerning IDF disabled veterans demonstrates a generous understanding of disability and disability benefit eligibility and imposes serious remunerative responsibility on the state. Consequently, many of the IDF disabled veterans are more easily integrated into different areas of life and have a standard of living higher than the average Israeli.115

There is consensus that IDF disabled veterans enjoy a privileged status compared to other categories of disability. This discrepancy is justified, in part, on the basis of the state’s moral debt to veterans.116 Because the state sent them to the battlefield, it is responsible for their compensation. In this vein, then-Chief Justice Aharon Barak stated that

[t]he Disability Law . . . is unique. It is based on the acknowledgement of obligation and responsibility of the entire society to soldiers who were injured, due to their military service, service that was imposed on them by the state, and for its continuity and security. . . . Therefore, economic reasons, which may affect the scope of eligibility according to regular social systems, should not affect the eligibility of disabled people following military service.117

When the Disability (Compensation and Rehabilitation) Law was enacted, then-Prime Minister David Ben-Gurion also described it as “a law of the debt we owe to those who helped free the country with their

110. Mor, supra note 1, at 113-14.
111. Id. at 114.
112. Id.
113. Id. at 115.
114. Id.
115. Id.
116. Id. at 116.
bodies.” Celebrating fifty years of the IDF Disabled Veterans Organization, then-Minister of Defense Itzhak Mordechai congratulated the veterans and said “I have great esteem for your endurance, determination, heroism, and especially your contribution, as a unique group in Israeli society.” It appears that the rhetoric of appreciation for IDF disabled veterans reflects moral obligation to them, expressing a continuous perception of their contribution to Israeli society. This, of course, dovetails with core Zionist principles.

Clause 10(b) of the Disabled People Law (Remuneration and Compensation), 1959 [Consolidated Version] authorizes the Minister of Defense to establish standards for determining disability levels. These levels, in turn, provide benchmarks by which the medical committees operate. The MOD Book was created pursuant to these regulations. Scholars have extensively discussed the hierarchy between the three types of categories of people with disabilities (IDF disability, work injuries, and general disability). The hierarchy among the perceptions of the body of each of these categories, however, has not been discussed. This study compares the representation of the disabled body in the MOD Book with the representation of the body in the Civil Book. While the MOD Book regulates the disability levels of IDF disabled veterans, the Civil Book regulates disability levels of other categories of disabled people.

2. The MOD Book in Comparison to the Civil Book

Comparing the MOD Book with the Civil Book reveals that the former is much more generous in granting disability rates for identical bodily injuries. A few representative and non-exhaustive examples of this tendency are presented below.

The first example relates to the fact that, in the MOD Book, all the disability categories award some disability rate. While the Civil Book may grant a disability rate of 0% for certain types of injuries, the lowest disability rate granted in the MOD Book is 1%. In other cases, the MOD Book grants a higher disability rate than the Civil Book for identical injury.
This is also the case in relation to bodily scars. According to the Civil Book, the total disability rate that can be granted to a person whose entire body is scarred is 70% (20% for bodily scars and 50% for facial scars). The Civil Book, then, ignores a disability rate of up to 30%. Dan Meller perceives this policy as unjust. He argues that a person whose entire body and face are scarred deserves 100% (and not only 70%) of the disability rate. In order to deal with this difficulty, and contrary to the Civil Book, the MOD Book adopts the rule-of-nine system. According to this system, disability rate is determined on the basis of the ratio between the scars’ area and the total body area. The drawing in Figure 1, which is from the MOD Book, indicates the disability rate for scars appearing on various body parts according to the rule-of-nine system.

Figure 1:

\[\text{ענף הוחשנינן}
\]

(The Rule of Nines)

\[\text{ ENTIRE HEAD AND NECK} \]

\[\text{FRONT} \]

\[\text{BECK} \]

\[\text{LEG} \]

\[\text{ARM} \]

\[\text{HAND} \]

\[\text{FOOT} \]

\[\text{FACE} \]

\[\text{BACK} \]

\[\text{1%} \]

\[\text{18%} \]

\[\text{9%} \]

\[\text{9%} \]

\[\text{18%} \]

\[\text{18%} \]

\[\text{18%} \]

123. § 75, the second addition of the National Insurance Regulations (Determination of Level of Disability for Work Injuries), 5716-1956, KT 612 864.
125. § 75, Scars, Skin Diseases and Deficiencies, The Disabled People Regulations (Tests for Determining Disability Levels), 5729-1969, KT 2465 217.
The second example of the MOD Book’s generosity is its acknowledgment of wider disability categories than offered by the Civil Book. In the former, for example, there is no age limit relating to disability stemming from male impotency. The Civil Book, however, grants disability due to impotency only up to the age of 70. Moreover, while this book grants disability solely for organic impotency, the MOD Book grants disability for organically and mentally based impotency.

The third and last example of the generosity of the MOD Book relates to the medical tests recognized for granting disability. The MOD Book acknowledges a wider variety of tests for determining disability. Concerning impotency, for example, the MOD Book acknowledges both objective and subjective signs of erectile dysfunction, whereas the Civil Book only uses laboratory sleep tests for determining impotency. And, in relation to determining disability for scars, the MOD Book uses subjective tests (scratching or sensitivity) which do not appear in the Civil Book.

The Israeli judiciary has approved the generous character of the MOD Book. The Supreme Court has stated more than once that the tests for determining disability according to the MOD Book cannot be more severe than the tests in the Civil Book. Another precedential opinion that strengthens the generous character of the MOD Book was handed down in 2017. According to this opinion, an IDF disabled veteran who is injured in either the eye or ear during military service and who suffers a non-military injury to the other organ in the following year is deserving of a higher disability rate for the first injury than the second. Simply put, the


127. § 24(8)-24(10), the Disabled People Regulations (Tests for Determining Disability Levels), 5729-1969, KT 2465 217.

128. § 24(8), the second addition of the National Insurance Regulations (Determination of Level of Disability for Work Injuries), 5716-1956, KT 612 864.

129. Id.

130. § 24(8)-(12), The Disabled People Regulations (Tests for Determining Disability Levels), 5729-1969, KT 2465 217.

131. § 24(8)-(10), The Disabled People Regulations (Tests for Determining Disability Levels), 5729-1969, KT 2465 217.

132. § 24(8), the second addition of the National Insurance Regulations (Determination of Level of Disability for Work Injuries), 5716-1956, KT 612 864.

133. Compare § 75, The Disabled People Regulations (Tests for Determining Disability Levels), 5729-1969, KT 2465 217 with § 75, the second addition of the National Insurance Regulations (Determination of Level of Disability for Work Injuries), 5716-1956, KT 612 864.


judiciary’s view is that military injuries call for more state support than non-military injuries.

The MOD Book’s generous policy relating to granting disabilities rates can be explained in two ways. The first relates to the military’s status in Israel. Military service is perceived as a crucial ingredient of Israeli national security and, therefore, the disability of IDF veterans is more easily acknowledged and worth more. The second reason relates to the willingness to compensate those who have sacrificed their wellbeing for the country.136

3. Military Disability in Light of Zionist Ideology

The MOD Book’s generous disability policy can also be explained in relation to Zionist ideology. From its beginnings, Zionist ideology negatively perceived disability. This negative attitude toward people with disabilities was connected to these individuals’ lack of productivity as Israeli Zionism and society defined it.137 Consequently, the disability of people injured in mundane circumstances and perceived as incapable of participating in the Zionist project were worth less.

As opposed to other disabled people, IDF disabled veterans have been injured in circumstances recognized and venerated by national values deeming citizens’ security superior to anything else. Their disability is therefore worth more. The generous disability levels are also meant to express the country’s responsibility for damage that would not have occurred had the soldier not been exposed to risks by the state. Put plainly, this is a rehabilitation system that prefers the population of soldiers to civilians.

Studies exploring the history of disabled veterans in various, primarily Western, countries have emphasized the emergence of the disabled veteran as a political category with unique privileges. These studies stress the care of disabled veterans as a special project of the modern welfare state.138 Nevertheless, in a country such as Israel, which deals with continuous security problems, imposes mandatory military service on its citizens, and continually seeks to strengthen its military status, caring for disabled veterans is given even more paramount importance. From the Zionist perspective, the high risks imposed on Israeli soldiers who are obligated to serve and who play a significant role in a state with security problems justify

136. One may argue that this generous policy toward disabled veterans and the preference of disabled veterans over non-veterans are not unique to Israel. David A. Gerber has examined, more broadly, the privileged status disabled veterans enjoy in comparison to non-veterans in Western countries. Nevertheless, I assert that the continuous security problems with which Israel deals, the compulsory military service in Israel, and the superior status of the IDF in Israeli society intensify and strengthen the visibility of, and need for, the privileged status for Israeli disabled veterans. See David A. Gerber, Introduction: Finding Disabled Veterans in History, in DISABLED VETERANS IN HISTORY 11-55 (David A. Gerber ed., 2000).

137. Mor, supra note 1, at 118-21.

138. See, e.g., Gerber, supra note 136, at 11-55.
the privileging of IDF disabled veterans over other disabled groups.\textsuperscript{139}

A recent amendment to the definition of IDF disabled veteran also supports the Zionist ideology’s endeavor to reward the contribution of soldiers carrying out military service. Up until recently, any injury during and/or due to military service could have justified the recognition of an IDF disabled veteran status. In 2017, the Knesset (Israeli parliament) adopted the recommendations of the Goren Committee\textsuperscript{140} and began to differentiate between regular military service and permanent military service.\textsuperscript{141} With respect to those in permanent service, their injuries needed to be specific and unique to the service (rather than only happening during service) in order for the person to be recognized as an IDF disabled veteran.\textsuperscript{142} No similar requirement was set concerning regular service.\textsuperscript{143} However, it was determined that injury of a regular service soldier on vacation, which resulted from negligence, would not be recognized as military disability.\textsuperscript{144} In any case in which military service would not be recognized, the plaintiff would be directed to apply for civilian disability from the National Insurance Institute.\textsuperscript{145}

In the spirit of Zionist ideology, the Goren Committee’s amendment prioritized injuries which directly resulted from military service over injuries that accidently happened during military service. Of course, this amendment, much like the prioritization of the military disabled body over the civilian one, supports a socially constructed understanding of disability and reinforces militarism in Israel.

\textbf{C. Civilian Disability Based on the Policy of Israel’s National Insurance Institute}

\textbf{1. The Legal Arrangement}

The disability level of either work disability or general disability is based on the Civil Book. It includes a long list of “bodily defects” alongside disability rates which relate to each of them. The listed defects are similar to those that were used throughout the twentieth century in other western countries.\textsuperscript{146} The Civil Book includes a disability rate “price list” for

\begin{itemize}
  \item \textsuperscript{139} See, e.g., Mor, supra note 1, at 113-21.
  \item \textsuperscript{140} \textsc{The Public Committee for Examining the Eligibility for Support from the Rehabilitation Department – The Goren Committee} 74-75 (2009).
  \item \textsuperscript{142} \textit{Id.}
  \item \textsuperscript{143} \textit{Id.}
  \item \textsuperscript{144} \textit{Id.}
  \item \textsuperscript{145} \textit{Id.}
  \item \textsuperscript{146} Despite its offensiveness, I use the term “defects” as it was the term formally adopted by the legislature. § 11, National Insurance Regulations (Determination of Level of Disability for Work Injuries), 5716-1956, KT 612 864.
\end{itemize}
different kinds of defects. According to regulation 11 in the National Insurance Regulations (Determination of Level of Disability for Work Injuries), 1956, the plaintiff’s disability rate is to be expressed by the percentages of each of the defects included in the Civil Book so long as the aggregate percentage does not exceed 100%. In cases in which the plaintiff “suffers” from several defects, their disability rate will equal the sum of percentages noted in the Civil Book according to the following calculation: for the defect with the highest disability rate, the full rate noted in the Civil Book will be taken into account. For the second highest disability rate defect, a multiplication of the disability rate related to this defect and the subtraction of the abovementioned disability rate from 100% will be taken into account, and so on.\(^{147}\) The final score is called the weighted disability degree and is meant to guarantee that the plaintiff’s general disability rate will not exceed 100%.

2. Historical Background

Prior to adopting the Civil Book, and during the British Mandate, there was a compensation method according to which the employer compensated the injured employee in a workplace accident.\(^{148}\) After \(Eretr Yisrael/Palestine\) was declared to be under a British Mandate, the British officials, following World War I, set the Workmen’s Compensation Ordinance of 1927.\(^{149}\) The compensation stemmed from the proportion between the worker’s salary prior to the injury and after it rather than from the bodily damage itself. Therefore, 100% reflected the worker’s full salary prior to the injury.

During the 1940s, a new British initiative promoted the idea of a state-run industrial injury insurance in Mandatory Israel.\(^{150}\) It was developed in the United Kingdom following the Beveridge plan for central national social insurance in Britain and its mandated territories. According to the initiative, a state-run institution would oversee workers’ compensation in cases of workplace accidents. The \(Yishuv\) (the Jewish population of Palestine, prior to establishment of the State) supported the initiative because it conceived of the proposed national institution as one that would belong to the

\(^{147}\) For example, 30% disability rating for first defect, 20% disability rating for second defect, and 10% disability rating for third defect will grant the plaintiff 49.6% of weighted disability degree according to the following calculation: 30% + 20% X (100%-30%) + 10% X (100% - (30% + 20% X (100% - 30%))) = 49.6%. See § 11, National Insurance Regulations (Determination of Level of Disability for Work Injuries), 5716-1956, KT 612 864.


\(^{150}\) Admon-Rick, supra note 148, at 191-92.
forthcoming Jewish State.\textsuperscript{151} Following the recommendation for a state-run institution for workplace accident insurance, the understanding of loss of work capacity because of injury was developed, and a proposal to change the policy was considered, as evidenced below:

if disablement is prolonged, there will be industrial pensions based, not on loss of earning capacity, but rather upon the extent to which the workman suffered disablement by the injury, in comparison with a normal healthy person of the same age and sex . . . in many respects, this system is like that which is the basis of war pension schemes. It thus recognizes a certain similarity between the position of the soldier wounded in battle and that of the man injured in the course of his productive work for the community. Neither is liable to have his pension reduced on account of what he might earn after the injury; each is compensated, not for loss of earning capacity but rather for whatever he lost in health, strength and the power to enjoy life.\textsuperscript{152}

By juxtaposing the workers and soldiers, the policy showed the similarity between their contributions to the nation. Therefore, this justified basing their compensation on injury rather than due to loss of earning capacity. According to this proposal, 100\% compensation reflects a completely uninjured body. When there is injury, impairments are conceived as a disability.\textsuperscript{153} In other words, the proposal created a new category of \textit{disabled people} who were entitled to compensation by a state-run system that needed to care for this population.\textsuperscript{154} In the end, this system was not implemented during the British Mandate period. A few months before the end of the British Mandate, however, a state-run workplace accident insurance was approved.\textsuperscript{155}

After the establishment of the State of Israel, and following the enactment of the National Insurance Law of 1953, the shift from workers compensated by employers to administrated state insurance was finalized. In 1956, the Civil Book was confirmed, and was very similar (though not identical) to the MOD Book of 1951 upon which it was based. The future loss of work capacity or income due to the injury was integrated into the calculation of the disability percentages in the Civil Book.\textsuperscript{156} As a result, a new social category of the \textit{work-disabled person} was constituted.\textsuperscript{157} This category was

\begin{itemize}
  \item \textsuperscript{151} \textit{Id.} at 209-10.
  \item \textsuperscript{152} Admon-Rick, \textit{supra} note 149, at 177 (emphasis added).
  \item \textsuperscript{153} \textit{Id.} at 177-78.
  \item \textsuperscript{154} \textit{Id.} at 186.
  \item \textsuperscript{155} Admon-Rick, \textit{supra} note 148, at 211.
  \item \textsuperscript{157} Unlike the Civil Book, the MOD Book did not consider work incapacity and only referred to the injury or functional ability. See GABY ADMON-RICK, CONSTITUTING DISABILITY: MEDICAL TECHNOLOGIES, DISABILITIES AND STATE PALESTINE – ISRAEL 1927-1958, at 254 (Feb. 2014) (unpublished Ph.D. dissertation, Bar Ilan University) (on file at Bar Ilan Faculty of Social Sciences
attributed to any person who deserved disability percentage according to the Civil Book. It was only in 1972 that the Civil Book was also applied to general disabilities.

3. Disability Perception in Light of the Legal Arrangements for Determining Civil Disability

Prima facie, the Civil Book is based on a universal approach toward disability. Implementing a definitive list of disability categories and their fixed rates for the entire population signals a universal understanding of the kinds and extents of bodily deficiencies reflected as independent truths. Of course, this insight is doctrinally based on the perception of a universally and uniformly given body. Conceptualization of the disability categories in the Civil Book in terms of “lack,” “loss,” or “amputation,” and the simultaneous use of correctness language, also indicate that the law presumes that there is an intact and proper body from which different kinds of lacks, losses, and amputations are abstracted. These are used to determine the universal level of disability.158

Like the conceptualization of the disability categories, calculation of the disability rate of each of the deficiencies in the Civil Book is also embedded in a universal approach toward disability. The leading principle in calculating the disability rate is the gravity of deviation from the proper and intact body. The greater the “lack,” “loss,” or “amputation,” the higher the disability rate.159 The use of medical terminology in the Civil Book and its classifying the disabilities categories according to areas of medical expertise further support the construction of the Civil Book as a medical (rather than a social) book.160 This construction, again, employs the universal approach toward disability.

A critical examination of the Civil Book demonstrates, however, that it is not a purely medical product but rather part of a social process involving political interests. The disability categories’ definitions in the Civil Book are not necessarily grounded in professional criteria but are instead based on social and cultural perceptions. Understanding disability as a product of social power relations and cultural constructions (rather than as an inherent attribute) is in line with the social model in disabilities studies.161
Given the social and cultural influences on the designation of disability categories, there is serious disagreement as to whether the disability book merely reflects biological realities or, as I argue, demonstrates how cultural and social factors influence disability categories. While some assert that “the rationale behind designating [the Civil Book] is the functioning of the organs, and this question is a medical question,” others passionately claim that the “disability book is not a medical book.” Bowker and Star, two of the most important scholars in science and technology studies, argue that, although classification systems such as those in the Civil Book’s tables pretend to be neutral and transparent, they are actually based on social values and prejudices. In light of this argument, I now offer a critical analysis of the Civil Book. This analysis aims to expose the social and critical perceptions within the Civil Book which designate its stated disability categories.

The influence of social and cultural perceptions on the designation of disability categories was clear when impairments were first selected for inclusion in the Civil Book and differentiated from impairments that were excluded. Determining which impairment is considered a disability is, largely, a result of social construction or cultural acknowledgment. A concrete example of such a construction or acknowledgment relates to the impotence clauses in the Civil Book. Up until 2008, the Israeli legislature refrained from granting disability for impotence because it was not considered a bodily impairment. An Israeli urologist commented before adding the impotence clauses in 2008:

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164. GEOFFREY C. BOWKER & SUSAN LEIGH STAR, SORTING THINGS OUT: CLASSIFICATION AND ITS CONSEQUENCES 1-6 (1999).

165. This analysis has both theoretical and practical (materialistic) consequences regarding the inability to manage the entire population’s health (rather than the individual’s health). This is the biopolitics about which Foucault writes. Biopolitics relates to strategies and mechanisms through which physical bodies are managed by state power. It describes how biological processes are subjected to state power (birthrate, mortality, or level of health care) and how the state endeavors to oversee, increase, supervise, or regulate them. In the context of this article, the term biopolitics describes how the state organizes the disabled bodies of the entire population (who is/is not disabled), signifies them (who is severely/slightly disabled), and regulates them by employing the Civil Book. For an explanation and exemplification of the term biopolitics in Foucault’s work, see MICHEL FOUCAULT, “SOCIETY MUST BE DEFENDED”: LECTURES AT THE COLLÈGE DE FRANCE (1975-1976) 239-65 (Mauro Bertani & Alessandro Fontana eds., David Macey trans., 2003); MICHEL FOUCAULT, THE BIRTH OF BIOPOLITICS: LECTURES AT THE COLLÈGE DE FRANCE (1978-1979) (Michel Senellart ed., Graham Burchell trans., 2008).

166. § 24(8), the second addition of the National Insurance Regulations (Determination of Level of Disability for Work Injuries), 5716-1956, KT 612 864.
In the Ministry of Defense regulations [i.e., the MOD Book], there is a current and professional treatment of the issue of impotence. In the [Civil Book], this issue is not included, since these regulations were enacted a very long time ago. At that time, impotence was neither considered a problem nor a disease.\(^\text{167}\)

The determination of the impairments considered disabilities and the definition of impairments selected for inclusion in the book are mediated by cultural tests. Clause 75.1 in the Civil Book, for example, distinguishes between ugly scars and scars that are not ugly for the purpose of determining disability.\(^\text{168}\) Using the criterion of ugliness to determine the gravity of the scars and making a ruling for the disability level may be problematic due to its clear cultural nature.\(^\text{169}\) Furthermore, the question of whether a certain scar is “uglier” than another is a subjective perception of the observer.\(^\text{170}\) It is not a simple and objective criterion which can be easily measured (such as length, width, or weight) but rather an aesthetic one.

In addition to using aesthetic tests, clause 75.1 distinguishes between painful and unpainful scars. Like ugliness, pain is also a subjective criterion measured by personal standards and difficult to prove.\(^\text{171}\)

Relying on social and cultural considerations to determine disability levels has also led to intricate body politics. Questions thoroughly infused with body politics include: which bodily organ is worth the most or the least? Does the sexual identity of the plaintiff play a role in the process that determines disability level? Does the plaintiff’s age matter?

A critical examination of the Israeli Civil Book reveals that among all the potential bodily injuries relating to sex-defining organs, penile injury grants the highest level of disability.\(^\text{172}\) Furthermore, although the disability level decreases as the age of the plaintiff increases for all other sex-related injuries,\(^\text{173}\) this relationship does not apply to penile injuries. There the plaintiff’s age is not taken into account for the determination of the disability level unless the plaintiff is over the age of 70.\(^\text{174}\)

Just as the Civil Book “expects” men to function sexually in old age, it also “expects” women to be fertile until old age. The age of 50 was determined to be the borderline between different disability levels for loss


\(^{168}\) § 75.1, the second addition of the National Insurance Regulations (Determination of Level of Disability for Work Injuries), 5716-1956, KT 612 864.

\(^{169}\) Meller, supra note 124, at 101.

\(^{170}\) See id.; see also HCJ 8487/03 Organization of IDF Disabled People v. Minister of Defense, ¶ 6 of Judge Beinisch’s ruling, Nevo Legal Database (Dec. 13, 2006).

\(^{171}\) See SCARRY, supra note 21, at 3-23.

\(^{172}\) § 24(6), the second addition of the National Insurance Regulations (Determination of Level of Disability for Work Injuries), 5716-1956, KT 612 864.

\(^{173}\) Id. at §§ 24(4), 24(7), 25(2)-(4), 28.

\(^{174}\) Id. at § 24(8).
of uterus and ovaries, and it expresses the high importance related to woman’s fertility by the Israeli legislature.\footnote{175}

Clause 15 of the National Insurance Regulations (Determination of Level of Disability for Work Injuries), 1956, provides a direct channel for taking into account social and cultural considerations when determining disability level. According to clause 15, it is possible to grant a higher disability level, up to half of what was determined in the Civil Book, based on the plaintiff’s occupation and age.\footnote{176} This means that the clause enables deviation from the disability level determined in the Civil Book due to social or cultural favors.\footnote{177}

Like clause 15, clause 16 of the National Insurance Regulations (Determination of Level of Disability for Work Injuries), 1956, provides a direct channel for taking into account social considerations when determining the disability level. Titled “a special degree of disability,” this clause allows raising the percentage of disability from 65% to 100% when the injured person is denied any chance to return to work.\footnote{178}

In conclusion of this section, my analysis demonstrates that the disability levels in the Civil Book are multi-dimensional. They do not only reflect medical considerations but also social-cultural ones. The medical disability level is, in fact, a “black box,” in which the multi-dimensional considerations (medical, social, cultural, personal) involved in determining disability are placed. The term “black box” is adopted from Bruno Latour’s work and expresses the disappearance of the socio-cultural context in the process of constructing scientific knowledge and turning it into “natural fact.”\footnote{179}

\textbf{IV. DISCOVERING ZIONISM’S INFLUENCE ON DISABILITY CONSTRUCTION IN ISRAEL: A COMPARATIVE PERSPECTIVE ON THE THREE ISRAELI}

\footnote{175. \textit{Id.} at § 25(2)-(4). For a discussion on the importance and centrality of women’s fertility in Zionist Israeli society, see ORNA DONATH, \textsc{Making a Choice: Being Childfree in Israel} (2011); YAEIL HASHILONI-DOLEV, \textsc{The Fertility Revolution} (2013); SUSAN MARTHA KAHN, \textsc{Reproducing Jews: A Cultural Account of Assisted Conception in Israel} (2000); Larissa Remennick, \textit{Childless in the Land of Imperative Motherhood: Stigma and Coping Among Infertile Israeli Women}, 43 \textsc{Sex Roles} 821 (2000); Carmel Shalev & Sigal Gooldin, \textit{The Uses and Misuses of In Vitro Fertilization in Israel: Some Sociological and Ethical Considerations}, 12 \textsc{Nashim} 151 (2006).


177. A person’s occupation and their earning potential are socially and class-derived characteristics. However, age can be considered a medical matter for calculating the disability rate. Old age, for instance, may predict low chances of recovery. For an account of the social construction of age, see, e.g., JASON L. POWELL, \textsc{Social Theory and Aging} (2006).


179. See BRUNO LATOUR, \textsc{Science in Action: How to Follow Scientists and Engineers Through Society} (1988).}
DISABILITY BOOKS

Three Israeli disability books— the Military Profiles Book, the MOD Book, and the Civil Book—were presented and analyzed on individualized and comparative levels. The existence of three competing disabilities books indicates, by itself, the social nature of the disabled body. If bodily disabilities were indeed universal truths independent from social context, there would be no need to legislate three different books.

Separately studying the conceptualization of the disability category in each of the disability books also exposes disability’s socially-constructed nature. Regarding the Military Profiles Book, I underscored the significant change the term medical fitness has undergone from the establishment of the IDF to the present day. Instead of focusing on medically diagnosing the recruit’s disability, their functionality and potential contribution are now estimated, and their options for serving “under special conditions” are examined. According to the new implementation policy of the Military Profiles Book, disability is no longer an “objective” medical situation but rather a socially-constructed category. This category turns out to be measured by standards of productivity, while the military simultaneously considers the changes it must make to absorb the new disabled recruits.

With respect to the MOD Book, I presented a recent amendment of the IDF’s definition of the disabled veteran which also supports the social understanding of the disability category. The amendment differentiated between regular and permanent soldiers for the purpose of being recognized as an IDF disabled veteran even when an identical bodily injury is proven. By signifying the same medical condition as sometimes defining an IDF disabled veteran and sometimes not, the socially-contextualized nature of disability is demonstrated once again.

My critical examination of the Civil Book also demonstrates that it is not purely a medical product. I showed that the disability categories in this book are multi-dimensional and also reflect social-cultural aspects.

Disability studies scholars have identified a clear empirical hierarchy governing the benefits packages granted to different disability groups in Israel.180 Disabled veterans receive the most generous benefits package. People injured in work accidents are ranked second. The third group of “general disabilities” has historically received financial assistance based on poverty tests. This legal arrangement has contributed to the marginality and social stigmatization of this last group which includes people with congenital disabilities or disabilities due to illness, accidents, etc.181

Recent studies have emphasized that it is ideology (rather than financial constraints) that has differentiated the benefits packages of the three groups.

180. Mor, supra note 1, at 113-18.
181. Id.
Sagit Mor argues that the program for IDF disabled veterans stems from Zionist ideology that highlights the soldiers’ sacrifice for the State.\textsuperscript{182} She contends that their benefits package is targeted at compensating those sent out to the battle. According to Mor, the Zionist ideology of productivity has also affected the work-injury program. Since Zionist ideology aspired to create a new Jew who participates in the job market, it fosters the compensation of injuries during work, especially injuries that occurred during manual work.\textsuperscript{183} Other disabled people who did not fall into one of these two groups were viewed as unworthy. Therefore, they were provided with the poorest program.\textsuperscript{184}

The major contribution of this study, on the other hand, is its focus on the construction of disabled bodies within each of the three disability books and the comparison across them. It concluded that the existing hierarchy governing disability programs is linked to the construction of the initial ontological basis of the disabled body and not only to the meanings and benefits attributed to it. Furthermore, the different constructions of disabled bodies reflected in the three disability books are influenced, so I argue, by Zionist ideology.

The disabled body of an IDF veteran is the most esteemed disabled body. As discussed above, the MOD Book is the most generous. Its generosity is manifested in its definition of disability categories and in the disability rates attributed to them. Ranking IDF disabled veterans over all others is in line with Zionist ideology. These are the bodies of warriors that were injured while attempting to ensure national security. This is the most productive body, damaged in the most heroic of circumstances. Therefore, its disability is the most valued.\textsuperscript{185}

The second-most valued disability is of candidates who were exempted from mandatory service in the IDF but volunteered for the military nevertheless. As described above, up until the 1990s, candidates who did not possess the “chosen body” in accordance with Zionist ideology were exempted from military service. Starting in the 2000s, however, a generous volunteerism policy was promoted by the IDF and the functionality of the candidate (rather than their formal medical condition) was considered. This new model of disability enables disabled candidates who work in needed professions to enlist under special conditions. This policy is based on productivity and, therefore, can also be explained by Zionist ideology.

\textsuperscript{182} Id. at 119.
\textsuperscript{183} Id. at 118-21.
\textsuperscript{184} It was not until the 1970s with the shift of ideology away from productivity and with the appearance of protests of Jewish immigrants from Muslim countries (the “Black Panthers Movement”) in poor neighborhoods against the existing discriminatory social structure that “general disability” was included in the National Insurance legislation. See Mor, supra note 1, at 111-12.
\textsuperscript{185} For dealing with possible arguments according to which disabled veterans’ bodies gain privileged treatment in countries besides Israel where Zionism does not play any role, see supra text accompanying notes 136 and 139.
According to this ideology, the disability of the body due to prosaic circumstances is not as valued as a disability that resulted from heroic circumstances such as military service. Disabled bodies that can maximally fulfill their productivity for national security purposes, however, are more highly valued than bodies perceived as unproductive. Therefore, they are integrated into the Israeli military.

The least valued disability is attributed to the civil disabled body—the body that resulted from a work injury or the body of the general disabled. The underestimation of the Civil Book is evidenced in its definition of disability categories and in the disability rates granted to the individual. Based on the Zionist view, the civil disabled body is not productive for heroic purposes (i.e., the body disabled because of a work accident) or not productive at all (i.e., general disabled) and is therefore valued less than the other two types.

Understanding Zionist ideology can also shed new light on the re-signification of medical fitness for the purpose of enlisting in the military. At the beginning, only the “chosen body,” an opposite image of the exiled, ill, or weak Jewish body, was considered fit for military service. According to Zionist ideology, insisting on the “chosen body” as a fitness criterion was necessary for Israeli nation building. Later on, after establishment of the state, many young Israelis started evading military service. The IDF changed its perception of people with disabilities accordingly. Tamar Tavory argues that the stabilization of the right of disabled people to serve stems from a military interest to emphasize the ethos of “the people’s military.” Like the re-signification of medical fitness, the new definition of IDF disabled veteran from 2017 is also in line with Zionist ideology. Since this definition prioritizes disabilities stemming directly from military service over disabilities accidentally happening during service, it rewards the warrior’s body that maximally fulfills Zionist goals.

Beyond studying the influence of the Israeli military’s status and the Zionist ideology on the disability category’s construction, the opposite impact was also examined: the influence of the conceptualization of the disabled body on the Israeli military’s status and political thinking. I showed that the construction of the disability category in each of the disability books (e.g., the re-signification of medical fitness or the re-definition of the IDF disabled veteran), like the hierarchy governing the three disability books, strengthens militaristic views in Israel. Prioritizing IDF disabled veterans over disabled recruits and prioritizing the disabled recruit’s body over the civil disabled body tightens the linkage between military service, disability recognition, and social resources.

186. Tavory, supra note 36, at 205-09.
187. Id. at 225.
188. Id. at 223-26.
V. CONCEPTUALIZING DISABILITY THROUGH POLITICAL THOUGHT: BEYOND THE ISRAELI CONTEXT

So far, I have discussed how Zionist thought constructs the disability category in Israel and how the disability category’s construction affects political thought. The relevance of these mutual relationships beyond the Israeli context is the focus of this section. To be precise, this section looks into the construction of the disability category through political ideologies in other contexts and the effects of this category’s construction on political thought and society. I am particularly interested in the reciprocal relations spanning disability conceptualization, military service, and political thought. By disengaging from the Israeli reality, this section examines the following questions: is the disability category understood in different ways in other socio-national contexts? Do other local politics affect the conceptualization of the disability category? Are hierarchies identified in the constructions of disability categories in different socio-national contexts? Are disabled veterans more highly appraised than others in other contexts? Are disabled people integrated into military service in other countries? Finally, how is the conceptualization of the disability category affected by this integration? All of these questions have been discussed in relation to Israel. This section examines their relevance to other national contexts.

The mutual influences between the conceptualization of disability and political thought should not be surprising. According to Robert McRuer, since the emergence of the disability category two centuries ago, disability has arguably sustained a privileged relation to the state.189 Stone, Snyder and Mitchell have demonstrated that disability is largely managed at the state level.190 This observation is particularly noticeable concerning disabled veterans. David Gerber shows how, since the nineteenth century, the state has undertaken to provide disabled veterans generous pensions and a vast array of medical, rehabilitation, and reintegration services.191 The scope of states’ presence in the lives of veterans led the German historian Michael Geyer to observe that the socio-political identity of the disabled veteran has been, above all else, a product of interactions with the state.192 It is the state that has provided disabled veterans with extraordinary material, moral, and psychological resources it has been reluctant to grant to civilians with disabilities. Gerber points to the state as the entity that

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190. Id. (citing DEBORAH A. STONE, THE DISABLED STATE (1984); SHARON L. SNYDER & DAVID T. MITCHELL, CULTURAL LOCATIONS OF DISABILITY (2006)).
192. Id.
creates the gap between the two groups. In recognition of their military service and sacrifices on behalf of the nation, disabled veterans have been treated with unique generosity by the state.

The distinction between disabled veterans and civilian disabled people, and the hierarchy between these two groups, are not unique to the Israeli Zionist context. To demonstrate this, I now present three non-exhaustive examples for conceptualizing the disability category through national politics.

The first example comes from the United States, where a clear distinction between disabled veterans and disabled civilians exists. The historical rationale for this distinction can be found in what President Abraham Lincoln described in his second inaugural address as the national duty “to care for him who shall have borne the battle and for his widow and his orphan.” Indeed, following the Civil War, veterans’ organizations successfully campaigned for expanded government benefits such as bigger pensions for disabled veterans and widows. After World War I, expansive health care, life insurance, vocational rehabilitation, and other programs were secured. The government’s role in disabled veterans’ affairs increased again during World War II. To prepare for the return of so many troops, Congress unanimously passed the Servicemen’s Readjustment Act, better known as the GI Bill, in 1944. At this point, not only did the government treat the wounds of war and compensate the disabled and widowed for their suffering, but it also recognized and rewarded military service.

Today’s promise to veterans still includes the core components provided to previous generations: health care and compensation for wounds and other injuries, help with readjusting to civilian life, and support for indigent veterans. It is worthwhile to mention that the health-care system provided for U.S. disabled veterans provides comprehensive coverage, not only for injuries and illnesses sustained in the line of duty, but also for other medical needs that may arise at any point.

Preferring disabled veterans over nonveterans, just like conceptualizing the disability category through national politics, is not unique to western countries and can be also found in countries with Islamic roots. Turkey serves as one such example. Salih Can Açksöz shows how disabled veterans

193. Id.
195. Id. at 116-17.
196. Id. at 118.
197. Id.
198. Id.
199. Id. at 120.
200. Id.
of the Turkish Army, injured while fighting against the Kurdistan Workers’ Party, have become national icons and leading ultranationalist actors.\(^{201}\)

These disabled veterans were granted the honorary military title of “gazi” by the Turkish state and have been valorized as sacrificial heroes in the political realm.\(^{202}\) Derived from Arabic, gazi is originally an Islamic honorary title denoting a warrior.\(^{203}\) In contemporary Turkey, gazi is a nationalist figure, which is semantically and politically rich enough to evoke imageries of legendary Muslim warriors, Ottoman sultans, or Turkish war veterans.\(^{204}\) Açıksöz illustrates how the Turkish disabled veterans’ bodies were reinvented with political value through the sacrificial symbolism of the Islamic-nationalist title of gazi. At the same time, however, these bodies were also being subjected to the structural and symbolic violence of able-bodied society, iconized in the figure of the disabled beggar.\(^{205}\) The Turkish Anti-Terror Law No. 3713 of 1991 enabled the construction of the Turkish disabled veterans as distinct legal subjects.\(^{206}\) Under this law, these ex-soldiers “who were disabled in the struggle against separatist terror,” and particularly those injured by “enemy weapons,” were granted exclusive material and symbolic entitlement, including job placements, interest-free housing credit, medals of honor, and firearm licenses.\(^{207}\)

By locating the Turkish disabled veteran body at the intersection of state welfare practices, nationalist discourses on heroism and sacrifice, and cultural norms of masculinity and disability, Açıksöz illustrates how disabled veterans’ gendered and classed experiences of disability are hardened into a political identity. Consequently, she shows how violence generates new modalities of masculinity and political agency through its corporeal effects.\(^{208}\)

As Açıksöz argues, and this Article shows, the existence of separate legal systems for treating disabled veterans, their symbolic and material supremacy over disabled civilians, and their influence on society, are not limited to Turkey.\(^{209}\) The war-damaged body of a disabled veteran is found in all war and conflict zones across the globe. Its unique treatment exposes the socially constructed nature of disability and the conceptualization of disability through national politics.


\(^{202}\) Id. at 5.

\(^{203}\) Id. at 12.

\(^{204}\) Id.

\(^{205}\) Id. at 14-17. See also Salih Can Açıksöz, *Ghazis and Beggars: The Double Life of Turkish Disabled Veterans*, 44 ETHNOLOGIE FRANÇAIS 247 (2014).

\(^{206}\) Açıksöz, supra note 201, at 10.

\(^{207}\) Id.

\(^{208}\) Id. at 4.

\(^{209}\) Id. at 20.
A third and final example of the influence of national politics on the definition of the disability category comes from Taiwan. Tasing Chiu and Hsiao-Yu Sun describe how the assessment of disability in Taiwan has changed historically, transitioning from part of the bureaucratic legal authority of China to being medicalized, to some extent, under Japanese colonialism, and then more fully in post-War Taiwan, when the country was under Chinese Nationalist Party rule. The most recent trend described by Chiu and Sun has been toward de-medicalization due to social awareness and activism as well as due to the gradual application of international standards based on more variegated criteria.

As evidenced in the examples of the United States, Turkey, and Taiwan, political thought affects the conceptualization of the disability category in national contexts beyond the Zionist one. Of course, this political thought is grounded in specific histories, cultures, and religions. Especially remarkable is the distinction between the disabled body of veterans and non-veterans in the United States and Turkey. As explained in the Israeli context, this distinction exposes the socially constructed nature of disability. Moreover, an opposite influence of the disability category’s conceptualization on political thought and society is manifested beyond the Israeli context as gleaned from Açksöz’s work. She shows how new modalities of masculinity and political agency are enabled by re-conceptualizing disability in Turkey.

In conclusion, it can be argued that the relationship between the disability category conceptualization, military service, and political thought is relevant to national contexts beyond Israel. Of course, other warfare contexts can benefit and contribute to the arguments made in this article. The Israeli-Zionist context may be particularly beneficial for studying the relationship between disability, military service, and political thought, however. Based on the historical roots of the Zionist movement and in light of the military’s significance to Israel’s national security, military service is central to Israeli society. Unlike other warfare contexts, military service in Israel is mandatory. The Israeli individual’s rights stem directly from their military service. Furthermore, their sacrifice is significant in light of the

211. Id. at 188.
212. I have not yet found any publications on integrating disabled people into military service apart from the Israeli context. This may simply underscore the unique dimensions of Zionism, specifically mandatory service and the social and political benefits of said service, as elaborated throughout this Article—Israel has a particular interest in integrating the disabled into the military because of what military service signifies.
213. National politics may affect the construction of the disability category in other contexts besides warfare. On the influence of national politics concerning the conceptualization of disabled athletes, see Toni Bruce, Us and Them: The Influence of Discourses of Nationalism on Media Coverage of the Paralympics, 29 DISABILITY & SOC’Y 1443 (2014).
country’s continuous security problems and the compulsory nature of the service. The prominent role that military service plays in Israeli society turns the Israeli Zionist context into an exemplary platform for studying the relationship between the disability category, military service, and political thought.

CONCLUSION

This Article offered an individualized and comparative analysis of three Israeli disability books within the framework of Zionist ideology. The first was the Military Profiles Book, which examines the medical fitness of candidates for military service and, consequently, affects the roles selected for them. The second is the MOD Book, which estimates disability due to military service. The third is the Civil Book, which estimates disability due to a work injury and of general disabled people.

Taking advantage of insights gleaned from exploring the intersection between critical disability studies and critical military studies, the Article examined the conceptualization of the disability category in relation to the three Israeli contexts. The study was specifically interested in the socio-cultural perceptions embedded in the construction of the disabled body. The Article followed the changing conceptualizations of the disability category in each of the three contexts and the socio-cultural reasons for these changes.

Based on the science and technology studies framework of thought, the mechanism of disability percentage for measuring disability was reappraised and its political consequences were highlighted. I claimed that the complexity of considerations involved in defining disability have disappeared through the use of numerical values. The body has been transformed into a number that allegedly reflects a stable medical measure. As a result, the culturally-grounded story of the individual is erased. As Gabi Admon-Rick has observed, the percentage of disability endeavors to turn the changing human subject into a measurable stable object. Furthermore, it is worth noting that the system for measuring and classifying the disability percentage constitutes the disability categories themselves. In other words, not only does the disability percentage system erase the changing social aspects of the disability categories, turning them into medical impairments, it also constructs and creates the disability categories themselves through numerical values. Who is considered

214. The invention of the method for calculating the disability percentage is attributed to a French mathematician from the eighteenth century, François Bérouge. Bérouge translated the German law of the Middle Ages into mathematical tables for the calculation of compensation. See Admon-Rick, supra note 156, at 107.

disabled? Who is severely disabled? Who is slightly disabled? These are all questions that can be answered by measuring, classifying, and accounting management practices.\textsuperscript{216}

The socially constructed nature of the disability category was evidenced not only in the conceptualization of disability in each of the three disability books and the disability percentage mechanism. The socially constructed nature of the disability category stems also from the mere existence of three competing disability books themselves. There was no need to legislate three competing books if bodily disabilities are universal truths. I additionally indicated a hierarchy governing the disability books concerning the conceptualization of the disabled body. This hierarchy can be explained by adherence to the Zionist rationale. According to this rationale, the disabled veteran’s body is worth more than other disabled bodies since it was injured when trying to ensure the country’s security, the highest value in the Zionist view. The second disabled body in line is that of military volunteers. According to the Zionist perspective, the volunteers’ bodies maximally fulfill their productivity by volunteering for national security. The last in line is attributed either to work injuries or to the generally disabled due to their lack of productivity under Zionist ideology. Not only can the hierarchy across the books be explained by the Zionist ideology, but so can the transformation of key terms for the implementation of the books (e.g., medical fitness).

In addition to studying the influence of political thought and the military’s status on the conceptualization of disability, the article also inquired into the opposite influence: how the construction of disability categories affects the military’s status and political thought in Israel. Here, I focused on the prices, alongside the potential, that the conceptualization of the disability category raises.

Before ending, I examined the relevance of the article’s arguments to further socio-national contexts besides the Israeli Zionist one and pointed out the arguments’ potential contribution to these further contexts.

In conclusion, the disability category in Israeli disability books is a socially, historically, culturally, and politically constructed category rather than solely a physical one. This finding is derived from a multi-dimensional analysis, which included the study of each one of the disability books, the mere existence of competing books, the hierarchy among the books, and the mechanism for measuring disability adopted by the books. Based on the intersection between CDS, CMS, and STS, and in light of Zionist ideology, the intricate relationship between the disability category and political

\textsuperscript{216} Admon-Rick argues that adopting a method for measuring and encoding disability through numerical values immediately after the establishment of the State of Israel helped solidify the governability of the young Israeli state by enabling it to define different population groups and to carry out a new social agenda. \textit{See} Admon-Rick, \textit{supra} note 149, at 167.
thought was examined, while its potential and dangers were re-appraised.