

# Israel as a Jewish State

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Shlomo Hasson :: Modes of Democracy in Israel



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# **Modes of Democracy In Israel**

**CONFERENCE ON “ISRAEL AS A JEWISH STATE”**

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# Goals

- **To explore different conceptions regarding the current modes of democracy in Israel**
- **To explore alternative future modes of democracy advanced by different social groups**
- **To explore through several scenarios** possible paths of evolution of democracy in Israel
- **To identify the key forces** that shape these paths

# Why Different Modes?

## The Tension between Jewish and Democratic State

- The different conceptions of democracy in Israel today reflect different interpretations as to the existing balance between Jewish state and democratic state
- Some interpretations elevate the Jewish over the democratic, others – the democratic over the Jewish, and still others search for a pragmatic balance
- Expressions of the tension:
  - The declaration of independence
  - The two basic laws passed in 1992 and 1994: the basic law: human dignity and liberty, and the basic law: freedom of occupation
- The purpose of the basic laws is *“to establish in a Basic Law the values of the State of Israel as a Jewish and democratic state”*

# The Major Debate

Either Jewish or Democratic; It cannot be both

- **If it is Jewish it cannot be democratic:** because authority lies with religious law
  - **The cultural division** within the Jewish community regarding the role of religion in everyday life, and the duality of authority
- **If it is Democratic it cannot be Jewish:** because the state must be neutral towards any affiliation whether religious or national
  - **The national division** between Jews and Arabs in Israel regarding the neutrality of the state and minority rights

# Other Challenges to Democracy

- The occupation of the West Bank
- The growing social gaps and gender inequality
- The exposure to global labor market and exclusion of non-citizens
- Lack of transparency and accountability

# Comparative Measures of Freedom

(Source: Freedom House, 2010)

Country	Political Rights	Civil Liberties	Freedom Rating
Israel	1	2	Free
Israel o. Territories	6	6	Not Free
PNA	6	6	Not Free
Japan	1	2	Free
Greece	1	2	Free
Egypt	6	5	Not Free
Jordan	6	5	Not Free
Lebanon	5+	3+	Partly Free

# Democracy: Definition

- **Majority rule:** freedom of elections, governance by representatives, critiques of representatives and their replacement through regular elections
- **Rule of values:** separation of authorities, rule of law (including equality under the law), independence of the judicial authority, human and civil rights, social values (socialist, liberal or social-liberal)



# Jewish State: Definitions

- **National definition:**
  - **Right of self determination:** The state of Israel was established as the state of the Jewish people
  - **National purpose: Defensive democracy:** The state has the right to defend itself against those who by name of democracy seek its demise, in so doing the state has the right to limit human rights
- **Demographic definition:** Jewish majority
- **Cultural definition:** Dominance of Jewish culture
- **Religious definition:**
  - **Religious influence:** partial absorption of Jewish-religious contents (arrangements and symbols)
  - **Religious dominance:** theocratic regime

# Different Conceptions of the Modes of Democracy in Israel Today

- **Jewish and democratic State:** A search for a complementarities
- **Ethnic democracy:** Thin democracy, formal democracy, low level democracy, republican democracy
- **Concociational democracy:** Politics of accommodation within a deeply divided society
- **Ethnocracy:** Hegemonic position of one national group along with nationalizing State

# Mode 1: Jewish and Democratic State: A Search for a Balance

## Basic Assumptions

- The values of Israel as a democracy and Israel as a Jewish state should complement each other by:
  - Choosing from the two systems those values and principles that complement each other
  - Within Judaism preferring the universal approach over the particular one
  - Within democracy preferring systems with weak separation between state and religion over systems with strong separation between the two
- The road to a synthesis between Jewish and democratic values is complex and fraught with difficulties but the direction is clear

# Mode 1: The Balance between State and Religion

- **State and religion must not be separated in democracy:** Weak separation between state and religion is acceptable in several democracies: Canada, the UK while other democracies display models of strong separation: France, USA
- **Synthesis between freedom from religion and freedom of religion can be reached:** the principle of proportionality allows for compromises between human rights (freedom from religion) and interests and values of the religious public (freedom of religion)

# Mode 1: The Balance between Jewish State and State of its Citizens

- **A Jewish State is a state of all its citizens:** The state should not discriminate against its citizens: Jews and Arabs are citizens with equal rights and duties
- **Equality does not contradict the law of return,** because the state was established to realize the right of the Jewish people for self determination in accordance with the international law

# Mode 2: Consociational Democracy

## The Politics of Accommodation in the State-Religion sphere

- Replaces majority rule by a compromise reached between representatives of the secular majority and the orthodox minority
- Gives preference to national unity and political stability
- The majority evinces a willingness to self restraint and take account of the Orthodox religious (minority) group interests in the following spheres:
  - According monopoly to Orthodoxy in defining who is a Jew
  - According monopoly to Orthodoxy on delineating the borders of the family unit: marriage and divorce
  - Accepting religious values in shaping the character of the public realm: Sabbath, Festivals and Kashrut
  - Restricting religious pluralism
  - Institutionalizing religion through the provision of religious services

# Mode 2: The Principles of Consociational Democracy

## The State-Religion Sphere

- **Political participation:** Cooperating politically with the religious parties to prevent a “culture war”
- **Proportional allocation of positions and resources** to religious parties and institutions (e.g. supporting the religious educational systems)
- **Autonomy:** Recognizing the rights of the Orthodox groups to run their institutions according to their values (e.g. recognizing religious autonomy in education)
- **Status quo Solution:** Avoiding decision on controversial issues by:
  - **Maintenance and preservation of the existing socio-political reality** (e.g. the authority of the rabbinical courts in matters of personal status: marriage and divorce)
  - **Settling differences through political compromises** (e.g. “who is a Jew”, Sabbath as the legal day of rest, Kashrut in government kitchens, Personal status, Educational autonomy, Absence of religious pluralism)

# Mode 3: Ethnic democracy

## The Arab-Jewish Sphere

- A descriptive and normative mode regarding the relations between the Jewish majority and the Arab minority
- Gives preference to defending the nation-state by:
  - Assuming various measures of control with regard to the Arab population
  - Restricting Arab participation in decision making
  - Justifying unequal allocation of resources because of a continuous threat posed by the Arabs



# Mode 3: The Principles of Ethnic Democracy

## The Arab-Jewish Sphere

- Ethnic democracy maintains the prominence of the Zionist national enterprise
- Accords the Jewish majority monopoly over the allocation of collective good including land and housing
- Justifies unequal (disproportional small) allocation of political positions and economic resources between Jews and Arabs in Israel on the ground of an going threat
- Avoids full partnership of the Arabs in Israel in the national-political society
- Supports control over the Arab educational system

# Criticism 1

- Infringement of basic human rights in the sphere of religion
  - Freedom from religion: Restrictions on the rights of individuals to marry and found a family (Article 16 of the Declaration of Human Rights)
  - Freedom of religion: Exclusion of other Jewish religious streams: Not recognizing conversions, marriage and divorce made by Reform and Conservative Rabbis in Israel

# Criticism 2

- **Exclusion of the Arab sector – treating the other as unequal:**
  - political exclusion: no representation in government
  - unequal allocation of resources including land and education
  - failing to recognize Arab culture and institutionalizing Arab language as a de-facto official language
  - socio-economic inequality

# Mode 4: Nationalizing State: Israel as an Ethnocracy

- Overt deprivation of the Arab minority on national grounds: one national group is dominant and the other is dominated
- Discriminatory land regime, deliberate political exclusion and unequal allocation of public resources
- Restrictions imposed on the development of Arab culture and education
- Hebrew is the dominant language

# The Struggle over the Democratic Narrative

- Different interpretations of the current condition of democracy in Israel
- Partial truths that expose contradictions between different conceptions
- Could Israel reach an agreed upon:
  - mode of democracy
  - process regarding its development?
- What are the alternative modes – the future options?

# Alternative Orientations of Democracy

- **Civic State:** Liberal democracy
- **Bi-national state:** Arab autonomy and recognition of group rights
- **Homogenous Jewish State:** Stable Democracy
- **Democratic Nation-State:** Multi-cultural Democracy that:
  - maintains the Jewish right of self determination
  - recognizes minority rights

# Mode 5: Civic State: Liberal Democracy

- Civic patriotism replaces national patriotism
- Liberal-democracy replaces ethnic-democracy:  
The end of the Jewish-Zionist enterprise
- separation between state and religion
- Law of return is changed allowing in only persecuted Jews and applying equal criteria of entrance and naturalization to others

# Mode 6: Bi-National State

- Full participation of the two national groups in decision making
- Proportional allocation of resources between the national group
- Autonomy which is reflected in:
  - respect of Indigenous minority rights
  - self determination & regional autonomy
  - separate political, economic and cultural institutions,
  - Opening the 1948 files and return of the confiscated lands
  - Equal recognition of symbols and creation of common civic religion



# Mode 7: Homogeneous Nation State: Stable Democracy

- Resolution of the Israeli-Palestinian conflict involves population and territorial exchange
- More homogeneous nation-state emerges with stronger solidarity and democracy
- Cultural autonomy is granted to the Arabs that remain within Israel

# Mode 8: Democratic Nation-State:

## Multi-Cultural Democracy & Recognition of Minority Rights

- Externally, Israel is the homeland of the Jewish people
- Internally, Israel is a multi-cultural state
- Different religious streams enjoy equal rights
- Arabs enjoy religious and cultural minority rights and the Arab language becomes formally and practically an official language; Hebrew is the dominant language
- Political participation of Arab parties in the government
- Equal access of Arabs to state institutions in charge of public allocations
- Equal allocation of public resources, including lands – affirmative action

**Modes of Democracy: Current Modes & Future Options**

**Nationalism** *High*

*Nationalizing State*

*Ethnic Democracy*

*Consociational Democracy*

*Homogeneous Nation State*

*Bi-National State*

*Jewish-Democratic State*

*Multi-Cultural State*

*Low*

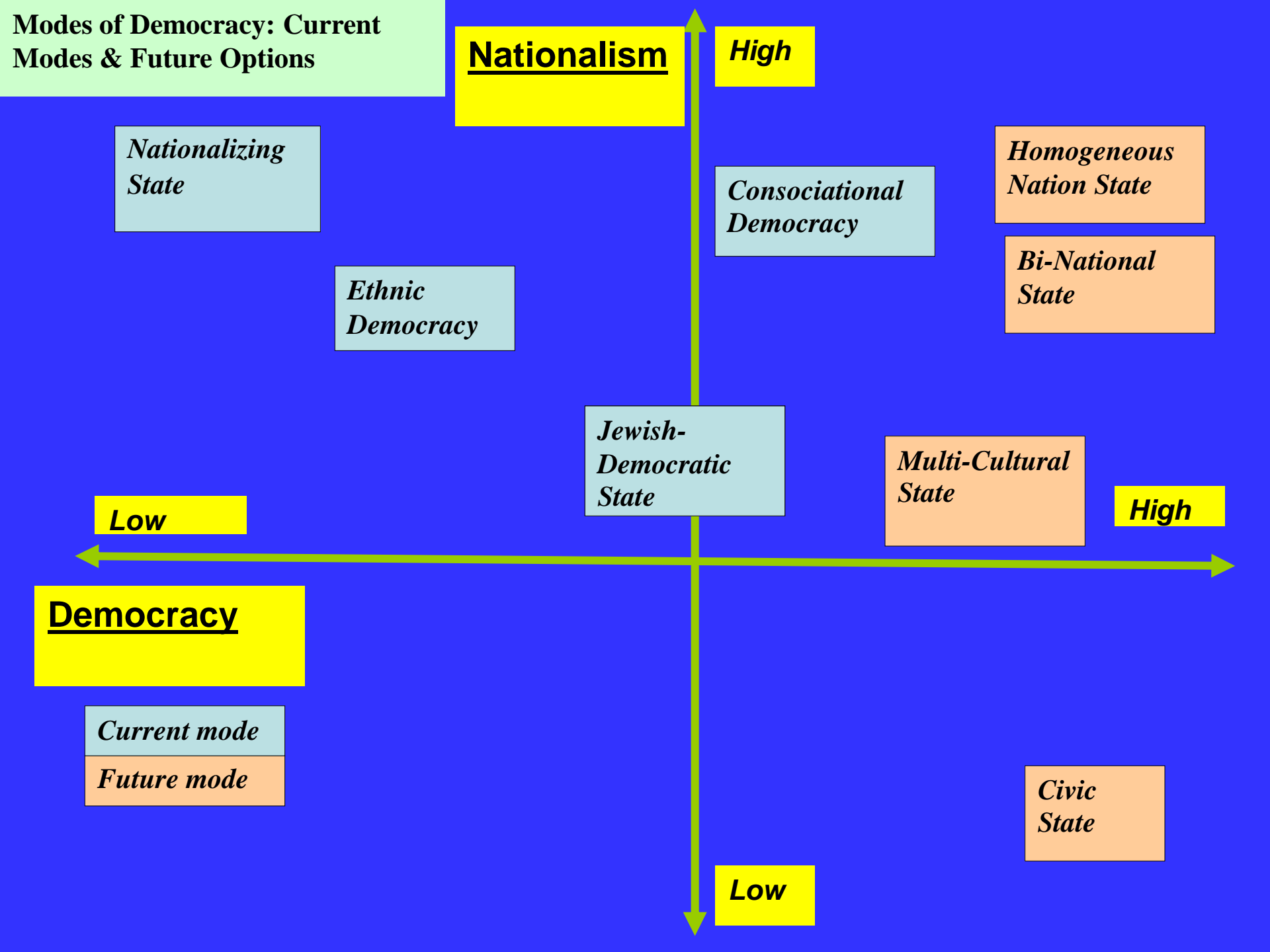
*High*

**Democracy**

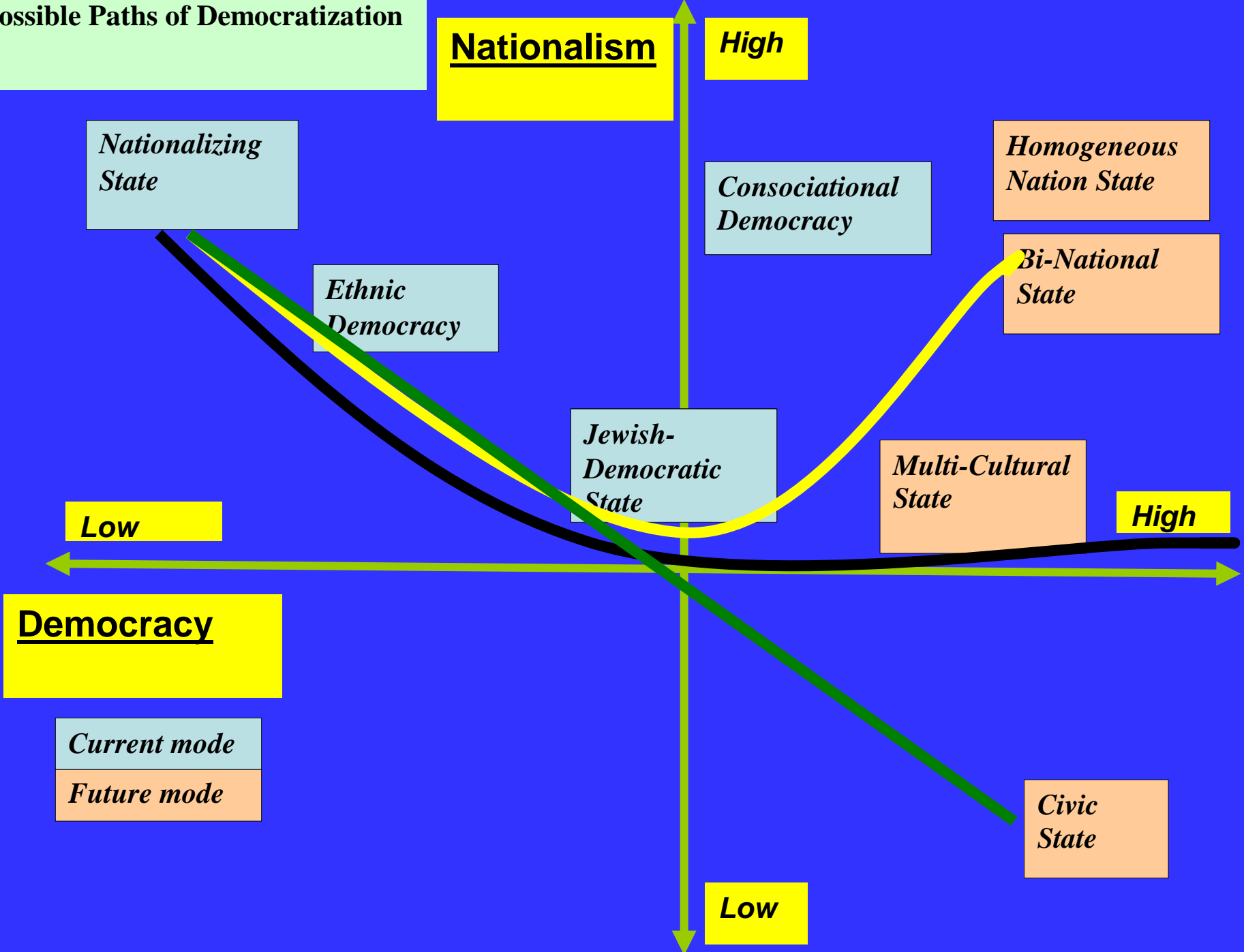
*Current mode*  
*Future mode*

*Low*

*Civic State*



# Possible Paths of Democratization



**Nationalism**

High

*Nationalizing State*

*Ethnic Democracy*

*Consociational Democracy*

*Homogeneous Nation State*

*Bi-National State*

*Jewish-Democratic State*

*Multi-Cultural State*

Low

High

**Democracy**

*Current mode*  
*Future mode*

Low

*Civic State*

# Driving Forces Shaping Future Paths of Democracy

- **History:**
  - The external national conflict
  - The internal national divide within Israel
  - The internal cultural divide within Israel
- **Ideology:** current systems of belief of different agents
- **Power:** capability of agents to realize their systems of belief

# Recent History

## Inequality and Lack of Solidarity

- **Undermining the status quo: Transition from accommodation to crisis**
  - **Demographic change: increasing number of Israelis who are not Jews**
  - **Increasing cultural divide between secular and Orthodox Jews: secularization and deepening religious attachment**
  - **de-legitimization of State's policy and the supreme court by national-religious and ultra-Orthodox groups**
  - **growing sense of economic and social inequality among secular Jews and the change of the welfare state**
  - **Searching for alternatives to the existing orthodox' monopolies**
- **Deepening national conflict between Jews and Arabs and moderation at the practical level**
  - **Institutionalized Discrimination - unequal allocation of public resources (including land) on a national basis:** Priority to the Jewish-Zionist goals of immigrant absorption, settlement and security
  - **Socio-economic inequality:** socio-economic gaps between Jews and Arabs
  - **Political inequality:** representation without participation in decision making
  - **Cultural inequality:** inferior position of Arab culture vis a vis hegemonic Jewish culture: banner, anthem, holidays, language
  - **Sense of alienation and marginality among Arabs in Israel**

# Ideology

- **State-Religion sphere:**
  - **Parliamentary politics based upon negotiations and agreements vs. non-parliamentary mechanisms**
  - **Increasing criticism of the supreme court and threat of undermining its position**
- **Jewish-Arab sphere:**
  - **Nationalism that supports a Jewish State vs. nationalism that challenges a Jewish State**
  - **Internal splits within each group:** moderate-pragmatic and radical-nationalists
  - **The emergence of a shared field of equal citizenship:** the frontier of democracy ...**And its enemies**

# Power

- **Politics and economics:** State apparatus is dominated by the Jewish sector
- **Culture:** Is dominated by the Jewish culture
- **Demography:** Is changing in favor of the Arab and the religious population with a potential for growing political power
- **Geography:** Arab majority in certain peripheries
- **Arab Leadership:** Emergence of an Intellectual, national and Islamic leadership among Arabs
- **Religious Leadership:** Religious parties are losing power
- **Morality:** Growing awareness in the world to national minority and indigenous minority rights: international conventions, courts and intervention
- **The supreme court** becomes an important actor in promoting democracy and an alternative to the Knesset
- **The rise of grassroots activity** and the promotion of democracy



# Conclusions

- The balance between nationalism and democracy is not stable and tends to shift over time
- The driving forces underlying this change are history, ideology and power
- Three paths of evolution of democracy: increasing nationalism, move to a civic state, an intermediate course that balance between citizenship and national affiliation
- Erosion of solidarity among Jews and lack of sense of common citizenship among Arabs
- Absence of politics of accommodation toward the Arabs
- There is an urgent need to critically reexamine and modify the existing arrangements in the state-religion sphere and in the Jewish-Arab sphere
- These changes must relate to both the procedures of the majority rule and to the ruling values
- Hence the need for a double reform at the state and societal levels

# The Need for a Double Reform

- **Reform at the State level:** Changes of laws with regard to:
  - Who is a Jew: extending the borders of Jewish collectivity
  - Freedom of religion and freedom from religion: equal public funding and representation
  - Institutionalizing civic marriage and divorce
  - Equal allocation of resources and empowerment of the Arab population with emphasis on land, housing and education
  - Respecting national identities and advancing group rights in the religious and cultural spheres, including education
  - Strengthening of common citizenship through shared symbols and festivals
  - Treating others differently and universally at the same time
- **Reform at the societal level:** Changes of habits, norms and traditions that fosters shared citizenship and solidarity
  - Supporting grassroots organization operating in the frontier of democracy
  - Encouraging the frontier of democracy at the expense of the borders of nationalism
- The first requires strengthening representative democracy
- The second reform is associated with stronger participatory democracy at the level of the community, school, family

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