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 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)

<table>
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<tr>
<th>Country</th>
<th>Political Rights</th>
<th>Civil Liberties</th>
<th>Freedom Rating</th>
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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 ongoing 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

- Nationalizing State
- Ethnic Democracy
- Jewish-Democratic State
- Consociational Democracy
- Multi-Cultural State
- Bi-National State
- Homogeneous Nation State

- Current mode
- Future mode
Possible Paths of Democratization

- Nationalizing State
- Ethnic Democracy
- Jewish-Democratic State
- Consociational Democracy
- Multi-Cultural State
- Bi-National State
- Civic State

Current mode
Future mode
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