

## Israeli Democracy and the Rights of Its Palestinian Citizens

All human beings are born free and equal in dignity and rights.  
They are endowed with reason and conscience and should  
act towards one another in a spirit of brotherhood.  
*Article 1, Universal Declaration of Human Rights*

*Abstract.* The litmus test for assessing the democratization of any given society is the status of its minorities. The more minorities are integrated into society and receive equal treatment, respect and concern, the more light that society would shed unto other nations, serving as an inspiring model to follow. Presently Israel is severely criticized by foes and friends for its treatment of its Palestinians citizens. This criticism is warranted. This paper shows that Israeli leaders consistently refrain from implementing comprehensive egalitarian policies. It is argued that Israel should strive to accommodate the interests of the Palestinian citizens and grant them equal citizenship rights.

*Keywords:* Israel – Arabs – Palestinians – discrimination – equal rights.

### 1. Introduction

On the eve of 2015, the Israeli population was 8,296,000<sup>1</sup>. The Palestinians comprise 20.7 percent of the Israeli population (1,709,900)<sup>2</sup>. Many of them have family ties to Palestinians in the West Bank and the Gaza Strip. The majority of them, some 80 percent are Muslims. The Christian Palestinians, the Druze and

Raphael Cohen-Almagor, School of Politics, Philosophy and International Studies, The University of Hull Cottingham Road Hull, HU6 7RX United Kingdom, T: +0044 (0)1482 465024 F: +0044 (0)1482 466208. Email: R.Cohen-Almagor@hull.ac.uk, Website: <http://www.hull.ac.uk/rca>, Twitter: @almagor35

*I thank Bhikhu Parekh and Moshe Lissak for their constructive comments. All websites were accessed during January-April 2015.*

<sup>1</sup> Elis 2014. See also *Latest Population Statistics for Israel*, in the «Jewish Virtual Library», [http://www.jewishvirtuallibrary.org/jsource/Society\\_&\\_Culture/newpop.html](http://www.jewishvirtuallibrary.org/jsource/Society_&_Culture/newpop.html).

<sup>2</sup> This figure includes 294,300 Palestinians who reside in East Jerusalem the majority of which do not hold Israeli citizenship. Rudnitzky 2014: 13.

the Bedouin are all small minorities within the Palestinian minority<sup>3</sup>. Most of the Arabs reside in the Galilee in north Israel. Smaller numbers live in the so-called Triangle area at the centre of Israel and in the Negev desert in the south (mostly Bedouins).

Between 1948 and 1966, Israeli-Arabs lived under military rule. Their rights and liberties were severely limited; they were regarded with suspicion as a security threat. With the abolishing of the military rule in 1966, the Israeli-Arabs began their integration into society as citizens with equal claims to those of the Jewish majority. The relationships between the Jewish majority and the Arab minority remain far from ideal. In 2007, 66 percent of the Arabs characterized their relationships with Jews as «not good», and 80 percent thought they were discriminated against<sup>4</sup>.

The litmus test for measuring the extent of democratization of any given society is the status of minorities. The more egalitarian the society, the more democratic it is. In this respect, Israel is struggling. Egalitarianism is still in the making, something that Israel should aspire to achieve. Israel has struggled between liberalism and promoting its religion as a Jewish state. Israeli leaders have given precedence to Judaism over liberalism. While sometimes their language uttered liberal values, their actions were ethnocentric in essence, preferring one religion and one nation over others. If words are to be meaningful, they must be translated into deeds.

This paper opens with quotes of several Israeli leaders – from Ben-Gurion onwards – supporting the principles of liberal democracy. It focuses on Israeli egalitarian statements and symbols. However, repeated studies have shown that on the ground these leaders all implemented policies that were not liberal. There is a striking gap between declarations and practices – a gap that is by no means unique to Israel. Why is the liberal imagination so important for those who do not abide by it? The majority of Israeli-Palestinians do not feel that they are fully integrated into Israel because it is a Jewish state, and due to continued discrimination in many spheres of life. Democracy is supposed to allow each and every individual the opportunity to follow her conception of the good without coercion. Israel today gives precedence to Judaism over liberalism. I submit the reverse should be the case.

## 2. Declarations, Language and Symbols

Israeli leaders acknowledged the problematic nature of the introduction of Judaism in its framework of ruling. Israel's first Prime Minister, David Ben-Gurion,

<sup>3</sup> Rekhess 2009: 3. See also Sofer 2013: 193.

<sup>4</sup> Sheferman  
2008.

wrote to the French President, Charles de Gaulle, that «the Arabs who reside in Eretz (Land of) Israel enjoy all the rights that residents in any democratic country enjoy, and a Jewish state is possible only as a democratic country»<sup>5</sup>. Ben-Gurion quoted from Leviticus 19: «Thou shalt not take vengeance, nor bear any grudge against the children of thy people, but thou shalt love thy neighbour as thyself: I am the LORD»<sup>6</sup> and «if a stranger sojourn with thee in your land, ye shall not do him wrong. The stranger that sojourneth with you shall be unto you as the home-born among you, and thou shalt love him as thyself; for ye were strangers in the land of Egypt: I am the LORD your God»<sup>7</sup>. Ben-Gurion pledged to President de Gaulle that the Jewish people is and will remain committed to the ideals of peace, human fraternity, justice and truth «as ordered by our preachers»<sup>8</sup>.

Ben-Gurion said it was the Arab natural and just right to settle in the land of their forefathers and to live their lives in it. He saw no contradiction between the Jewish return to Zion and the Arab presence in Israel; thus he regarded social-Zionism as a just movement. In 1928 Ben-Gurion declared: «In accordance with my moral belief we do not have the right to deprive a single Arab child, even if our reward resulting from this deprivation would be the fulfillment of all our wishes»<sup>9</sup>. Zionism should not negate the other's basic human rights.

Ze'ev Jabotinsky, founder of the Betar (Brith Joseph Trumpeldor) movement and leader of revisionist Zionism that forebear the Likud party, argued in *The Iron Wall* that his attitude to Arabs was determined by two principles: «First of all, I consider it utterly impossible to eject the Arabs from Palestine. There will always be *two* nations in Palestine – which is good enough for me, provided the Jews become the majority»<sup>10</sup>. And secondly, he believed in equality of rights for all nationalities living in the same State. Jabotinsky declared: «I am prepared to take an oath binding ourselves and our descendants that we shall never do anything contrary to the principle of equal rights, and that we shall never try to eject anyone. This seems to me a fairly peaceful credo»<sup>11</sup>.

Israel's second Prime Minister, Moshe Sharett (1954-1955), explained in July 1947 that equality of rights is a necessity and obligation. Jews are not interested to see within their home poverty, ignorance and social suppression. Furthermore, Sharett assumed that Israel's relationships with its neighbors will be dependent primarily on the treatment of Arabs inside Israel: «being surrounded by Arab countries all around but the sea, we have interest of self-preservation

<sup>5</sup> Ben-Gurion 1975: 842.

<sup>6</sup> Leviticus 19: 18.

<sup>7</sup> Leviticus 19: 33-34.

<sup>8</sup> David Ben-Gurion, *Letter to De Gaulle, 6 December 1967*, cit., 851.

<sup>9</sup> Quoted in Teveth 1985: 258.

<sup>10</sup> Jabotinsky 1923.

<sup>11</sup> *Ibid.* See also Naor 2013: 146-153.

to keep our conscience, integrity and hands clean and pure»<sup>12</sup>. In another speech, made in the Knesset on 15 June 1949, Sharett declared that for many years Jews appealed to the moral nobility and the love of people in the world. And now, when Israelis have the power to influence the lives of others they will not desert these same noble principles: «The State of Israel will not deny the Jewish spiritual heritage whose principles are the love of people, the pursuit of peace and loyalty to justice. It will not betray the moral ideals of the Zionist movement whose foundations are liberty, equality and social progress»<sup>13</sup>.

Yigal Alon (spelled sometimes Allon), who served in several governments and was Deputy Prime Minister between 1967 and 1974, wrote in 1959 about the Arab population and Israel's security. He noted the positives and negatives in the policy towards the Arabs. On the positive side, Israel improved Arab education, worked to eliminate illiteracy, and enhanced the health and hygiene conditions in Arab villages and towns. Certain endemic diseases that were prevalent among the Arab population almost disappeared completely. Premature death among newborn was on the decline. Arab agriculture has developed. Arabs enjoy freedom of religion, and the study of Arabic «receive encouragement» in the education system<sup>14</sup>. Alon emphasized that all these actions to promote the status of living of the Arabs in Israel is not charity but an elementary obligation that stems from the Jewish democratic worldview<sup>15</sup>.

But Alon acknowledged that there are no normal, ongoing and regular relationships between Arabs and Jews. The two communities do not mix socially because of lack of common language and different social and cultural norms, including the inferior status of the Arab **women** in her community. These are objective obstacles on the way to integration but Israel did not do enough to overcome these obstacles<sup>16</sup>. One may argue that Israel still does not do enough to promote full integration between the two communities who, to a large extent, continue to live separately from one another. Alon warned against anti-democratic segregation, saying that resorting to anti-democratic means vis-à-vis the Arabs undermine the democratic framework of the whole society. Democratic principles cannot be divided. They should be applied equally notwithstanding religious and national sentiments<sup>17</sup>. Jews, said Alon, who became a symbol for prosecuted and oppressed minorities, should show exemplary treatment of minorities in their own country but instead they consciously employ continued

<sup>12</sup> Sharett 1958: 104.

<sup>13</sup> *Ibid.*: 364-365.

<sup>14</sup> Alon 1959: 324.

<sup>15</sup> *Ibid.*: 325.

<sup>16</sup> *Ibid.*: 326.

<sup>17</sup> *Ibid.*: 330.

discriminatory policies against other religions<sup>18</sup>. Israel must be able to prove that it can treat its minorities in the most enlightened way. I cannot agree more.

In June 2012, Prime Minister Benjamin Netanyahu said that «there is no scope for discrimination in the State of Israel. We are obligated to equality of opportunity for everyone. The Arab sector is a central engine of growth for Israeli economy which has yet to be fully utilized»<sup>19</sup>. Netanyahu expressed his belief that integrating minorities in the job market would contribute not only to the Arabs but to Israel at large. This is Israel's national interest and Israel should encourage this integration<sup>20</sup>. Netanyahu uttered right and just ideas but it is disappointing that Israel's prime minister needs to call for better integration of the Arab sector in the economy and to open a campaign calling on Israeli employers to hire Arabs in their businesses sixty-four years after the establishment of the State.

On the day of the 2015 elections, the same Netanyahu said: «The right-wing government is in danger. Arab voters are coming out in droves to the polls. Left-wing organizations are busing them out. Get out to vote, bring your friends and family, vote Likud in order to close the gap between us and 'Labor'»<sup>21</sup>.

Netanyahu thought on the day of the election that Labour is having an edge over the Likud. The incorrect polls energized him to provoke further fear among voters: Go out and vote because otherwise the Arabs will be in power. There is no shame to differentiate between «us» and «them» although all are said to be Israeli citizens, with equal rights and liberties. The Israeli Jews have to untie the Palestinians at large because the Israeli-Palestinians are not part of «us». They are part of «them». They are part of the enemy. Be warned.

On the occasion of the official opening of the Nazareth Industrial Park that will provide some 1,000 jobs for residents of the Galilee, bringing together Arabs, Jews, Druse and Circassians, and enabling employees from different sectors of the population to enjoy similar standards of living, President Shimon Peres said that there cannot be coexistence between Jews and Arabs without full equality and that the project represents a step forward on the path to peace: «If we continue in this manner» said President Peres, «we can advance the concept of equality and we will accomplish a revolutionary change»<sup>22</sup>.

To assure an equal status for the Arab minority, the Declaration of Independence holds that Israel will foster the development of the country for the benefit of all its inhabitants; that it will be based on the foundations of liberty, justice and peace; that it will uphold complete equality of social and political rights to all of its citizens irrespective of religion, race or sex, and that it will

<sup>18</sup> *Ibid.*: 331.

<sup>19</sup> Basok 2012.

<sup>20</sup> *Ibid.*

<sup>21</sup> Netanyahu 2015.

<sup>22</sup> Cashman 2013.

guarantee freedom of religion, conscience, language, education and culture<sup>23</sup>. Yet, the explicit formulation of these principles could not make an Arab easily (if at all) identify with a state whose hymn speaks of Zion and of «the yearning of the Jewish soul»<sup>24</sup>.

### 3. Reality

Israel is a Jewish democracy. The framework of governance is democratic, but its underpinning concepts give precedence to Judaism over fundamental democratic rights. Consequently, Israel adopts illiberal policies and practices that are discriminatory in nature, preferring Jews over others. After the Holocaust, the goal was to found a safe haven for Jews all over the world so as to avoid the possibility of another horrific experience of that nature. Indeed, the United Nations acknowledged the need of establishing a Jewish state. This creation, however, based on a specific conception of the good – Judaism – discriminates against the Israeli Palestinians.

Israeli Palestinians certainly enjoy progress and higher standard of living under Israeli sovereignty. Consider, for instance, health and education. Mortality rates among Israeli Palestinians have fallen by over two-thirds since the establishment of Israel, while life expectancy **has increased 30** years, reaching 78.5 (women 80.7, men 76.3) in 2009. Infant-mortality rates have similarly been significantly reduced from 56 per 1,000 live births in 1950 to 6.5 in 2008. As for education, adult illiteracy rates among Israeli Palestinians dropped from 57.2 percent (79 percent among women) to 7.7 percent (11.7 percent among women). In 1961, less than half of Arab children attended school, with only 9 percent acquiring secondary or higher education. By 1999, 97 percent of Arab children attended schools. Fifty years ago, a mere 4 percent of Arab teachers held academic degrees; by 1999, the figure had vaulted to 47 percent<sup>25</sup>. In 2011, 49.9% of high school finalists in Arab schools had matriculated compared to 58.5% of high school finalists in Jewish schools. 36% of high school finalists in Arab schools satisfied university admission requirements compared to 49.7% of high school finalists in Jewish schools<sup>26</sup>.

The majority of Israeli-Palestinians do not feel that they are fully integrated into Israel because it is a Jewish state, and due to continued discrimination in many spheres of life. According to the 2012 Democracy Index, 27.7 percent of the Israeli-Palestinians greatly feel a sense of belonging to the State

<sup>23</sup> Israel Declaration of Independence, <http://stateofisrael.com/declaration/>.

<sup>24</sup> For an elaborated discussion, see Rubinstein 2006.

<sup>25</sup> Karsh 2013: 1-19.

<sup>26</sup> Rudnitzky 2014: 55.

of Israel, while 38.2 percent feel somewhat a sense of belonging and 33.5 percent hardly feel this way<sup>27</sup>.

An important distinction has to be made between formal citizenship and **full citizenship**. Israeli Jews can be said to enjoy full citizenship: they enjoy equal respect as individuals, and they are entitled to equal treatment by law and in its administration. The situation is different with regard to the Israeli-Palestinians, the Bedouin and the Druze<sup>28</sup>. Although they are formally considered to enjoy liberties equally with the Jewish community, in practice they do not share and enjoy the same rights and liberties. Thus, Sammy Smooha calls Israel «ethnic democracy», arguing that unlike Western liberal democracies, Israel is an ethnic democracy in which the Jews appropriate the state and make it a tool for advancing their own national security, demography, public space, culture and interests<sup>29</sup>. In a more radical fashion, Oren Yiftachel argues that ethnic relations between Jews and Palestinians, and among ethno-classes within these two nations have been shaped by the diverse aspects of the Judaization project and by resistance to that dynamic. Yiftachel goes further than Smooha in explicitly speaking of Jewish «creeping apartheid» whereby increasingly impregnable ethnic, geographic, and economic barriers are introduced in Israel in order to monopolize power and resources<sup>30</sup>.

A 2007 poll among Jewish participants thought that Arabs and Jews should be segregated in entertainment places; 30 percent felt hatred towards Arabs<sup>31</sup>. Another poll from 2010 revealed that 46 percent of the Jewish respondents did not wish to have Arab neighbors<sup>32</sup>. The discrimination continues also in the job market. A 2010 poll among Arab job seekers reported that 30 percent felt negative discrimination<sup>33</sup>. A report from June 2012 stated that almost a quarter of employers (22 percent) discriminated against Arab applicants in the hiring process<sup>34</sup>. This in clear contravention of the 1988 Equality of Opportunity in Employment Law which prohibits private and public employers from discriminating against job candidates and employees on the basis of their nationality.

According to the 2012 Israeli democracy index, 46.6 percent of Arabs very much agreed with the statement that they were discriminated against and

<sup>27</sup> Hermann *et al.* 2012: 74. See also Rekhess 2007: 1-28; Rouhana 2006: 64-74; Ghanem 2001; Rouhana and Ghanem 1998: 321-346.

<sup>28</sup> Firro 2001: 40-53; Firro 1999.

<sup>29</sup> Sammy Smooha discusses this idea in many of his writings, including Smooha 2013; 2012; 2002a; 2002b. See also Haklai 2011.

<sup>30</sup> Yiftachel 2006; 2010a; 2010b. For further reading, see Jamal 2007; Cohen-Almagor (ed.) 2005; Peled, Navot 2005; Shafir and Peled 2002; Ben Ami, Peled and Specterovski (eds) 2000; Peled 1992.

<sup>31</sup> Steiner 2013: 22.

<sup>32</sup> *Ibid.*

<sup>33</sup> *Ibid.*: 21.

<sup>34</sup> US Department of State 2012: 24; Steiner 2013: 23.

28.3 percent agreed with this statement (total 74.9 percent). The majority of Jews did not share this view. Only 13.8 percent of Jews very much agreed that Arabs were discriminated against and 24.5 percent agreed with this statement (total 38.3 percent)<sup>35</sup>.

Around 50 percent of the Israeli-Arab population lives in poverty. The poverty rate among Arab families has significantly increased since the 1990s, rising from 35 percent in 1990 to 45 percent in 2002 and to 57.6 percent in 2006<sup>36</sup>. In 2012, 57.9 percent of the Arabs lived in poverty, compared to 15.5 percent of the Jews<sup>37</sup>. In 2010, while there was a slight improvement among the Jews leading to a decrease of almost 1 percent (14.3 percent), the situation among the Arabs remained stagnant. Overall, while they comprise 20 percent of the population, Arabs constitute 37.8 percent of the poor.<sup>38</sup>

Arabs are in the periphery of the job market. They are among the first to be dismissed in hard times for the economy, and the last to re-enter the job market when it revives. In 2010, the unemployment rate among Arabs was 8 percent, compared to 6.4 percent among Jews.<sup>39</sup> Arabs have generally held the low-skilled, low-wage jobs in Israeli economy. In 2009, almost 50 percent of the manpower in construction, commerce and industry were Arabs.<sup>40</sup> The majority of Arab women work in education, health and welfare.<sup>41</sup> On average, Arab men earn 60 percent of the national average wage, while Arab women earn 70 percent of the average wage.<sup>42</sup> Thus for instance in 2006 the average monthly gross income of Arab households was NIS7,590 compared to NIS13,245 which was the average monthly gross income of Jewish households.<sup>43</sup> In 2009, the hourly pay for Arabs was 62 percent less than that of the Jews: NIS27, compared to NIS44 hourly pay for Jews.<sup>44</sup>

The 2008 socio-economic Index showed that Arab localities are significantly over-represented at the bottom list.<sup>45</sup> Laqye, Al-Batof, Jisr Az-Zarqa, Abu Basma, Kuseife, Mas'ade, Ar'ara-Banegev, Buq'ata, Jaljulye, Nahef, Bi'ne, Kafar Kanna, Rahat, Qalanawe, Abu Ghosh, Umm El-Fahm, Hura and Fureidis are all ranked very low in the socio-economic index. In Arab communities there is shortage of thousands of classes. As a result, Palestinian pupils study in crowded

<sup>35</sup> Hermann et al. 2012: 113.

<sup>36</sup> Peleg and Waxman 2011: 35; 2009: 28.

<sup>37</sup> Rudnitzky 2014: 59.

<sup>38</sup> Chatab et al. 2011.

<sup>39</sup> *Ibid.*

<sup>40</sup> *Ibid.*; Miaari, Zussman and Zussman 2008.

<sup>41</sup> Rekhess 2009: 18.

<sup>42</sup> Israel Central Statistics Bureau 2008; Peleg and Waxman 2011: 36-37.

<sup>43</sup> Israel Central Statistics Bureau 2007.

<sup>44</sup> Chatab et al. 2011. See also Asali 2006.

<sup>45</sup> Israel Central Bureau of Statistics 2008: Table A2-Local Authorities by Socio-Economic Index, and Table B2-Statistical Areas by Socio-Economic Index.

classes. While the average class size in the Jewish communities is 28 pupils, in the Arab communities the average is 32 pupils. Arab education suffers from shortage in qualified professionals, such as educational advisers and psychologists. In almost all age groups, both in the primary and secondary education, the percentage of Palestinian pupils who fail to proceed in their studies to the next year is double compared to Jewish pupils. Arab schools are not accorded the same assistance for weak students that is given to Jewish schools.<sup>46</sup> In the Negev, 70 percent of the Palestinian pupils do not complete their studies.<sup>47</sup>

In February 1998 the government classified all villages, towns and cities to two categories: those in nationally significant geographic location and those that were not. Those in the first category enjoyed educational benefits and incentives. Of the 535 communities that were categorized as «nationally significant», only four were Arabs and all four were small with little population. Despite High Court of Justice decisions that instructed the government to revisit the criteria so as to ascertain that they comply with principles of distributive justice and equality, the discriminatory policy against Arab settlements continued for many years and have not changed significantly until present days.<sup>48</sup>

The Arab schools curricula is designed and supervised by the Ministry of Education, where almost no Arab educators and administrators enjoy decision-making powers. In 2008, the rate of matriculation certificates obtained by Jewish students was nearly double that of Arab students, 59.74 percent compared to 31.94 percent, and the gap between the two student populations does not narrow. Rather it remains consistent or continues to widen.<sup>49</sup> A significant gap also exists in the quality of the matriculation certificates. While 11.1 percent of Jewish students were unable to proceed to university studies due to low grades, 20.4 percent of Arab students were unable to continue their studies.<sup>50</sup> In 2009, 31 percent of Palestinians qualified for university acceptance on the matriculation exam, compared to 76 percent of Jews.<sup>51</sup> In 2011-2012, only 11 percent of the BA students were Arabs, and their percentage is much lower in the advanced degrees, MA (7 percent) and PhD (3 percent). Arabs constitute only 2 percent of the academic staff.<sup>52</sup> On campus, little attempts are being made to support the

<sup>46</sup> High Court of Justice 2814/97 *Supreme Follow-up Committee on Arab Education in Israel v. Ministry of Education*, P.D. 54(3), 233 (in Hebrew).

<sup>47</sup> Dahan 2011: 71. See also Jabareen 2006.

<sup>48</sup> High Court of Justice 2773/98 *Supreme Follow-up Committee on Arab Matters and Others v. The Prime Minister*; High Court of Justice 11163/30 *Supreme Follow-up Committee on Arab Matters and Others v. The Prime Minister* P.D. 61(1), 1 (decision on 23 November 2008) (Hebrew). For further discussion, see Jabareen 2013.

<sup>49</sup> Jabareen and Agbaria 2011: 7.

<sup>50</sup> *Ibid.*: 13.

<sup>51</sup> United States Department of State 2011; see also VV. AA. 2011

<sup>52</sup> Neshet 2012.

**Rafi**

2015-10-23 14:10:30

Report (DELETE VV.AA)

Palestinian religious, cultural and linguistic needs and to help them cope with university studies.<sup>53</sup>

Arab citizens are discriminated in having access to land, in land planning, in rural and urban development, and in housing provisions. The Jewish National Fund (JNF),<sup>54</sup> an NGO founded in 1901 that owns some 12.5 percent of the land, prohibits by its own statutes the sale or lease of land to non-Jews. Arabs own only 2.5 percent of Israel's lands and they lack the ability of acquiring the majority of Israeli land. While over 1,000 Jewish settlements have been established since 1948, the Arab community has remained in almost standstill.<sup>55</sup> The lack of town plans and planning permissions for Palestinian towns is one of the main causes of inequality and of the failure of the Palestinian citizens to fulfill their economic potential.<sup>56</sup> In 2009-2014, the Israel's Land Authority (ILA) published 328 tenders for industrial and commercial zones in Israeli Jewish communities, but only 13 in Palestinian communities. In 2014, the ILA published tenders for the construction of 38,261 housing units out of which only 1,844 units were published in Arab communities.<sup>57</sup> Palestinian interests are not adequately represented as the decision-making processes are conducted by Jews. Generally speaking, the Palestinian voice is not heard.<sup>58</sup>

As Israeli governments refused to issue building plans for Arab communities, Arabs took the initiative and established new villages that are not recognized by Israeli law. Some 36 Bedouin settlements in the Negev are unrecognized and consequently some 45,000 structures are at risk of demolition.<sup>59</sup> Arab municipalities are not allocated comparable funding granted to Jewish municipalities.<sup>60</sup> The Ministry of Religions allocates only a small fraction of its budget for Palestinian concerns.<sup>61</sup>

The Bedouins, who comprise 12 percent of the Palestinian-Arab citizens of Israel, are particularly discriminated. In the early 1950s, the Bedouin tribes in the Negev were relocated due to security considerations. They were not granted property rights over the land to which they were relocated.<sup>62</sup> Between 1968 and 1989, half of the Bedouin population was transferred into townships in the north-

<sup>53</sup> Abu Ras and Ma'ayan 2014.

<sup>54</sup> <http://www.jnf.org/>; <http://www.kkl.org.il/>.

<sup>55</sup> Nasser 2012: 85-86.

<sup>56</sup> Warsi 2012: 1232.

<sup>57</sup> *Palestinians in Israel, 20% of the Population, Receive 5% of New Housing Units*, «Middle East Monitor, 30 March 2015»: <https://www.middleeastmonitor.com/news/middle-east/17793-palestinians-in-israel-20-of-the-population-receive-5-of-new-housing-units>.

<sup>58</sup> Dahan 2011: 69.

<sup>59</sup> Nasser 2012: 84.

<sup>60</sup> Peleg and Waxman 2011: 43.

<sup>61</sup> High Court of Justice 240/98 *Adalah v. Minister of Religions*, P.D. 52(5), 167 (in Hebrew).

<sup>62</sup> Aburavia 2011: 7.

east part of the Negev desert. The rest remained in unrecognized villages built by the Bedouins for their own welfare and needs, with no basic utilities, such as electricity or water. More than half of the Bedouins, about 90,000 of 170,000 people, are deprived of their ancestral lands, living in what the Israeli government terms «illegally constructed villages», still without public utilities or basic services<sup>63</sup>. The Bedouin reside in 300-350,000 dunam (1 dunam=1000 m<sup>2</sup>) which is 3 percent of the Negev (13 million dunam). Up until the establishment of the State of Israel in 1948, the Bedouin settled 2-3 million dunam of the Negev<sup>64</sup>.

In 2011, the government approved the Praver Plan for the mass expulsion of the Bedouin community in the Negev. The plan speaks of force displacement of some 70,000 Bedouin citizens of Israel, and the destruction of 35 unrecognized, illegal villages<sup>65</sup>. More than 1,000 homes were demolished in 2011 and dozens more in 2012<sup>66</sup>.

Plans to resolve the Bedouin issue have to be based on just principles. Israel needs to acknowledge the Bedouin culture and history, compensate them for the continuous discrimination and suffering, and devise appropriate criteria of distributive justice. Ways of life should not be imposed. Force resettlement should be avoided. The Bedouin should be allowed to decide whether they prefer agricultural or urban life. Negotiations should replace coercion, finding compromises and adhering to the basic liberal-democratic norms of respect for others, and not harming others. Bedouin representatives should take part in the decision-making process regarding their future. Israel should respect the Bedouin's attachment to land and recognize their property rights. The Bedouins, like any other groups in society, deserve fair housing and suitable norms of living, similar to those enjoyed by other groups in society. In the 21<sup>st</sup> Century, running water, electricity and sewerage are not luxuries. They are part and parcel of living in advanced societies, such as Israel, necessary for maintaining basic standards of health and hygiene.

Israeli Arabs, except for Druze and the Circassian, are exempted from serving in the Israeli Defence Force (IDF). This provision was granted to avoid a situation where Palestinian brethren fight one another and also to avoid security concerns. The Israeli establishment fears that Palestinians might become fifth column and betray the Zionist state. Palestinians can freely volunteer to serve in the IDF and a small minority does it. But for the most part, while Israeli men are required by law to serve in the army for three years, and Israeli women for two years, Palestinian citizens are exempted. The exemption, however, proved to be a double-edge sword as it serves as a recipe for discrimination. Israelis hold this against the Palestinians, asserting that if they do not share the duties then

<sup>63</sup> Bishop 2012: 1203.

<sup>64</sup> Aburavia 2011: 7-8.

<sup>65</sup> Uddin 2012: 1222.

<sup>66</sup> *Ibid.*

they should not enjoy the same rights as Israeli Jews<sup>67</sup>. Thus, citizens who do not perform military service enjoy fewer societal and economic benefits and are sometimes discriminated against in hiring practices. They are ineligible to work in companies with defence contracts or in security-related line of work. It is for the benefit of the Palestinians to remove this obstacle to their full integration into Israeli society. While the issue of serving in the IDF is sensitive to both sides, there is no reason why Palestinians should not commit themselves to national service in their own communities for the same duration of time - three years for men and two years for women. Palestinians can serve in the local hospitals, the Red Magen David health service, the fire brigades, the community police, local hospices and nursing homes, charity and human rights organizations. The government is managing a National Civil Service program for citizens not drafted for military service, giving Arabs, haredi Jews, Orthodox Jewish women, and others the opportunity to provide public service in their own communities and thus be eligible for the same financial benefits accorded military veterans<sup>68</sup>.

Officially, Israeli-Palestinians enjoy full equality before the law. They have the right to vote and to be elected to state institutions. They have been serving in the Israeli parliament, the Knesset, and they enjoy religious and cultural autonomy. However, in 1992 only 2.1 percent of civil servants were Palestinians. During the Rabin-Peres governments, there was a significant improvement to 4 percent<sup>69</sup>, and the trend continues: in 2010, 7 percent of civil servants were Palestinians but still this figure is a third of the Arab percentage of the Israeli population.<sup>70</sup> In 2005, there were 546 directors in governmental companies; of them 53 (9.7 percent) were Arabs<sup>71</sup>. Delegates of the Arab minority are not represented in accordance with their size in society, in the Knesset and in the government. To date, there has been only one Arab minister: Raleb Majadele who was appointed Minister without portfolio in 2007 and a few months later became Minister of Culture, Sport and Science. Majadele served in this role for two years until 2009. No other Palestinian ever served in the Israeli government. This should be corrected. At the same time, Israel would like to see from all its citizens, without exception, a real and strong commitment to the state, to peace, and to the struggle against terror.

#### 4. Conclusions

Because Israel is a relatively young democracy, it lacks experience in dealing with pitfalls involved in the working of the system. Like every young pheno-

<sup>67</sup> Liss 2013.

<sup>68</sup> United States Department of State 2011.

<sup>69</sup> Rekhess 2009: chap. 4.

<sup>70</sup> Vikomerson 2011: 6-7; Chatab et al. 2011.

<sup>71</sup> Rekhess 2009: chap. 4.

menon, Israeli democracy needs to develop gradually, with great caution and care, and with ample attention to providing equal rights to all citizens without any discriminatory qualifications and without putting one religion over and above the others.

Democracy is supposed to allow each and every individual the opportunity to follow her conception of the good without coercion. Israel today gives precedence to Judaism over liberalism. I submit the reverse should be the case. Israel, being the only Jewish state in the world, should strive to retain its Jewish character. The symbols should remain Jewish with some accommodations in order to make the state a home for its Palestinian citizens as well. Shabbat should remain the official day of rest. Palestinian villages and towns may make Friday their day of rest. Hopefully, one day, when security considerations would become less dominant and pressing, and the Israeli economy could afford two days of rest, as is the case in many parts of the world, then Friday and Shabbat will become the two official days of rest for each and every Israeli citizen.

Presently, discrimination against Israeli-Palestinians is prevalent in many spheres of life, including land allocation, housing, municipality budgets, employment, education, urban development and basic civil rights. Thus the Israeli-Palestinians are put in a precarious position. As long as this is the case, Israel will be criticized. It won't be considered «light unto the nations».

There is unhealthy discrepancy between speech and conduct; the official statements are not backed by appropriate matching deeds. Arabic is an official language but it does not possess the same importance as Hebrew. The Declaration of Independence is a remarkable document but in reality there is no equality between Jews and Palestinians; the latter do not enjoy the same rights and liberties. The symbols of the Jewish state ignore its minorities.

Democratic governments have to play the role of umpires both in the sense of applying just considerations when reviewing different conceptions and in trying to reconcile conflicting interests, trends, and claims. This delicate task demands integrity as well as impartiality. Governments should not exploit their role for their own advantage, and when making decisions they have to bear in mind the relevant considerations and demands which concern society as a whole, not only one or some fractions of it. It is incumbent on the Israeli government to ascertain that all citizens are equal before the law and are entitled without any discrimination to equal protection of the law. All citizens are entitled to equal protection against any form of discrimination, be it on grounds of religion, ethnicity, nationality, gender or race, and against any incitement to such discrimination.

The last government (2013-2015), headed by Prime Minister Netanyahu, prioritized the Jewish character of the state over its democratic character in an explicit, blunt way. Time and again, law proposals were tabled in a way that was discriminatory against Arabs: a law proposal to prefer former IDF soldiers for

jobs in the public sector<sup>72</sup>; a law proposal that enabled small community towns to exclude candidates deemed «unsuitable» to the social fabric of the community<sup>73</sup>; a law proposal to define Hebrew as the only official language, and to demote Arabic to a secondary official language,<sup>74</sup> and law proposal to define the character of Israel as a Jewish state without adequate acknowledgment of the equal status.<sup>75</sup> These law proposals do not contribute to building Palestinian trust in Israeli politicians and do not increase the sense of belonging and comradeship of the Palestinian citizens to the State of Israel. Quite the opposite.

In his comments on a draft of this paper, Moshe Lissak notes that Israeli society was never liberal and the situation is becoming worse. Lissak doubts whether the extent of liberalism in Israeli society will improve. But this does not mean that liberal elements within Israeli society should simply surrender. They should continue to fight for securing to majority and minorities alike. The constant challenge for Israel is to secure basic human rights for all, the powerful as well as the powerless, for Moslems, Christians and Jews. Israel needs to develop a comprehensive liberal theory of minority rights that explicitly address the needs and aspirations of its Palestinian minority. It should invest in cultivating tolerance. The key for understanding this minority is education, making that is foreign familiar, making that is remote closer. Indeed, pluralism can be enriching rather than intimidating. Israel should erect bridges and remove obstacles to the understanding of the other through mechanisms of awareness, of recognition and of legitimacy. Continued dialogue and exchange of ideas will be instrumental in contesting boundaries by peaceful means, and in reaching fruitful compromises without resorting to discrimination, coercion and abuse.

**Rafi**  
2015-10-23 14:19:46  
-----  
delete unnecessary space

**Rafi**  
2015-10-23 14:18:48  
-----  
securing the same basic rights to majority alike.

## References



Abu Ras, T., Ma'ayan, Y. (2014). *Presence Absence – The Israeli to Arab Language and Culture*, Nazareth, Dirasat (in Hebrew).

Aburavia, R. (2011). *Principles for Recognition in the Negev*, Jerusalem and Beer-Sheva, Position Paper of the Arab Council for the Unrecognized Villages in the Negev, and Planners for Planning Rights (in Hebrew).

Alon, Y. (1959). *A Curtain of Sand*, Tel Aviv, Hakkibutz Hachad (in Hebrew).

Asali, M. (2006). *Why Do Arabs Earn Less than Jews in Israel? (Discussion Paper no. 06.03)*, Jerusalem, Maurice Falk Institute for Economic Research in Israel.

**Rafi**  
2015-10-23 14:19:15  
-----  
I suggest to put a space between one reference and another

<sup>72</sup> Liss 2013.

<sup>73</sup> Chovel and Hury 2014.

<sup>74</sup> Liss 2014.

<sup>75</sup> Basic Law Proposal: Israel – Nation State of the Jewish People, <http://index.justice.gov.il/StateIdentity/ProposedBasicLaws/Pages/NationalState.aspx>. For critical review of this proposal, see Harel 2013.

Basok, M. (June 10, 1912). *Netanyahu in Government: In t No Place for Arab Discrimination*, «The Marker» (in Hebrew) com/news/1.1727852.

Ben Ami, S., Peled, Y., Specterovski, A. (eds), (2000). *Ethnic Nation State*, London, MacMillan.

Ben-Gurion, D. (1975). *Letter to De Gaulle, 6 December 1967*, in Ben-Gurion, *The Re-stored State of Israel*, Tel Aviv, Am Oved, Vol. 2, 847-851 (in Hebrew).

Bishop, Lord of Exeter right reverend Prelate (2012). *Israel Arab Citizens*, «House of Lords Official Report, Hansard», 741, 84, 1203.

Cashman, G.F. (2013). *Peres: Jewish, Arab coexistence requires equality*, «The Jerusalem Post», April 24, <http://www.jpost.com/National-News/Peres-requires-equality-310862>.

Chatab, N., Miaari, S., Manor, A., Navoani, O., Kagia, S. (2011). «*Social Justice*» in *Jewish-Arab Relationships in Israel*, «Parliament», 71 (in Hebrew): <http://www.idi.org.il/%D7%A1%D7%A4%D7%A8%D7%99%D7%9D%D7%95%D7%9E%D7%90%D7%9E%D7%A8%D7%99%D7%9D/%D7%A4%D7%A8%D7%9C%D7%9E%D7%A0%D7%98/%D7%92%D7%99%D7%9C%D7%99%D7%95%D7%9F71/%D7%A6%D7%93%D7%A7%D7%97%D7%91%D7%A8%D7%AA%D7%99%D7%91%D7%9E%D7%A1%D7%92%D7%A8%D7%AA%D7%99%D7%97%D7%A1%D7%99%D7%99%D7%94%D7%95%D7%93%D7%99%D7%9D%D7%A2%D7%A8%D7%91%D7%99%D7%9D%D7%91%D7%99%D7%A9%D7%A8%D7%90%D7%9C/>.

Cohen-Almagor, R. (ed.), (2005). *Israeli Democracy at the Crossroads*, Tel Aviv, Tel Aviv University Press.

Chovel, R., Hury, J. (September 17, 2014). *In a Small Majorities*, «Haaretz» (in Hebrew): <http://www.haaretz.co.il/news/law/1.2436827>.

Dahan, T. (2011). *The State of Human Rights in Israel 2011*, Jerusalem, Center for Civil Rights in Israel (in Hebrew).

Elis, N. (December 30, 2014). *On Eve of 2015, Israel's Population Hits 8.3 Million*, «The Jerusalem Post»: <http://www.jpost.com/Israel-News/Culture/population-hits-83-million-386178>.

Firro, K.M. (1999). *The Druzes in the Jewish State: A Brief History*, Leiden, Brill.

Firro, K.M. (2001). *Reshaping Druze Particularism in Israel*, «*Journal of Palestine Studies*», 30, 3, 40-53.

Ghanem, A. (2001). *The Palestinian-Arab Minority in Israel, 1948-2000: A Political Study*, Albany, State University of New York Press.

Haklai, O. (2011). *Palestinian Ethnonationalism in Israel*, Philadelphia, PA, University of Pennsylvania Press.

Harel, A. (August 26, 2013), *Why the Nation Law Proposal Harm Judaism?*, Molad (in Hebrew): <http://www.molad.org/articles/%D7%97%D7%95%D7%A7-%D7%94-%D7%9C-%D7%90-%D7%95-%D7%9D-%D7%A4%D7%95%D7%92%D7%A2-%D7%91%D7%99%D7%94%D7%93%D7%95%D7%AA>

Hermann, T., et al. (2012). *The Israeli Democracy Index 2012*, Jerusalem, The Israel Democracy Institute (in Hebrew).

Israel Central Statistics Bureau. (2007). *Household Expenditure Survey 2006, Special Publication No. 130*, Jerusalem (in Hebrew).

Israel Central Statistics Bureau. (2008). *Arab Population 2008*, Jerusalem (in Hebrew).

Jabareen, Y.T. (2006). *Law and Education: Critical Perspectives on Arab Education in Israel*, «*American Behavioral Scientist*», 49, 8: 1052-1074.

Jabareen, Y. (2013). *Two Kinds of Equality: Toward Critical Transformative Theory in Israeli Adjudication*, «*Public Space*», 7: 37-65 (in Hebrew).

Rafi  
2015-10-23 14:20:32

-----  
- 2012

-----

-----

-----

-----

-----

-----

-----

-----

-----

Rafi  
2015-10-23 14:21:33

-----

-----

-----

-----

-----

-----

-----

-----

-----

-----

-----

-----

-----

-----

Jabareen, Y.T., Agbaria, A. (2011). *Education on Hold*, Nazareth, Dirasat.

Jabotinsky, Z. (4 November 1923). *The Iron Wall*: <http://www.jsourc/Zionism/ironwall.html>.

Jamal, A. (2007). *Nationalizing States and the Constitution of Israel and Its Palestinian Citizens*, «Ethnopolitics», 6: 471

Karsh, E. (2013). *Israel's Arabs: Deprived or Radicalized?*, <http://www.meforum.org/3423/israel-arabs-deprived-radicalized>.

Liss, Y. (June 16, 2013). *Ministers Approved Law Proposal That Positively Discriminate in Favour of Those Who Served In The Army*, «Haaretz» (in Hebrew): <http://www.haaretz.co.il/news/politi/1.2047468>.

Liss, Y. (September 26, 2014). *Law Proposal: Abolish Status of Arabic as Israel's Official Language*, «Haaretz»: <http://www.haaretz.co.il/news/education/1.2416209> (in Hebrew).

Miaari, S., Zussman, A., Zussman, N. (2008). *Ethnic Conflict and Job Separation*, «Bank of Israel», Research Paper, 2008, 04.

Naor, A. (2013). *Minorities in Israel and the Liberal Utopia of Jabotinsky*, «Identities», 3, 146-153 (in Hebrew).

Nasser, K. (2012). *Severe Housing Distress and Destruction of Arab Homes: Obstacles and Recommendations for Change*, Nazareth, Dirasat.

Nesher, T. (October 21, 2012). *Only 11% of BA Students Are Arabs*, in «Haaretz» (in Hebrew).

Netanyahu, B. (17 March 2015). <https://www.facebook.com/532076&set=vb.268108602075&type=2&theater>.

Peled, Y. (1992). *Ethnic Democracy and the Legal Construction of the Jewish State*, «American Political Science Review», 86

Peled, Y., Navot, D. (2005). *Ethnic Democracy Revisited*, in 3-27.

Peleg, I., Waxman, D. (2011). *Israel's Palestinians*, New York, Cambridge University Press.

Rekhes, E. (2007). *The Evolvement of an Arab-Palestinian National Minority in Israel*, «Israel Studies», 12, 3, 1-28.

Rekhes, E. (2009). *The Arab Society in Israel*, Tel Aviv, The Abraham Fund Initiatives (in Hebrew).

Rouhana, N., Ghanem. A. (1988). *The Crisis of Minorities of Palestinian Citizens in Israel*, «International Journal of 321-346.

Rouhana, N. (2006). «*Jewish and Democratic*? The Price of Democracy», «Journal of Palestine Studies», 35, 2, 64-74.

Rubinstein, A. (2006). *Israeli Arabs and Jews: Dispelling the Myths*, New York, The American Jewish Committee.

Rudnitzky, A. (2014). *The Arab Citizens of Israel at the Start of the Twenty-First Century*, Tel Aviv, The Institute for National Security Studies (in Hebrew).

Sharett, M. (1958). *In the Gates of Nations*, Tel Aviv, Am Oved (in Hebrew).

Shafir, G., Peled, Y. (2002). *Being Israeli: The Dynamics of Multiple Citizenship*, Cambridge, Cambridge University Press.

Sheferman, K.T. (2008). *Arab Identity in a Jewish-Democratic State*, in «Parliament», 58 (in Hebrew): <http://www.idi.org.il/%D7%A1%D7%A4%D7%A8%D7%99%D7%9D%D7%95%D7%9E%D7%90%D7%9E%D7%A8%D7%99%D7%9D%D7%A4%D7%A8%D7%9C%D7%9E%D7%A0%D7%98/%D7%92%D7%99%D7%9C%D7%99%D7%95%D7%9F58/%D7%96%D7%94%D7%95%D7%AA%D7%A2%D7%A8%D7%91%D7%99%D7%AA%D7%91%D7%9E%D7%93%D7%99%D7%A>

Rafi

2015-10-23 14:24:10

November 4, 1923

«Israel Affairs», January, 1-19:

«Israel Studies Forum», 20, 1,

«The Abraham Fund Initiatives

«Journal of Palestine Studies», 30, 3,

«Report (2011). Challenges and Directions for Integrating Arabs in Israel High Education 2011, Nazareth, Dirasat (in Hebrew).

«Report of the Twenty-First Century, Nazareth, Dirasat (in Hebrew).

«Report of Multiple Citizenship, Cambridge, Cambridge University Press.

Rafi

2015-10-23 14:24:57

March 17, 2015 (not in Italics)

«Israel Studies Forum», 20, 1,

«The Abraham Fund Initiatives

«Journal of Palestine Studies», 30, 3,

«Report (2011). Challenges and Directions for Integrating Arabs in Israel High Education 2011, Nazareth, Dirasat (in Hebrew).

«Report of the Twenty-First Century, Nazareth, Dirasat (in Hebrew).

«Report of Multiple Citizenship, Cambridge, Cambridge University Press.

Rafi

2015-10-23 14:13:48

Report (2011). Challenges and Directions for Integrating Arabs in Israel High Education 2011, Nazareth, Dirasat (in Hebrew).

Report of the Twenty-First Century, Nazareth, Dirasat (in Hebrew).

Report of Multiple Citizenship, Cambridge, Cambridge University Press.

Smoooha, S. (2002a). *Types of Democracy and Modes of Conflict-Management in Ethnically Divided Societies*, in «Nations and Nationalism», 8, 4, 423-431.

Smoooha, S. (2002b). *The Model of Ethnic Democracy: Israel as a Jewish and Democratic State*, «Nations and Nationalism», 8, 4, 475-503.

Smoooha, S. (2012). *Arabs and Jews in A Jewish Democratic State: Dusting Away Public Responsibility?*, in Cohen-Almagor, R., Arbel-Ganz, O., Kasher, A. (eds.), *Social Responsibility in Israel*, Tel Aviv and Jerusalem, Hakibbutz Hameuchad and Mishkanot Shaananim, 527-551 (in Hebrew).

Smoooha, S. (2013). *A Zionist State, a Binational State and an In-Between Jewish and Democratic State*, in Shapira, A., Stern, Y.Z., Yakobson, A. (eds.), *Nationalism and Binationalism*, Brighton, UK, Sussex Academic Press, 206-224.

Sofer, A. (2013). *Is Jewish Demography in Judea and Samaria Growing?*, «New Directions», 29: Ppp-ppp? (in Hebrew).

Steiner, T. (2013). *Combating Discrimination against Arabs in the Israeli Workforce*, Jerusalem, Israel Democracy Institute (in Hebrew).

Tevet, S. (1985). *Ben Gurion and the Palestinian Arabs*, Jerusalem and Tel Aviv, Schocken (in Hebrew).

Uddin, Baroness. (2012). *Israel: Arab Citizens, House of Lords Official Report, Hansard*, 741, 84: 1222.

United States Department of State (2011). *Israel and the Occupied Territories 2011*, [http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dynamic\\_load\\_id=186429](http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dynamic_load_id=186429)

US Department of State, (2012). *Israel and the Occupied Territories*, Washington DC, Bureau of Democracy, Human Rights and Labor.

Vikomerson, R. (2011). *Public Policy in Divided Societies*, Nazareth, Dirasat.

~~AA.VV. (2011). *Report. Challenges and Directions for High Education 2011*, Nazareth, Dirasat (in Hebrew).~~

Yiftachel, O. (2006). *Ethnocracy: Land and Identity Politics in* Philadelphia, PA, University of Pennsylvania Press.

Yiftachel, O. (2010a). *The Palestinians in Israel: Majority-Minority Relations and The Colonial Momentum*, «Society and State», 7, 1: 101-118 (in Hebrew);

Yiftachel, O. (2010b). *Creeping Apartheid in Palestine/Israel*, Center, Ramallah), 9, 3, 18-30 (in Arabic).

Warsi, Baroness. (December 13, 2012). *Israel: Arab Citizens Report, Hansard*, 741, 84, 1232.

<p><b>Rafi</b> 2015-10-23 14:11:16</p> <p>-----</p> <p><b>Report (in Italics)</b></p> <p>-----</p> <p>Qadayat YiIsrael» (Madar</p>
<p><b>Rafi</b> 2015-10-24 14:43:16</p> <p>-----</p> <p>Warsi before Yiftachel</p>

