

CHAPTER  
**14**

# A Zionist State, a Binational State and an In-Between Jewish and Democratic State

SAMMY SMOOHA

Israel declares itself *as* and *is* a Jewish and democratic state. Yet, it is actually a Zionist state much more than it is a Jewish state. The Palestinian-Arab minority rejects Israel's Zionist nature and has a vested interest in transforming it into a binational state. The Arabs' interest is contrary to the Jews' hegemonic Zionist state. Both sides can, however, come to terms with a Jewish-democratic state, an alternative that positions Israel in between current Israeli Zionism and the Arab drive to binationalism.

The three models of Israel's national character will be presented and discussed below.

## The Jews' Zionist State

Israel's Zionist state consists of three components: Jewish, Zionist, and democratic. I will elaborate on each of them.

### *(A) Israel as a Jewish State*

Israel was founded as a Jewish and democratic state. Its Jewish mission was evident in the identity of the signers of the Declaration of Independence of 1948 who presented themselves as "members of the [Jewish] People's Council, representatives of the Jewish community of Eretz-Israel and of the Zionist Movement."<sup>1</sup> Theodore Herzl was mentioned as "the spiritual father of the Jewish State." The Declaration reviews Jewish history and Jewish attachment to the Land of Israel and claims exclusive historical rights to the territory:

ERETZ-ISRAEL was the birthplace of the Jewish people. Here their

spiritual, religious and political identity was shaped. Here they first attained to statehood, created cultural values of national and universal significance and gave to the world the eternal Book of Books.

There is no mention of the Palestinians and their right to Palestine. Israel is conceived of the third Jewish Commonwealth, after the destruction of the first in 586 BCE, and the second in 70 CE. The Jews validated their national right to the Land of Israel during the exilic period from 70 to 1948 by yearning to return to their homeland. Whatever non-Jews did in Palestine during these years is considered null and void.

The Declaration bases the Jewish nature of the state on three international proclamations: The Balfour Declaration of November 2, 1917 for “the establishment in Palestine of a national home for the Jewish people” but without prejudicing “the civil and religious rights of existing non-Jewish communities in Palestine,” the Mandate of the League of Nations of July 24, 1922 mandating Great Britain “to secure the establishment of the Jewish national home” without breaching the rights of the inhabitants of Palestine, and the United Nations Resolution of November 2, 1947 to partition Palestine into two independent states, one Jewish and one Arab.

Israel is indeed Jewish in many tangible ways. The titular names “the State of Israel” and “Israeli” and the state emblem are distinctly Jewish. The ancient capital, Jerusalem, serves as the state capital. Although both Hebrew and Arabic are official languages, Hebrew is the dominant language by which the state and society are run. Signs of towns, villages, streets and traffic are always in Hebrew and supplemented selectively by English and Arabic signs. Names of places are mostly Jewish. The state calendar is Jewish, making the Sabbath and Jewish holidays days of rest but allowing non-Jews to preserve their own holidays. Official days of commemoration, including those for the Shoah and the fallen soldiers, are Jewish.

The dominant culture is Hebrew. It was created by Jews during the pre-state period but is continuously changing. It is a hybrid culture, incorporating mostly Jewish, Judaic, East European and Western elements, and also a few Judeo-Arab and Arab ingredients. Although it is not Western, it is strongly oriented to the West and widely perceived as Western. The firm grip of Israeli-Hebrew culture in the country is apparent in its growing absorption of the cultures of Mizrahi, Russian, and Ethiopian immigrants as subcultures and in treating the separate cultures of Haredim (ultra-Orthodox Jews) and Arab citizens as separate subordinate cultures. In order to function in Israeli society, Haredim and Arabs adopt the dominant Hebrew culture as a subculture to which they shuttle when interacting with the non-Haredi Jewish majority and state institutions.<sup>2</sup>

Most importantly, Israel has a Jewish majority. Around 83% of its citizens are either Jews or non-Jews with primary family relations with Jews (usually immigrants from the former Soviet Union). Israel’s Jewish majority is maintained by not extending citizenship to the Palestinians in the Gaza Strip, the

West Bank and East Jerusalem, and to the Druze on the Golan Heights.<sup>3</sup> Since ninety percent of Arab citizens reside in all-Arab villages and towns, a Jew in Israel lives and is in daily contact with Jews in all spheres of life — neighborhoods, workplaces, public transportation (buses, trains), schools, the army, shopping centers, recreation areas, and much more. Due to the very large Jewish majority and to the enormous separation from the Arabs, an Israeli Jew is not only immersed in a Jewish milieu but is also mostly immune to intimate relations and marriage with a non-Jew.

To all these secular components of the Jewish state, religious constituents are added. The separation of Jews from non-Jews is cemented by the Millet system that Israel adopted from the British and Ottoman administrations of Palestine. Like Muslim states, Israel assigns all citizens to separate religions, disallows them to opt out, but lets them change classification by religious conversion. While Judaism is not a state religion, it is recognized by the state as the religion of the Jewish majority. The state authorizes Orthodox Judaism as the sole custodian of Jewish religion and entrusts it with the monopoly to determine who is a Jew and how one becomes a Jew and to administer marriage, divorce, custody of children, and burial. In view of the absence of legal provisions for civil marriage and divorce, it is virtually impossible to step out of the Jewish community.<sup>4</sup>

State-based religion fosters Jewish identity and sets apart Jews from non-Jews in additional ways. The state requires all state kitchens to observe the religious dietary restrictions of *Kashrut*, bans the opening of businesses and workplaces on the Sabbath and Jewish holidays, dictates the teaching of religion (Orthodox Judaism) in state (non-religious) schools, bans the running of public transportation on the Sabbath and Jewish holidays, and funds religious services, religious schools, yeshivas, and religious associations and activities. In case of legal lacuna, Israeli law requires that the ruling should be in the spirit of “Israel’s heritage,” which means Jewish religious law and traditions.

All these secular and religious features make Israel Jewish as a state, a society, and a culture. They combine to fashion a unique Jewish particularism, turning Israeli Jews into a non-assimilating dominant majority. The monopolistic reign of Orthodox Judaism leaves intact the traditional unity between ethnicity, religion, and nation among the Jews in Israel. It inhibits the process of weakening of this unity, and certainly blocks the growing decoupling of ethnicity and religion that has taken place amidst the Jews in the West with the endorsement of Conservative and Reform Judaism. The integration of religion in the state and public life in Israel stands in sharp contrast with the de-facto separation prevalent in the West and experienced by Western Diaspora Jews. Unlike Diaspora Jews who live in open and non-sectarian societies and whose Jewish ethnicity, religion, and culture are diminishing, Israeli Jews live in a big Jewish quasi-ghetto and have the Jewish state protecting their Jewish identity, heritage, and existence. Unlike Western countries, the State of Israel has not developed a civic nation composed of all of its citizens irrespective of ethnicity and religion. There is no all-inclusive Israeli citizen-

ship and nationalism. Israel's Jewishness is indeed all-embracing and vigorous.

*(B) Israel as a Zionist State*

A Zionist state is a Jewish state with extra features intended to institutionalize, perpetuate and even augment its Jewish character and control by Jews for Jews. Several shifts occur in the transition from a Jewish to a Zionist state. First is a switch to a higher gear of ideology. Second is a change in the target population of the state — to whom the state belongs and whom it serves. Third, the emphasis moves from past and present to the future. And fourth, exclusion acquires an absolute meaning — it is not only a historical legacy or a means but rather an end in itself.<sup>5</sup>

A Zionist state is much more ideology-based than a Jewish state. It is an ideological state that sets forth large-scale projects, mobilizes the masses, and allocates appreciable resources for executing them. Israel's grand undertakings are peace with the Arab world, repatriation of the entire Jewish Diaspora, ethnic integration of Jews (amalgamation of exiles), settlement of all areas of the country by Jews, a thriving Hebrew culture, and an independent and high-income economy. All these objectives can also be seen as auxiliary tools for achieving the supreme Zionist aim of insuring the survival, prosperity, and excellence of the Jewish people and the Jewish state. The creation of Israel in 1948 is not regarded as a finished business but rather a springboard for accomplishing higher missions. The Zionist revolution goes on.

According to the Zionist state perspective, Israel is owned by the Jews, not by its citizens. Jews constitute the core nation of Israel and its appropriators. Only they have national collective rights on the state. There is no all-inclusive civic "Israeli nation." Zionism objects to the creation of a new nation of Israelis composed of citizens irrespective of their ethnic descent and religion, as it exists in Western democracies. By validating the unity in Jewishness between ethnicity (ethnic origin by birth), religion, and nation (peoplehood), the Zionist state rigidifies the dichotomy between a Jew and a Gentile, a dichotomy on the wane among Diaspora Jewry and an infrequent dichotomy not only in the West but also in Central-Eastern Europe where ethnicity tends to take the milder form of language and culture.

The target population of a Zionist state is not its citizens or even its Jewish citizens but rather all the Jews in the world, sixty percent of whom are Diaspora Jews, neither citizens nor residents of Israel. According to Israeli Zionism, which draws on classical Zionism, world Jews (in Israel and abroad) constitute a nation, not just a religion; their homeland is the Land of Israel; Israel is a Jewish state; and the Jewish state is responsible for their fate and future. Israel keeps ramified and firm ties with Diaspora Jews and treats them as an ally. In its legislation, foreign policy, and the activities of the Mossad (Israel's secret intelligence agency abroad), it takes into account their safety, interests, and sensitivities. It confers a special status on the Jewish National

Fund and Jewish Agency, the two Zionist institutions that serve Jews only, not Israeli non-Jews.

The Zionist demographic mission is no doubt the core of the Zionist state. It is the top priority of the Zionist state to preserve and to boost its Jewish majority. The Law of Return, enacted in 1950, is the main means to attain this supreme goal. It is presented and viewed as the essence of Israel, not just a law. While there are laws in other countries giving preference to co-ethnics in their immigration law, Israel's Law of Return is exceptional in granting all Jews in the world the right of immigration to Israel and instant automatic citizenship. It defines Jews moving to Israel not as immigrants but rather as returnees ("Olim"), as coming back home and hence do not need to go through a process of naturalization. Germany is the only country with a similar law but, unlike Israel, it limits the privilege of return to ethnic Germans who had endured distress and denies it to Germans in the West.

The Law of Return is bolstered by a series of policies for attracting Jews to the country and for facilitating their adjustment. The acquisition of Israeli citizenship is not conditioned by renunciation of other citizenships. The Jewish Agency operates to encourage Jews to move to Israel. Through its Immigrant Absorption Ministry, local governments, and non-government organizations, the state provides "an absorption basket" to Olim, comprising all kinds of benefits in language acquisition, employment, housing, schooling, health, and other services. The Olim are eligible for all the social security benefits upon their arrival without a waiting period and prior payment of fees.

The complementary, but not less essential part of the demographic policy is the prevention as much as possible of immigration of non-Jews to Israel. Israel's immigration law is applied to a minimal extent. There are severe restrictions on continued stay of workers from foreign countries and their children. They and asylum seekers are not eligible for applying for immigrant status. In 2003 the Knesset amended the Entry Law to practically deny Arab citizens the right to family unification if married to a spouse from an enemy area (including Gaza, the West Bank, and Syria).<sup>6</sup> But these policies are the minor part in the larger machinery whose centerpiece is the rejection of the Palestinian Arab refugees' right of repatriation. This long-standing Zionist state policy, along with the Law of Return, guarantees the continued Jewish majority and national character of Israel.

Another vital pillar of the Zionist state is settlement policy. It is a policy of settling Jews in all parts of the state and viewing any area not settled by Jews as "empty," even if densely populated by Arabs. The policy of Judaizing areas has successfully been implemented by founding hundreds of Jewish villages and towns which broke down the territorial contiguity of the Arabs in the Galilee, the Triangle (the area from south of Afula to Petach Tikva along the pre-1967 border), the Negev, and to some extent outside the Green Line as well. The policy of Jewish settlement is designed to provide the Jews a defense base, to showcase their omnipresence all over the state, and to instill in them a feeling of being at home wherever they go in the country.

A related cornerstone of the Zionist state is land policy, which is a prerequisite for land settlement. Israel's land policy calls for keeping land, as much as is possible, in the hands of the Jewish state, and upon privatization, in the hands of Jews as well. In the name of this policy massive expropriation of Arab lands took place in the 1950s and 1960s. While much land has been allocated for Jewish settlements and uses, little land has been granted to Arab individuals and localities.

These secular elements of the Zionist state are firmly reinforced by religious fundamentals. According to the Zionism of most Orthodox Jews in the country, the State of Israel embodies the Torah of Israel, the Land of Israel, and the People of Israel, and is a harbinger and a facilitator of the Jewish redemption process. Jews' return to the Land of Israel and the rebuilding of the Jewish homeland paved the way for salvation. Israel's proclamation in 1948 was the beginning of a multi-stage redemption; the liberation of Jerusalem, Judea, and Samaria in 1967 was the next phase; and the settlement of Judea and Samaria since 1967 is a leap in expediting the coming of the Messiah. These fundamentalist beliefs are not confined to the Gush Emunim (lit. the Bloc of the Faithful) movement that spearheaded Jewish settlement in the West Bank but are shared by many nationalist-religious Jews, some traditional (Masorti) Jews, and many ultra-Orthodox Sephardim (followers of the Shas Party) in Israel proper. They act as a multiplier of the secular Zionist state idea.

These secular and religious characteristics make Zionist Israel a predominantly exclusionary state which is owned and ruled by the Jewish majority; only Jews control the state's security forces, lands, and immigration; the state symbolic system is strictly Jewish; the Law of Return is for Jews only and practically without any limit; the state has distinctly Jewish large-scale projects; Jews are favored by the state in resource allocation; and the state ceaselessly produces alienation among its non-Jewish citizens and residents. This exclusionary setup of the Zionist state springs from the disproportionality of its Jewish nature.

The idea of Israel as a Zionist state stems from the non-Western origin of its founding elites and constituent populations, the East-European character of Zionism, the ethno-religious nature of the Jewish people, and the Israeli-Arab conflict that necessitates strong solidarity and high mobilization of the Jews. It has been sustained by the ascendance to power of the right-wing and religious forces in Israeli society that support its institutionalization and object to the drive of the left for a more democratic and less Zionist state.

### *(C) Israel as a Democratic State*

The Declaration of Independence established Israel as both a Jewish and a democratic state:

THE STATE OF ISRAEL will be open to the immigration of Jews from

all countries of their dispersion; will promote the development of the country for the benefit of all its inhabitants; will be based on the precepts of liberty, justice and peace taught by the Hebrew Prophets; will uphold the full social and political equality of all its citizens, without distinction of race, creed or sex; will guarantee full freedom of conscience, worship, education and culture; will safeguard the sanctity and inviolability of the shrines and Holy Places of all religions; and will dedicate itself to the principles of the Charter of the United Nations.

Israel's Jewish and Zionist character does not negate its democratic nature. Israel meets all the criteria of *procedural democracy*, which is a set of procedures and institutions for periodically and freely choosing the top decision-makers in the state. Human, civil, political, and social rights are extended to the permanent population of the state. Separation between the executive, legislative, and judicial branches of government is clearly maintained. There is a rule of law and an independent and impartial judiciary. A multi-party system reflects societal divisions and group values and interests. Free press disseminates information, discusses national issues, and criticizes the government. Deprived and dissenting groups voice their grievances without state repression and affect some degree of change. National elections are regularly held and the government represents the majority in parliament. All governments are coalition-based and change too often, but the democratic regime itself is evidently resilient despite quite a few severe economic and military crises. The military is central to society and state and is quite influential in political life but is under civilian control and has never attempted a coup.

On the other hand, Israel fails the more critical tests of *substantive democracy*. Lacking a constitution, it does not provide sufficient protection of individual and minority rights. The military holds sweeping powers by law because Israel has been, since 1948, in a permanent state of emergency. Emergency regulations are occasionally used and every year improperly employed to pass an important part of the state budget (“Hok Hahasderim”; lit. “the Arrangements Law”). Equality is not made into a law although the Supreme Court takes it into consideration. The absence of constitutional equality makes it possible to grant men a favored status over women through the exclusive jurisdiction of religion over personal status and to bestow preferential treatment to Jews over Arabs in many areas of life. Furthermore, the longtime military occupation of the stateless Palestinian nation with Jewish claims to its territory, which is contiguous to Israeli territory, does not resonate well with a substantive democracy.

Israel is a *defensive democracy*. Considering itself as a state under existential security threats, from beyond and from inside its borders, Israel takes various protective measures, including declaration of a permanent emergency situation, press censorship, barring Arab citizens from the security forces and placing them under surveillance, and prevention of groups that support terror

or an enemy state from forming political parties and running in Knesset elections. Israel also perceives a menace to its Jewish character and Zionist mission. To reduce the danger, it disallows the participation in parliamentary elections of groups that deny Israel as the homeland of the Jewish people. It also oversees Arab education and does not extend cultural autonomy to the Arab minority.

## **The Arabs' Binational State**

Israel's Palestinian-Arab citizens pose a formidable challenge to Israel as a Jewish, Zionist, and democratic state. They are a large minority of 1.2 million (out of 7.4 million), 17% of the total citizen population, and 14% of eligible voters.<sup>7</sup> Yet, they are part of enormous majorities — of 10.5 million Palestinians, 350 million Arabs and 1.4 billion Muslims. Their growing power stems also from being an indigenous population, with deep roots in the land and a sense of ownership of all of Palestine and superiority toward immigrant Jews. They are visibly marked off from Jews in ethnicity, language, religion, culture, and location. They are also a national minority who share nationalism, identity, culture, history, narratives, and goals with the Palestinian people.<sup>8</sup>

Replete with all these commonalities, Arab citizens do not assimilate into the Jewish society because they do not want to, the Jewish majority does not want to assimilate them, and the Palestinian people and the Arab nation will not let them assimilate. As a permanent minority, their integration without assimilation in Israeli society faces several stumbling blocks. The class gap — being a working class minority in a middle class society — makes them inferior in competitive resources to the Jews. The continued conflict between Israel and the Palestinians and the Arab world turns Arab citizens into an enemy-affiliated minority, suspect of potential disloyalty to the state. Even worse is the Arabs' rejection of Zionism, Israel's de-facto ideology, which places them in the unenviable status of a dissident minority.

It is widely believed that given these basic features and conditions and the ongoing historical processes, the Arabs are inevitably drifting away from and on a collision course with the Jews and the state. The Arabs are undergoing modernization (an increase in urbanization, education, and standard of living) that results in growing relative deprivation because their heightening aspirations are increasingly falling short of their achievements. Their traditional (rural, family, and religious) identity is on the wane, clearing the way for the rise of a Palestinian identity. Palestinization further associates Arab citizens with the enemy in Jewish eyes and reinforces their alienation. The rise of political Islam further splits Arabs, of whom 82% are Muslim, from the state and fellow Jewish citizens because it is hard for a Muslim to accept a minority status, let alone in Palestine, a Muslim endowed land, and all the more so under Jewish rule. Arab radicalization is also boosted by identification with



their disgruntled people — under military occupation in the West Bank and Gaza and those displaced living in diaspora.

According to this mutual alienation thesis, Jews and the Jewish state further contribute to Arab alienation. The Jews are shifting politically to the right and far right. The liberal Ashkenazi (European) core is shrinking while Mizrahim (Jews from Muslim countries in the Middle East), Russians, Ethiopians, Orthodox, and ultra-Orthodox Jews, all of whom are known for their greater intolerance toward Arabs, are increasing in numbers and power. The state treats Arabs as second rate citizens or as a hostile group. It perpetuates occupation of the Palestinians and its policies of discrimination and exclusion of Arab citizens.

Arab alienation is evident in many areas. The voting rate of Arabs dropped from ninety percent in the 1950s to 53% in 2009; and their vote for Jewish parties dropped from 85% in the 1950s to 18% in 2009. All the three Arab national political parties reject Israel's Jewish character and Zionism. Arab protest is widespread and intense: mass demonstrations, general strikes, protest abroad against the state, and commemoration of the Nakba (lit., the Catastrophe) and Land Day. A major uprising occurred in October 2000 involving blocking of highways, destruction of public facilities, storming of Jewish localities, and left thirteen Arabs dead, shot by Israeli police. During the 2000s the Arabs publicly expressed their solidarity with the Intifada, the Hamas, and the Hezbollah. The Arab leadership campaigns against the new state project to have Arab youth volunteer to civic service, instead of the draft, in their own communities and in exchange for all the benefits given to army veterans.

This Arab radicalization thesis is challenged by the Arab accommodation thesis which posits that the Arabs increasingly understand their inferior position in the system and fight for equal status in Israel and for peace with the Arab world. Through the encompassing process of Israelization, they become bilingual and bicultural, adopt Jews as a reference group and tie their destiny with Israel. They do not wish to destroy or disengage from Israel but rather to obtain equal rights and full acceptance. Their Palestinization and Israelization are moderated by their development as a special and separate segment within both the Palestinian people and Israeli society. The Palestinian national movement accepts them as a distinct part of the Palestinian people and expects them to continue to live in Israel and to serve as a political lobby for the Palestinian people rather than to become a fifth column.

Israel and the Jews also contribute to Arab accommodation. Israel within the Green Line has been democratizing. Individual rights are becoming more central and defended, the media freer, the courts more impartial, and the control over the military tighter, and as a result Arab rights are more equal and protected. State policy toward the Arab minority has liberalized and become strikingly lenient and forthcoming in comparison to the hardline treatment of the Palestinians across the Green Line. Although the peace process is stalled, Israel has moved forward in recognizing the right to self-

determination of the Palestinians, permitting the foundation of a Palestinian self-government, and putting the idea of an independent Palestinian state on the agenda. The Jews have come to terms with the existence of an Arab minority and most of them embrace the idea of “two states for two peoples.” Furthermore, the state and Jewish majority respect the red lines in their relations with the Arab minority and do not cross them — do not terrorize Arabs, do not expropriate Arab lands, do not ban Arab mass protest, do not expel Arabs from the country, do not disenfranchise Arabs, do not restore military government on Arab areas, and do not impose on Arabs a duty of mandatory (military or civic) service to the state.

On the whole the Arabs in Israel have been an acquiescent minority. They neither turned into a fifth column nor engaged in terrorism. They have not revolted. The October 2000 unrest was a small-scale unrest triggered by police repression and it was relatively mild when compared to bloody internal wars common in other deeply divided societies. The Arabs object to personally move to a future Palestinian state and reject Jewish proposals to cede to it some Arab villages and towns. They regularly participate in Knesset elections and wish their national Arab parties to join coalition governments despite the low gains they derive from parliamentary politics. They endorse a two-state solution to the Palestinian question and do not emigrate from the country.<sup>9</sup>

The Arabs accommodate themselves to Israel because it is the lesser evil. They do not have a better alternative — neither in the Palestinian territory and Arab countries nor in the West. They gain benefits in Israel without leaving their homeland and without enduring the hardships and anguish of immigration. In Israel they enjoy the opportunity of leading a modern way of life. In Israeli democracy they are granted individual rights and allowed to conduct intense struggle without a state clampdown. They also get ethnic, religious, linguistic, educational, and cultural collective rights that guarantee their survival as a separate national minority. In addition, they obtain a variety of welfare state services and allowances. In Israel they are protected against the threat of the rise to power of an Islamist movement, a present and clear danger in Muslim Arab states.

Even if one who holds that the accommodation thesis accounts for Arab attitudes and behavior better than the radicalization thesis would have to concede that the Arabs are discontented with the status quo and have a vested interest in regime change. The Arabs believe that the Jews are colonial settlers who invaded Palestine, usurped Arab land, caused the Nakba in 1948, occupied all of Palestine in 1967, and pursued intransigent policies that prevented the resolution of the Palestinian question. The Arabs have experienced Zionism as a colonial movement and endured Jewish-Zionist Israel as a racist state.

There are four main alternative regimes, all of which require the end of Israel as a Jewish and democratic state: one is an Islamic state; another is a secular Palestinian-Arab state. Both would eventually force the Jews into a tolerated religious minority. The demise of the Jews may cause the country to

deteriorate and lessen the benefits the Arabs derive from it. Another regime shift is the transformation of Israel into a liberal democracy that extends only individual rights like most Western states.<sup>10</sup> While this option provides full equal rights to the Arabs, they would lose ethnic and cultural collective rights and be vulnerable to the loss of language, culture, and identity.

The best possibility is clearly a binational state. It makes Arabs and Jews equal individually and collectively. The new Palestinian-Jewish state would consist of two co-nations without a minority and a majority and without any legal dominance. There will be equality of rights, languages, cultures, and state symbols. Arabs and Jews will share power and get their proportional share of the appointments, budgets, and other public goods. Each community will administer its own institutions and not intervene in the affairs of the other. All important national decisions will be made jointly.

From December 6, 2006 to May 15, 2007, Arab elite groups published four future vision documents in which they portrayed Israel as a Jewish and non-democratic state and called for its transformation to a binational and democratic state and for the formation of a Palestinian-Arab state alongside it.<sup>11</sup> The Arabs base their demands on a certain set of beliefs. The Jews are colonial settlers who emerged as a people in the course of their settlement. The new Israeli-Jewish nation has acquired a right to self-determination that can and should be fulfilled by a binational rather than a Jewish state. In contrast, the Palestinians are thought of as the original people of Palestine and the genuine owners of the land. Having greater rights than colonial Jews, the native Palestinian people are entitled to a separate independent state alongside Israel and to the recasting of Israel into a binational Israeli-Palestinian state.

While the Palestinian dimension of these claims is transparent, its Israeli facet needs uncovering. The vantage point of the future vision documents is a two-state solution to the Palestinian question, not the obliteration of Israel by a single state. The Arabs in Israel are looked at as part and parcel of Israel, not of Palestine. Israeli Jews are perceived as a new nation with a right to self-determination, not just a religion. They are entitled to a national autonomy in a federal state, though not to a sovereign state of their own. Most importantly, the documents are characterized by a strong commitment to democracy. Imbued with a Western, liberal, and secular spirit, they call for social revolution in the Arab sector. They emphasize gender equality, an end to sectarian and clan cleavages, leadership accountability, transparent and efficient governance of Arab localities, social responsibility, and other Western values. Their signatories invite the Jews to a dialog in order to discuss ideas to overhaul Arab-Jewish coexistence. They do not threaten to resort to illegal means or violent resistance if their demands are not met. All these are expressions of the Israelization process that the Arab masses and their elites have undergone in Israeli society.

These views and claims truly reflect the objective interest and historical experience of the Arab population in Israel. While the Arab political parties

share them, they would risk being outlawed if they incorporate them into their platforms. The Arab public accepts these principles but is not prepared to fight for them. Opposed are the northern Islamic Movement which stands for an Islamist state and factions of the Sons of the Village Movement which advocate a secular and socialist state, both in all of Palestine.

## **An In-Between Jewish and Democratic State**

Palestinian-Arab citizens in Israel are a permanent minority that will not disappear by emigration, population transfer, assimilation, or other ways. By the same token, Jews are a permanent majority who will not vanish by similar means. A passage of time will not iron out the differences between Arabs and Jews. The status quo has run its course and the present official formula of a Jewish and democratic state does no longer insure political stability and ethnic tranquility. There is a need of a new model to regulate Arab-Jewish relations.

The collective goals of Arabs and Jews are incompatible. A binational state and a Zionist state are on opposite poles. The conflict between Arabs and Jews will exacerbate when Arabs escalate their battle for binational state arrangements and when the Jews and the state solidify the Zionist state patterns. There is no complete and satisfactory solution to the dispute. What can be done is to manage the conflict and to curtail the risk of its deterioration to violence and instability. Instead of conflict resolution, we have to think of conflict transformation, driving both sides to make compromises, to reconcile themselves with a new deal, and to live with it as long as radical developments, such as a jump in the relative size of the minority and external intervention that reshape intergroup relations, do not unfold. The deal is not final but is rather open to negotiation and piecemeal alterations by democratic procedures.

The existing Zionist state raises several objections. It is based on the assumption that Israel as a state, a society, and a culture is Western and like other nation-states. Although Israel has many Western characteristics, it is overall non-Western or only semi-Western. It is not Western for being a state of all Jews in the world and not a state of its citizens. It is not Western in the actual absence and in the Zionist negation of the emergence of an Israeli civic nation. It is not Western in the continued union between ethnicity, religion, and nation. This union in the midst of Israeli Jews and its sanctification by the hegemonic Orthodox Judaism make the creation of a shared civility and identity between Arabs and Jews an insurmountable task. Hence, to be an Arab or a non-Jew in Israel is to be inconvertibly an outsider.<sup>12</sup>

This is why there is an inherent contradiction between the Jewish-Zionist state and democracy. Israeli democracy is not a substantive democracy based on full equality between citizens. Jews enjoy a superior status in the law and in state policies. Contrary to the dominant view of Israeli-Jewish intellectuals, the Jewish and democratic character of the state is self-contradictory. The

ruling of the Supreme Court that Israel is a Jewish and democratic state just as France is French, and is also a democratic state, is wishful thinking because France has a civic nation and Israel does not.<sup>13</sup>

The current situation is also objectionable because Arabs in Israel are a national minority denied national rights in a double sense. As part of a stateless nation, they lack a normal nation-state with which to identify themselves and to fulfill their national aspirations. Their homeland is under the military occupation of their own state. In addition, as a minority, they are granted individual and collective ethnic rights but deprived of collective national rights. They are not acknowledged by the state as a national Palestinian-Arab minority with legitimate ties to the Palestinian people, Palestinian history, Palestinian homeland, Palestinian identity, and Palestinian culture, and any pursuit of such affinity is suspected as subversive. They are denied national autonomy, proportional share of resources, and power-sharing, and their political leadership is neither accepted nor even consulted in matters vital to the Arab minority.

At the same time the Arabs' vision of turning Israel into a binational state is not less objectionable. Binational states are by and large not stable. During the twentieth century most multi-national states broke up into national states, including the Ottoman Empire, the Austro-Hungarian Empire, India, Malaysia, the Soviet Union, Yugoslavia, Czechoslovakia and Sudan. The few remaining binational states, like Canada, Belgium, and Cyprus, endured political instability and bitter disputes. Harmonious Switzerland is not multi-national but rather uninational and multilingual, and its unique model is not exportable.

The Arab demand of a binational state is based on the perception of Jews all over the world as a religion, not a people. The Arabs tell the Jews who the Jews are and reject the Jews' own definition of their identity. The signatories of the future vision documents recognize Israeli Jews as a new nation that was created by Zionism during the Jewish colonial settlement of Palestine. However, the recognition is not of the world Jewish people whose very existence the Arab documents continue to deny. Most importantly, as it appears in the Arab documents, the Israeli-Jewish nation is an inferior nation which is entitled only to a binational state, not to an independent Jewish state. Israeli Jews are seen as colonial settlers without historical-national rights as against the indigenous Palestinian people who is entitled to many rights. Jewish self-definition and historical rights are dismissed.<sup>14</sup> The documents set up unacceptable asymmetry: The world Jewish people are a mere religion while the Palestinians are a full-fledged nation; Israeli Jews are a nation which is fit for a binational state only while the Palestinians are worthy of a sovereign state; Palestinian Arabs in Israel are not a minority but rather a co-nation equivalent to Israeli Jews and both are equally entitled to a binational state; and world Jewry deserves only a half state while the Palestinians have a right to 1.5 states (the state of Palestine and half of Israel). This rationale makes sense only by the Palestinian narrative depreciating the Jews to the low level

of foreign colonial settlers who confiscated Arab lands, drove out the Arabs, and established by force an illegitimate post-colonial state. Indeed, this is the thrust of the Arab documents.<sup>15</sup>

So many Jews, including pro-Arab leftists, feel threatened and dismayed by the views expressed in the Arab documents that are shared by most Arabs in Israel. They totally reject the Arab demand of a binational state. They are determined to maintain Israel Jewish and feel that only in a Jewish state they can fulfill their right to self-determination, and if Israel ceases to be Jewish they would lose the meaning of life in it.

The model of an in-between Jewish and democratic state has two interdependent parts. The first is the establishment of a Palestinian nation state on the West Bank and Gaza Strip. Symmetry will then emerge between the Jews who have a Jewish state and the Palestinians who will then have a Palestinian state. The Palestinian nation state, like other nation states, will be responsible for the survival, protection, and development of the Palestinian people, language, culture, wellbeing, and interests. Arabs in Israel will be what they really are — a national minority in a Jewish state. The Palestinian state can serve as their core homeland which they identify with, support, and seek as a source of national pride, culture, and defense.

All the matters involved in the formation of a Palestinian state will be negotiated and agreed upon by Israel and the Palestinian Authority. They include borders, settlements, Jerusalem, Israel's security and restrictions on the sovereignty of the Palestinian state.<sup>16</sup> Clarification of three issues is in order, however. An in-between state requires that the repatriation of the Palestinian refugees will be confined to Palestine only in order to insure Jewish majority in Israel. It is a side matter whether or not Israel takes certain responsibility for the refugee question or allows back a token number of refugees. It is essential that the settlement of the conflict with the Palestinians will not change the demographic ratios between Arabs and Jews in Israel proper. A related issue is the incorporation of Palestinian Arabs of East Jerusalem into the Palestinian state. This is a shared interest of Israel and the new state of Palestine, regardless how the question of Jerusalem is settled.

Not less important is the exclusion of the Arab minority from the negotiations and the final status agreement with the Palestinians. This is necessary in order to prevent the Jewish right-wing from demanding to cede the bulk of the Triangle to a Palestinian state as part of a land swap deal. More importantly, there is a need to prevent Arabs in Israel from assuming the role of “a spoiler” of peace. They can do so by pressing their own demands on the agreement — the return of the internal refugees to their destroyed villages, restoration of ruined religious sites (mosques, cemeteries), land and financial compensation for the expropriated Arab lands, Arab control of Waqf (religious endowment) property, state recognition of Arab national rights, and the like. It will be much harder to reach an agreement with the Palestinians if these Israeli Arab demands are included in the Israeli-Palestinian negotiations.

The other part of the in-between state is an appreciable upgrading of the

status of the Arab minority. Israel will grant the Arabs national rights that are compatible with its Jewish and Zionist character. Various forms of discrimination and exclusion of Arabs by the state will be eliminated. The Arabs will be recognized as a national Palestinian-Arab minority. Their leaders will be acknowledged and consulted in all matters pertinent to the Arab minority. Non-territorial autonomy will be extended to the Arabs, enabling them to manage their religious, educational, and cultural affairs. Proper representation in all decision-making bodies of the state will be installed, including allowing the participation of national Arab parties in coalition governments. Proportional Arab share of the state budget will be guaranteed by law. The state will execute a grand-scale project to reduce the gap in resources and services between Arabs and Jews. Some Arab symbols will be added to the state symbolic system in order to let Arabs identify with the state.

This dispensation will keep Israel Jewish and Zionist. The Law of Return, Hebrew as a dominant language, Jewish symbols, and a Jewish calendar will remain more or less the same, but the special status of the Jewish National Fund and Jewish Agency will be abolished. Yet, Israel will be much more inclusive and democratic. A better balance between Jewishness and Zionism on the one hand and democracy on the other will be reached. While the Arabs will not fully achieve their goal of a binational state with a co-nation status and a veto power, they will go a long way toward it. This compromise will grant the Jews peace with the Palestinians and relieve them of their fear of Israeli Arabs' mass uprising and collaboration with the enemy. Arabs will gain Jews' and state's trust and equal treatment, a national minority status, and a Palestinian state that they so much desire and cherish.

In addition, a better balance will be struck between the Jewish and democratic character of the state by strengthening Israeli democracy. Equality will be the cornerstone of Israel's new constitution. Affirmative action will replace institutional discrimination against Arabs. The emergency situation will end and an Israeli internal security law and regulations will replace the existing illiberal British legislation. Civil marriage and divorce law will allow inter-faith mixing. A campaign to promote democratic culture among Jews and Arabs will be carried out and the state will launch a large-scale program to raise Arabs to Jewish standards in community services and living standards.<sup>17</sup>

## Conclusion

Israel within the pre-1967 borders is a deeply divided society. It declares itself as a Jewish and democratic state, but its Jewishness is expanded by Zionism and its democracy is deficient. As a Jewish state, Israel has a Jewish majority, Hebrew is the dominant language, the state calendar is Jewish, the symbolic system is Jewish, and the public domain is Jewish. The added value of Zionism to Jewishness entails the treatment of the state as the homeland and property of all Jews in the world, absence of an all-inclusive Israeli civic nation and



identity, Jewish exclusivity in various areas of life, and entrusting Israel with the role of keeping a Jewish majority and promoting Jews' culture and interests. In addition to Jewish-Zionist encroachments, Israeli procedural democracy is constrained by lack of a constitution, a permanent emergency situation, a favored status granted by law to men (by giving religion exclusive administration of personal status) and Jews, and continued military occupation of a stateless people just across the borders. As a result Israel's reinforced Jewishness outweighs its diminished democracy.

Israel serves less Arabs than Jews. While Arabs reap many benefits from life in Israel, notably democracy, modernity, transfer payments and services, protection against religious fundamentalism, and the collective right to preserve their separate existence and identity, they suffer from denial of national rights and from institutional discrimination and exclusion. Their vested interest is to turn Israel into a binational state that would make them co-equal to the Jews individually and collectively. Arab elites made this explicit demand in the future vision documents that were published in 2006–7.

The in-between Jewish and democratic state is a compromise between the Jews' Zionist state and the Arabs' binational state. It accords the Palestinian people a state on the West Bank and Gaza Strip that will secure their fate and future, will become the homeland and patron of the Palestinian-Arab minority, and will grant security and peace to the Jews. Israel will eradicate discrimination and exclusion of the Arabs and will recognize their national rights. The Arabs will receive recognition of their representative leadership, institutional autonomy, proportional share of the state budget and jobs in the civil service, and power-sharing. Israel will remain Jewish and democratic but much more inclusive and respectful of Arab rights. Israeli democracy will be consolidated by a constitution, development of a shared identity and society and cultivation of a democratic culture. A balance will prevail between Israel's Jewishness and democracy.

Although the idea of an in-between state appears fair and pragmatic, its acceptance by both sides is not likely. The deep mutual distrust will make compromise hard to reach because of fear that the other side would not reciprocate. Each side believes that it is the victim, blames the other for not fulfilling its obligation, and expects the other to make the first move.

It is doubtful whether the formation of a Palestinian state will result in the short run in creating confidence between Arabs and Jews in Israel. The agreement between Israel and the Palestinian Authority will probably leave some issues unsettled and extreme segments on both sides will try to undermine it. The Jews will attempt to cement the Jewish-Zionist nature of the state because this is the main reason for their retreat from the West Bank and Gaza and for the dismantling of Jewish settlements. The Arabs will be further alienated by the additional Judaization and Zionization of the state and will intensify their struggle for a binational state.

The Arabs will not be satisfied with the in-between state because it will



remain Zionist. Israel will continue to be a Jewish nation-state that uses legal and other measures to preserve a Jewish majority and to bestow a special status on the Jews.<sup>18</sup> The Arabs will not be prepared to take steps that are necessary to convince the Jews to trust them and to treat them as equal citizens and full members of Israeli society. For this purpose the Arabs will have to cease seeing Jews as colonial settlers, to stop equating Zionism with colonialism and racism, to refrain from a fight against the Jewish character of the state, to renounce the right of Arab refugees to return to Israel, to relinquish the right of internal refugees to reconstruct their ruined villages, and to render a civic service to the state in lieu of a military service.

Similarly, the Jews will not make the required concessions for reaching an in-between state. In their eyes the idea of a Zionist state is hegemonic and enjoys continued international legitimacy. To be accepted by Jews, the Arabs are expected to demonstrate loyalty to the state, to approve of their fellow Jews, and to reconcile with their own minority status in a Jewish state. Most importantly, being the more powerful side of the two and in control of the state, the Jews have the power and resolve to keep Israel Jewish and Zionist and to contain the Arab struggle for binationalism.

The likelihood that Jews will embrace the in-between state option is low also because of their political posture. Most Jews in contemporary Israel are on the right and center. For them Israel should be more Jewish and Zionist than democratic. To keep Israel Jewish and Zionist, they are willing to give up territory, to allow the formation of a Palestinian state, to risk national security, to oppose peace initiatives, and to harm democracy. Only Jews on the left, a shrinking minority, are ready to consider the possibility of an in-between state, but many of them would prefer Arab integration over the separation and creeping binationalism that it entails.

Notwithstanding the strong forces impeding their implementation, the idea of two states for two peoples and the idea of an in-between Jewish and democratic state are the fairest and most realistic formulas for the settlement of the Israeli-Palestinian conflict and its internal Jewish-Arab part. They will be in store for use by Arabs and Jews for years to come.

## Notes

- 1 The text of this declaration and the three declarations that follow in this essay appear in the website of the Ministry of Foreign Affairs: <http://www.mfa.gov.il>.
- 2 Sammy Smooha, "Multiculturalism in Israeli Society," in *New Jewish Time: Jewish Culture in a Secular Era — An Encyclopedic View*, vol. 4 (Jerusalem: Keter, 2007), 221–228 [Hebrew].
- 3 Israeli law was applied to East Jerusalem and the Golan Heights but without conferring Israeli citizenship on their inhabitants. The inhabitants were granted a permanent resident status and are entitled to apply for Israeli citizenship. However, only a small number of them asked and received Israeli citizenship.
- 4 A new civil union law ("Brit Hazugiyut"), enacted in 2010, lets persons who are not assigned any religion to marry each other. It aims to assist non-Jewish immigrants from the former Soviet Union.

- 5 I introduced this analytical distinction between a Jewish and a Zionist state in 2005. It better distinguishes between degrees on the Jewishness continuum. The least Jewish is “a civic state” (a liberal democracy that does not extend collective rights) and the most Jewish is “a Zionist state,” and in between are “an in-between Jewish and democratic state” and “a binational state.” The distinction helps to account for degrees of acceptance of Israel, as measured by attitude surveys of the Arab minority. Jewish intellectuals who stand for a Jewish-Zionist state and Arab intellectuals who reject a Jewish-Zionist state object to the distinction because they prefer to refer to Israel in its entirety and are unwilling to make any compromise. See Sammy Smooha, *Index of Arab–Jewish Relations in Israel 2004* (Haifa: The Jewish-Arab Center, University of Haifa; Jerusalem: The Citizens’ Accord Forum between Jews and Arabs in Israel; Tel Aviv: Friedrich Ebert Stiftung, 2005), 30–35. <http://soc.haifa.ac.il/~s.smooha/download/IndexArabJewishRelations2004.pdf>.
- 6 The amendment is provisional and justified on national security grounds (with the official aim to prevent the entry to Israel of potential terrorists among the spouses and their children). It is clear, however, that the intention and outcome are demographic, namely, to curb the steady flow of Palestinians to Israel. The number of Palestinian immigrants through marriage is estimated over 100,000 since 1967.
- 7 These figures exclude the non-citizen Palestinians of East Jerusalem and the non-citizen Druze of the Golan Heights. These permanent residents are counted in Israel’s population by the Central Bureau of Statistics because Israeli law applies to them.
- 8 For a discussion and documentation of the following profile and account of Arab status, attitudes and behavior, see Sammy Smooha, *Arab–Jewish Relations in Israel: Alienation or Rapprochement. Peacework 67* (Washington, DC: United States Institute of Peace, 2010). [http://www.usip.org/files/resources/PW67\\_Arab-Jewish\\_Relations\\_in\\_Israel.pdf](http://www.usip.org/files/resources/PW67_Arab-Jewish_Relations_in_Israel.pdf)
- 9 Most Arabs who leave the country are Christian, as has been the case for the entire Middle East during the last one hundred and fifty years and since the early 2000s in particular.
- 10 Berent suggests this option for Israel and rejects the other regime shifts. See Moshe Berent, *A Nation Like All Nations: Towards the Establishment of an Israeli Republic* (Jerusalem: Carmel Publishing House, 2009) [Hebrew]; Moshe Berent, “The Ethnic Democracy Debate: How Unique is Israel?” *Nations and Nationalism* 16/4 (October 2010): 657–674.
- 11 For a review and critique of the future vision documents, see Sarah Ozacky-Lazar and Mustafa Kabha (eds.), *Between Vision and Reality: The Vision Documents of the Arabs in Israel, 2006–2007* (Jerusalem: The Citizens’ Accord Forum between Arabs and Jews in Israel, 2008), [Hebrew]; Sammy Smooha, “The Israeli Palestinian-Arab Vision of Transforming Israel into a Binational Democracy,” *Constellations* 16/3 (2009): 509–522.
- 12 For elaboration on Israel’s Western and non-Western features and the thesis that Israel is not Western, see Sammy Smooha, “Is Israel Western?” in *Comparing Modernities: Pluralism versus Homogeneity: Essays in Homage to Shmuel N. Eisenstadt*, edited by Eliezer Ben-Rafael and Yitzhak Sternberg (Leiden and Boston: Brill Academic Publishers, 2005), 413–442.
- 13 For a very detailed and strong presentation of Israel as a Western democratic

- nation-state, alike other Western democracies and devoid of any contradiction between its Jewishness and democracy, see Alexander Yakobson and Amnon Rubinstein, *Israel and the Family of Nations: The Jewish Nation-State and Human Rights* (London: Routledge, 2008).
- 14 Since the mid-2000s Arab elites and advocacy groups have used the international indigeneity discourse on the rights of indigenous peoples to criticize and make claims on the Israeli state as well as to mobilize and protest. For analysis of this phase in the Arab strategy, see Amal Jamal, *Arab Minority Nationalism in Israel: The Politics of Indigeneity* (London: Routledge, 2011).
  - 15 For a critical analysis of this Israeli Arab position and labeling it as rejectionist, see Dan Schueftan, *Palestinians in Israel: The Arab Minority and the Jewish State* (Or Yehuda: Zmora-Bitan, 2011) [Hebrew].
  - 16 The Geneva Accord is the most comprehensive agreement reached between Jewish and Palestinian leaders on the Palestinian question: *The Geneva Accord: A Model Israeli–Palestinian Peace Agreement*. <http://www.geneva-accord.org/mainmenu/english>.
  - 17 The following proposals for reforming Arab–Jewish coexistence are in line with the model of an in-between Jewish and democratic state: Ilan Peleg and Dov Waxman, *Israel’s Palestinians: The Conflict Within* (Cambridge: Cambridge University Press, 2011); the Jerusalem Institute for Israel Studies, *Towards Inclusive Israeli Citizenship: A New Conceptual Framework for Jewish-Arab Relations in Israel. Points for Public Discussion* (2011). [http://jiis.org.il/upload/citizenship\[1\]en.pdf](http://jiis.org.il/upload/citizenship[1]en.pdf).
  - 18 The heated controversy between two moderate intellectuals, Sari Nusseibeh, the Palestinian and Shlomo Avineri, the Jew, about Israel’s demand to be recognized as a Jewish state by the Palestinians reveals the gulf between Arabs and Jews with regard to Israel’s national character. See Sari Nusseibeh, “Why Israel Can’t Be a ‘Jewish State’: The Israeli Demand To Be Recognized as a ‘Jewish State’ by the Palestinians Is an Inherently Problematic Concept,” *Aljazeera*, September 30, 2011. <http://english.aljazeera.net/indepth/opinion/2011/09/201192614417586774.html>; Shlomo Avneri, “We Are a People: A Response to Sari Nusseibeh: Answering One of the Most Moderate and Enlightened of Palestinian Intellectuals – But Who Still Opposes the Idea of a Jewish State,” *Haaretz*, October 12, 2011. <http://www.haaretz.com/weekend/week-s-end/we-are-a-people-a-response-to-sari-nusseibeh-1.389543>.