

# NEITHER ETHNOCRACY NOR BI-NATIONALISM: IN SEARCH OF THE MIDDLE GROUND

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*Abstract:* This article examines the challenge posed to the future of Israel as a Jewish state by its Palestinian minority. In particular, it analyzes a series of documents published in 2006–2007 by political and intellectual leaders of the Palestinian community in Israel in which they called upon Israel to abandon its Jewish identity and recognize its Palestinian citizens as an indigenous national minority with collective rights. After discussing the major demands and proposals made in these Vision Documents the article argues on both pragmatic and normative grounds that Israel must try to balance the demands of the Palestinian minority with those of the Jewish majority. This involves maintaining the state's Jewish character while providing greater collective rights, including limited autonomy, to its Palestinian citizens.

*Keywords:* autonomy, bi-nationalism, consociationalism, ethnocracy, majority–minority relations, Palestinian minority, the democratic constitution, the future vision of the Palestinian Arabs in Israel, the Haifa declaration, Vision Documents

## Introduction

As Israel turned sixty in May 2008, there was little public euphoria and a great deal of anxiety accompanying this milestone in the country's history. While justly proud that the Jewish state has not only survived but flourished, many Israeli Jews as well as Jews elsewhere harbor grave misgivings about the future of the country. Whether the Jewish state will continue to exist sixty years from now is a cause for serious concern. To be sure, worries about the survival of the Jewish state are by no means new. But today, although Israel is more powerful and prosperous than it has ever been, it is also facing more challenges to its legitimacy than ever before. These challenges are coming from intellectuals and political activists outside the country, as well as from some within the country.

The most serious of all these challenges is that posed by the leadership of the Palestinian community in Israel, representing approximately 20 percent of Israel's citizens.

This challenge has recently attracted a great deal of attention in Israel with the publication of four documents in 2006–2007: “The Future Vision of the Palestinian Arabs in Israel,”<sup>1</sup> “An Equal Constitution for All: On the Constitution and the Collective Rights of Arabs Citizens in Israel,”<sup>2</sup> “The Democratic Constitution,”<sup>3</sup> and “The Haifa Declaration.”<sup>4</sup> Produced by different Palestinian organizations in Israel and written by prominent Palestinian academics, intellectuals, and activists, these four documents are the most public, direct, sweeping, and substantive challenge ever posed by Palestinian citizens to their status within the Jewish state. For the first time, leaders of the Palestinian minority openly expressed not only their opposition to the *status quo*, but also their vision of Israel's future and the place of Palestinians in it.

The Palestinian Vision Documents, as they have collectively become known, elicited a furious reaction in Israel. They were strongly condemned by numerous Israeli—Jewish politicians, intellectuals, and journalists from both the left and right of the political spectrum. Their authors were denounced as “separatists” and “enemies of the state,” and the proposals they put forward were immediately and categorically rejected. Instead of the initiation of a Jewish–Palestinian dialogue, as explicitly called for by a number of the authors of the Vision Documents a ferocious Jewish backlash occurred. Certainly, this was hardly surprising, given some of the incendiary statements contained in the Vision Documents and some of the radical demands they made. Nevertheless, it is highly regrettable, as these documents represent a turning point in the political evolution of the Palestinian-Arab minority in Israel. For the first time, the leadership of this community has publicly presented their ideas on Israel's future and on how to resolve the long-standing and increasingly volatile tension between the country's Jewish majority and its Palestinian minority. While these ideas are unlikely to be acceptable to the vast majority of Israeli Jews, they should not be dismissed outright either. Rather, they should be taken as a starting point for a long overdue discussion on how to better manage the relationship between the Jewish majority and the Palestinian minority in Israel.

It is in this spirit that this article analyzes the Vision Documents and discusses the major demands and proposals they make (most notably, their calls for consociationalism, autonomy, and bi-nationalism). In addition to examining these documents, this article will also suggest which of the Vision Documents' demands can and should be implemented. In doing so, we argue on both pragmatic and normative grounds that the best solution to the challenge posed to Israel by its Palestinian minority lies in balancing the demands of the Palestinian

minority with the demands of the Jewish majority. This involves maintaining the state's Jewish character while providing greater collective rights, including limited autonomy, to its Palestinian citizens.

## The Vision Documents

Although the various Vision Documents are not identical in their approaches, claims, and demands, the similarities between these documents are much greater and more significant than their differences.<sup>5</sup> It is therefore appropriate to examine these documents together. At the same time, in the following discussion greater attention will be paid to “The Future Vision of the Palestinian Arabs in Israel” because it has generated the most attention since its publication. This particular document expresses the broadest spectrum of opinion within the Palestinian community in Israel. It was authored by thirty-eight Palestinian academics, legal experts, and community activists, and was officially endorsed by the committee composed of the heads of Arab local councils and the Supreme Follow-up Committee of the Arabs in Israel, an umbrella body that represents all the different political streams within the Palestinian community in Israel.<sup>6</sup> Conversely, the document “An Equal Constitution for All: On the Constitution and the Collective Rights of Arabs Citizens in Israel” will not be discussed because it is the work of only one author who is also a contributor to one chapter of the Future Vision Document.<sup>7</sup>

The following discussion of the Vision Documents will be divided into four parts, corresponding to different thematic elements of the documents: (1) Identity; (2) Narrative; (3) Critique; and (4) Demands.

### *Identity*

“We are the Palestinian Arabs in Israel, the indigenous peoples, the residents of the State of Israel, and an integral part of the Palestinian People and the Arab and Muslim and human Nation.”<sup>8</sup> Thus begins the Future Vision Document, clearly defining the collective identity of the Palestinian minority in Israel. The “Haifa Declaration” goes further, stating that:

Our national identity is grounded in human values and civilization, in the Arabic language and culture, and in a collective memory derived from our Palestinian and Arab history and Arab and Islamic civilization.... Despite the setback to our national project and our relative isolation from the rest of our Palestinian people and our Arab nation since the *Nakba*; despite all the attempts made to keep us in ignorance of our Palestinian and Arab history;

despite attempts to splinter us into sectarian groups and to truncate our identity into a misshapen “Israeli Arab” one, we have spared no effort to preserve our Palestinian identity and national dignity and to fortify it. In this regard, we reaffirm our attachment to our Palestinian homeland and people, to our Arab nation, with its language, history, and culture, as we reaffirm also our right to remain in our homeland and to safeguard it.<sup>9</sup>

These statements are significant because they are assertions of Palestinian national identity, in defiance of the long-standing tendency of the state, and Israeli-Jewish society in general to avoid recognizing the Palestinian national identity of Arabs living in Israel and, instead, simply label them “Israeli Arabs.” In rejecting the traditional “Israeli Arab” label and affirming an alternative Palestinian national identity, the documents underscore what has been described as the “Palestinization” of the Arabs in Israel, that is, the process by which many members of the Arab community have steadily come to identify themselves as members of the Palestinian nation.<sup>10</sup>

The rise of Palestinian nationalism within the Arab community in Israel—reflected in popular support for Palestinian nationalist parties (rather than Jewish-Zionist parties) and demonstrations of solidarity with Palestinians in the occupied territories—is deeply disconcerting for many Israeli Jews. This phenomenon stokes long-held suspicions among Jews about the loyalty of Arabs in Israel and the security threat they pose. These documents do not allay these concerns. On the contrary, in declaring the attachment of Arabs in Israel to their Palestinian national identity, these documents emphasize the Palestinian presence within Israel. In doing so, the documents alert Israeli Jews to the fact that there are in fact two nations living in Israel, not just a Jewish nation (as the vast majority of Israeli Jews like to believe). Most of the remaining documents are concerned with the implications of this bi-national reality.

The proud and defiant assertions of Palestinian identity in the Vision Documents are not only aimed externally at an Israeli-Jewish audience long accustomed to ignoring this identity, but also internally at their own Arab constituency. The documents address the Arab public as well as the Israeli state and the Jewish public; thus, they serve to remind Arabs in Israel of their Palestinian identity and to reinforce this identity. In this respect, the documents promote a Palestinian identity for Arabs in Israel, providing a clear and unequivocal answer to the vexing question of identity that Arabs in Israel have long grappled with—“who are we?”

Moreover, the documents actually construct this Palestinian identity by providing a collective historical narrative for Arabs in Israel. Such a narrative

provides the heterogeneous Arab community in Israel with a common, single biography, and hence helps to create a collective sense of Palestinian identity.

### *Narrative*

The historical narrative presented in the documents is essentially a Palestinian nationalist one. This narrative asserts that Zionism is a European colonialist enterprise. In the first chapter of the Future Vision Document, written by Asaad Ghanem, Israel is described as “the outcome of a settlement process initiated by the Zionist-Jewish elite in Europe and the West and realized by colonial countries contributing to it [...]”<sup>11</sup> This description is far removed from the dominant Israeli-Jewish perception of Israel as the product of the return of the Jewish people from exile to their ancient homeland. Indeed, the historical connection of the Jewish people to the land of Israel is completely ignored in the document, even though this connection was recognized by the partition resolution of the United Nations General Assembly (29 November, 1947) calling for a Jewish state to be established alongside an Arab one. By omitting this resolution, an international document that provides crucial legitimacy to the existence of a Jewish state in Palestine/Israel, this chapter of the Vision Document portrays Israel, in effect, as an illegitimate creation. Similarly, the “Haifa Declaration” depicts Israel as the product of a “colonial-settler project” that was carried out “in concert with world imperialism and with the collusion of the Arab reactionary powers.”<sup>12</sup>

The *Nakba* (the Palestinian refugee problem resulting from the 1948 war) features prominently in both the Future Vision Document and the “Haifa Declaration.” Both documents, as well as the “Democratic Constitution,”<sup>13</sup> assign to Israel the sole responsibility for the creation of the Palestinian refugee problem. The “Haifa Declaration” states that in 1948, “the Zionist movement committed massacres against our people, turned most of us into refugees, totally erased our villages, and drove out most inhabitants out of our cities.”<sup>14</sup> No mention is made, however, of the rejection of the Partition Resolutions by the Arabs of Palestine and the neighboring Arab countries, and the attack on the fledgling Jewish state by five Arab armies (Egypt, Syria, Transjordan, Lebanon, and Iraq).

The subsequent history presented in the documents is equally damning of Israel’s actions as the State. It is accused of uprooting, repressing, abusing, and even killing its Palestinian citizens.<sup>15</sup> The Future Vision Document sums up this history in the following manner: “Since the Al-Nakba of 1948 (the Palestinian tragedy), we have been suffering from extreme structural discrimination policies, national oppression, military rule that lasted till 1966, land confiscation policy, unequal budget and resources allocation, rights discrimination, and threats of transfer. The State has also abused and killed its own Arab citizens, as

in the Kufr Qassem massacre, the land day in 1976, and Al-Aqsa Intifada back in 2000.”<sup>16</sup> Unlike the other documents, the “Haifa Declaration” also describes Israel’s occupation of the Palestinian territories following the 1967 war. Here, too, the description of Israel’s behavior in the territories is highly negative: “Israel carried out policies of subjugation and oppression in excess of those of the apartheid regime in South Africa. [...] Israel has perpetrated war crimes against Palestinians, killed and expelled thousands, assassinated leaders, jailed tens of thousands...inflicted physical and psychological torture, and bulldozed thousands of houses [...]”<sup>17</sup>

All of this makes for very uncomfortable reading for Israeli Jews who have been raised on a traditional Zionist version of Israeli history in which Israel appears as the innocent, virtuous party, constantly victimized and attacked by its Arab enemies. It is hardly surprising, therefore, that many of the Israeli-Jewish public reactions to the Vision Documents have focused their criticism on the historical narrative they presented.<sup>18</sup> This narrative is starkly at odds with the Zionist historical narrative. It therefore underscores the failure of the Israeli state to ‘Israelize’ its Palestinian minority. The fact that the intellectual leadership of the Palestinian community espouses a Palestinian nationalist historical narrative, not the official state one, testifies to the ‘Palestinization’ of this community (or, at least, its elite). Even more importantly, it suggests that the “problem” posed to Israel by its Palestinian minority cannot be understood solely in socio-economic terms. That is, the “problem” is not simply that Palestinians in Israel are marginalized and disproportionately poor and disadvantaged; rather, it is that some also identify themselves as members of a different nation and perceive the Jewish state as oppressive and fundamentally illegitimate. Hence, it is not just government policies and budget allocations that are at issue, but also Israel’s history and legitimacy.

### *Critique*

Although the complete rejection of the Zionist narrative may be most disturbing to Israeli-Jewish readers of the Vision Documents, it is the documents’ description of the present-day predicament of Palestinians in the Jewish state that should really be troubling to them. The Future Vision Document and the “Haifa Declaration” are scathing in their portrayals of the state’s discriminatory treatment of its Palestinian citizens. In the words of the “Haifa Declaration”: “The State of Israel enacted racist land, immigration, and citizenship laws, and other laws that have allowed for the confiscation of our land and the property of the refugees and internally displaced persons. [...]. It has spread an atmosphere of fear through the Arab educational system, which is supervised by the security services. The state has exercised against us institutional discrimination

in various fields of life such as housing, employment, education, development, and allocation of resources.” Similarly, in the section of the Future Vision Document entitled “The legal status of the Palestinian Arabs in Israel” the author states that: “Since the establishment of the State back in 1948, Israel has taken a discriminating policy towards the Palestinian Arab citizens, through implementing discriminatory laws and legislations (canonized discrimination).”<sup>19</sup> The author of this section goes on to write that: “official discrimination on a national basis is the core of all forms of discrimination against the Palestinian Arabs in Israel. It is the root cause from which Palestinians in Israel suffer, individually and collectively.”<sup>20</sup>

Thus, Israel is accused of discriminating against its Palestinian citizens and treating them as second-class citizens, inferior to their Jewish counterparts. This accusation is by no means new, and it has been substantiated by numerous studies over the years.<sup>21</sup> More significant than the accusation itself is the reason put forward to explain this persistent discrimination, namely, Israel’s identity as a Jewish state. As the Future Vision Document puts it: “[T]he official definition of Israel as a Jewish State created a fortified ideological barrier in the face of the possibility of obtaining full equality for the Palestinian Arab citizens of Israel.”<sup>22</sup> In other words, discrimination against Palestinians in Israel is not seen as an aberration; rather, it is viewed as built into the very fabric of the state. It is, according to this view, an inevitable by-product of Israel’s definition as a Jewish state. Hence, as long as Israel identifies itself as a Jewish state, its Palestinian citizens will suffer unequal treatment.

Not only do the documents attribute the discrimination against Palestinian citizens to Israel’s official identity as a Jewish state, but they also claim that this means that Israel is not fully democratic. “Israel can not be defined as a democratic State. It can be defined as an ethnocratic state [...]” writes Asaad Ghanem in the Future Vision Document.<sup>23</sup> Scholars have debated Israel’s democratic status in recent years with some describing Israel as an “ethnic democracy,”<sup>24</sup> and others arguing that this description is a contradiction in terms and that Israel is just an “ethnocracy.”<sup>25</sup> The Vision Documents clearly take the latter position and deny Israel’s democratic status. In fact, many of the changes they demand are explicitly justified on the grounds that they are necessary for Israel to become fully democratic.

Before discussing the various demands the Vision Documents make, it is also worth noting that in addition to criticizing the treatment of the Palestinian minority by the Israeli state, the Future Vision Document and the “Haifa Declaration” also criticize the Palestinian community itself. These documents include an internally directed critique of certain aspects of Palestinian society, focusing especially on its patriarchal nature.<sup>26</sup> By including this self-criticism, the documents are even more

groundbreaking as they go beyond the oft-made denunciations of Israel to also consider the deficiencies and weaknesses of the Palestinian community in Israel. They do not try to conceal these problems, but instead they openly address them. In doing so, the documents seek to exert pressure for change within the Palestinian community, as well as demanding changes by the state to improve the situation of Palestinians in Israel.

### ***Demands***

At the heart of all the documents is an extensive set of demands and proposals for changing the relationship between the Palestinian minority and the state and addressing the basic needs of Palestinians in Israel. Many of these demands and proposals are quite radical in nature from the perspective of Israeli-Jewish society. If enacted, they would amount to a fundamental transformation of the Israeli state. Although each of the documents describes this desired transformation in slightly different ways—the Future Vision Document talks of establishing a “consensual democracy,”<sup>27</sup> the “Haifa Declaration” espouses a bi-national state,<sup>28</sup> and the “Democratic Constitution” proposes a “democratic, bilingual, multicultural state”<sup>29</sup>— they all essentially involve the abolition of the “Jewish state.” That is, all the documents categorically oppose Israel’s identity as a Jewish state and all the symbols and laws that express this identity; and they all want to change these symbols and laws and redefine Israel’s official identity.

The main demands issued in the Vision Documents can be grouped into three broad categories: (1) Historical Redress; (2) Equity; and (3) Political Governance.

## **Historical Redress**

All the documents refer to the *Nakba* of 1948 as a formative event for the Palestinian minority. They pointedly note that it is precisely because of the *Nakba* that they are a minority, “against their will” in the words of the “Democratic Constitution.”<sup>30</sup> Viewing the *Nakba* not only as a tragedy for the Palestinian nation, but also a great injustice, all the documents demand that Israel take measures to redress this historic injustice. Above all, the documents call upon Israel to acknowledge its responsibility for the *Nakba*. According to the “Haifa Declaration,” Israeli recognition of the Palestinian narrative is essential for reconciliation between the “Jewish Israeli people” and the “Arab Palestinian people.”<sup>31</sup>

In addition, the “Haifa Declaration” and the “Democratic Constitution” demand that Israel recognize the right to return of Palestinian refugees (in accordance with UN Resolution 194), while the Future Vision Document only



suggests that Israel pay compensation to its Palestinian citizens and allow the “present absentees” (i.e., those Palestinians who remained in Israel and became citizens but were prevented from returning to their villages, they are also referred to as “internal refugees”) to return to their villages in Israel.<sup>32</sup> Israel is also called upon to redress other wrongs it has committed in the past against its Palestinian citizens. In particular, Israel must return Palestinian land and property it has appropriated over the years.<sup>33</sup> Moreover, the Future Vision Document recommends that Israel “adopt policies of corrective justice in all aspects of life in order to compensate for the damage inflicted on the Palestinian Arabs due to the ethnic favoritism policies of the Jews.”<sup>34</sup> Similarly, the “Democratic Constitution” calls for “affirmative action based on the principles of distributive justice in the allocation of land and water and in planning.”<sup>35</sup>

## Equity

Equality, as well as justice, is high on the list of demands in the Vision Documents. As all the documents condemn the lack of equality between Jews and Palestinians in Israel and the discrimination that Palestinians endure, they are all unequivocal in demanding equal treatment for Palestinians and Jews and equal distribution of resources (e.g., budgets, land, and housing). Thus, the Future Vision states that: “Israel should refrain from adopting policies and schemes in favor of the majority. Israel must remove all forms of ethnic superiority, be that executive, structural, legal, or symbolic.”<sup>36</sup> In line with this, therefore, the “Law of Return” that gives Jews the automatic right of citizenship in Israel would be annulled and Israel’s national symbols, such as the flag and anthem, would be changed. In a similar vein, the “Haifa Declaration” declares: “Our vision for the future relations between Palestinian Arabs and Israeli Jews in this country is to create a democratic state founded on equality between the two national groups. [...] In practice, this means annulling all laws that discriminate directly or indirectly on the basis of nationality, ethnicity, or religion—first and foremost the laws of immigration and citizenship—and enacting laws rooted in the principles of justice and equality.”<sup>37</sup> The “Democratic Constitution” is by far the most detailed in its demands for equal treatment since many of its points concern nondiscrimination by the state.

## Political Governance

The most radical demands in the Vision Documents are those concerned with altering the political structure of the state to allow for power sharing in the

central government between Jews and Palestinians and greater self-governance by the Palestinian community. The “consensual democracy” that the Future Vision Document advocates involves implementing what is essentially a consociational system of government. Such a system would guarantee the Palestinian community formal representation in governmental decision making and a veto on certain issues of direct concern to them. It would be a major departure from Israel’s existing system of government in which Arab parties have always been excluded from government coalitions and have little or no ability to prevent the passage of legislation that affects the Palestinian community.

Although the Future Vision Document is vague on how consociationalism would actually function in Israel, the “Democratic Constitution” provides two different models for how this could work. The first model involves the creation of a “Parliamentary Committee for Bilingual and Multicultural Affairs” with half of its members drawn from Arab or Arab–Jewish parties. All government legislation and statutes would have to be approved by this committee (unless two-thirds of the Knesset voted to override the committee’s decision).<sup>38</sup> The second model would give Arab or Arab–Jewish parties in the Knesset veto power over proposed legislation if 75% of their members voted against the legislation on the grounds that it violated the fundamental rights of the Palestinian minority.

The second major demand in the area of political governance made by the Vision Documents concerns granting the Palestinian community nonterritorial autonomy in education, culture, and religious affairs. Self-rule in these areas would give the Palestinian minority a measure of self-determination within Israel, which these documents claim they are entitled to as an indigenous national minority. Indeed, it is the Palestinian community’s status as an indigenous national minority that underpins the Vision Documents’ demands for restructuring the Israeli political system. Unlike other minority groups in Israel, Palestinians are, according to the documents, entitled to power sharing and greater autonomy because they are members of a distinct nation living in their homeland (as opposed to immigrant minority groups, for example).

## **Balancing Majority and Minority Demands**

For the most part, the reaction of Israeli-Jewish society to the Palestinian Vision Documents has been highly negative. The majority of Israeli Jews have either ignored the documents altogether or have viewed them as one-sided, radical, and provocative. In particular, the opposition of all the documents to Israel’s self-definition as a “Jewish state” has been strongly condemned and denounced

by Israeli-Jewish commentators. Such a reaction is hardly surprising given the commitment of an overwhelming majority of Israeli Jews to maintaining Israel's Jewish identity, despite differences in terms of what precisely this identity means.

But, as the previous section showed, there is much more to the Vision Documents than just the demand for Israel to cease being a Jewish state. Hence, rather than dismiss the documents outright, it might be worthwhile considering their demands more carefully from both a normative perspective (i.e., in terms of what should be done to promote desired values such as justice, equality, and stability) and a pragmatic perspective (i.e., what can realistically be done improve Israel's deeply divided political landscape). Although some of the demands of the Vision Documents are justified and can be implemented, others are less justified, unrealistic, and even counterproductive.

In this section, we try to offer what we view as a political middle ground, one that rejects the perpetuation of many (although not all) of the characteristics of the current Israeli ethno-national regime<sup>39</sup> and also rejects the demand for the establishment of a bi-national state in its place. Our approach seeks to accommodate the desire of most Israeli citizens for Israel to remain a Jewish state, while also catering to the legitimate demands of those who do not share the ethnicity and religion of the majority in Israel, most notably the Palestinian Arab minority. In particular, we argue that certain collective rights could and should be granted to the Palestinian minority without endangering the fundamental character of the state.

The Vision Documents are fundamentally accurate in their depiction of present-day Israel—both of terms of the presence of two nations (Jewish and Palestinian) within the pre-1967 borders of Israel, and in terms of the absolute dominance of the Jewish majority over the Palestinian minority. After decades of denial, the bi-national reality within Israel should finally be accepted by Israel's Jewish majority and by the state itself. But while the Jewish majority and the State of Israel ought to recognize the bi-national character of Israeli society, this does not necessarily mean that Israel must become a bi-national state.<sup>40</sup>

Accepting the bi-national reality does, however, validate the demand of the Palestinian minority for a recognized political status, particularly as an indigenous national minority, and corresponding group rights within the State of Israel. On the other hand, even if the State acknowledges that it is a "homeland for both Palestinians and Jews" (as demanded by the Future Vision Document), it does not follow that it has to accept full national equality between its two national groups. Complete equality of all individuals and enhanced collective rights for the minority could go a long way toward meeting the justified demands of the minority, but without erasing the rights of the majority.

The Vision Documents' characterization of Palestinians in Israel as a disadvantaged, marginalized group that encounters persistent discrimination, suspicion, and hostility is incontrovertibly correct. What is much more contentious is the assertion of the documents that for this to change, Israel must cease to be a Jewish state. We do not accept the argument that the mere identity of Israel as a Jewish state leads, necessarily and inevitably, to systematic discrimination against its Palestinian citizens. The Vision Documents reflect an 'either/or' approach—either Israel ceases to be a Jewish state or it will forever be a non-democratic, discriminatory ethnocracy. In contrast, we contend that Israel can remain a Jewish state while at the same time abolishing the discriminatory policies and practices it has adopted. Indeed, many liberal democracies have particularistic characteristics (that reflect the culture and history of their majorities) while maintaining a democratic form of government and nondiscriminatory public policy toward minorities.<sup>41</sup>

The demand of the Vision Documents for equal treatment of Palestinians in Israel is entirely justified. Equality before the law of all citizens, as individuals, is one of the main cornerstones of a modern democracy. Israel's foundational document, the May 1948 Declaration of Independence, commits the state to the principle of full equality, and so have several laws and rulings by the High Court of Justice. Nevertheless, since 1948 this commitment has been violated with regard to many issues, something that has now been widely recognized even by official State organs (see, for instance, the report of the Or Commission dealing with the events of October 2000). The Vision Documents' demand for affirmative action is also justifiable on the grounds that Palestinian citizens have long been discriminated against and are disproportionately represented among the poorest Israelis. Affirmative action for Palestinians in Israel, therefore, is normatively desirable on the grounds of advancing both justice and equality.

What is not justifiable, however, is the explicit or implicit demand of the Vision Documents for the establishment of a bi-national state. First, today, there is an international consensus on the need for the establishment of a Palestinian state in the West Bank and Gaza Strip. Once a Palestinian state is established, a new political and historical reality would emerge in Israel/Palestine. If Israel were to be transformed into a bi-national state, the Palestinian people would end up with one and one-half states, while the Jews would have just half a state. Not only is the demand for establishing a bi-national state in Israel (alongside a Palestinian state in the West Bank and Gaza) unjust, but it is also politically counterproductive. Merely raising the idea of bi-nationalism is perceived by most Israeli Jews as very provocative, a position that could generate a political backlash that would prevent the adoption of more moderate and reasonable solutions to the issue. Hence, rather than advancing Jewish–Palestinian

cooperation and reconciliation, the demand for bi-nationalism in Israel today is a recipe for continuing and escalating inter-communal conflict. Finally, bi-national states have generally been unstable and prone to conflict and tension between their constituent national groups (as demonstrated, for example, by contemporary Belgium). Bi-nationalism is particularly unattractive when one of the groups is much larger than the other (as Jews are within Israel's pre-1967 borders).

Although the transformation of Israel into a bi-national state should be rejected, significant changes to the existing Israeli regime ought to be implemented. The Palestinian minority should certainly be represented in governmental decision-making bodies (including the government itself) on issues pertaining to its major concerns. For example, Palestinian Arabs should be involved in economic and demographic planning in regions predominantly inhabited by Palestinians. Yet, while formal representation and participation of Palestinians in all levels of government is justified and necessary, the demand for a veto power, which is made in several of the Vision Documents, is not. For one thing, Israel is officially a majoritarian democracy, hence granting a veto power to any group on any issue is incompatible with this type of governmental system. For another, the vast majority of Israeli Jews will not accept giving the Palestinian minority a veto power over their affairs. In the words of Sammy Smooha, "the veto right [for Palestinian Arabs] is entirely and completely unacceptable; its meaning is the end of the Jewish state."<sup>42</sup> Nevertheless, the proposal within the "Democratic Constitution" for the creation of a parliamentary committee to deal with all bilingual and multicultural issues in Israel is worth serious consideration as it could call more public attention to the need for recognizing the diverse nature of Israeli society. On the other hand, the demand for half the membership of such a committee to be drawn from Arab or Arab-Jewish parties will probably be unacceptable to the Jewish majority.

Perhaps the most far-reaching demand made in the Vision Documents is the demand for granting the Palestinian minority autonomy in the areas of education, culture, and religion. While the Vision Documents are not very specific, their demand seems to be for a non-territorial, functional autonomy. To some extent, Palestinian citizens already have a measure of autonomy. Personal status issues in Israel are handled by different religious courts. Therefore, Muslim courts and clerics deal with personal status issues for Muslim Palestinian citizens. Yet, the Vision Documents' proposal for autonomy is much broader than the existing arrangements, and it insists on equalizing the autonomy granted to Jews and to Arabs.

Expanding autonomy for Palestinians could potentially be an important step toward improving majority-minority relations. One of the most important areas

where this can take place is in the sphere of education. While Israel sponsors public education in Arabic, the entire educational system—both its Hebrew and Arabic sections—is in the hands of Jewish officials. Moreover, all measures indicate that the education given to Arab students is inferior to that given to Jews. If Palestinians had managerial control over their own educational system, and their educational system were sponsored equally, it could result in greater attention being paid to the specific issues and challenges that Palestinian students face and lead to the development of a curriculum that better caters to their culture, history, and interests.

Above and beyond the specific demands raised in the Vision Documents, the most significant challenge they present is to the definition of the State of Israel. This challenge is based on the long-term, significant gap that exists between Palestinians and Jews in Israel with regard to their desired definitions of the state and, in effect, its essence. While the vast majority of Jews in Israel prefer to maintain the definition of the state as Jewish, many Palestinians prefer a definition of the state as “a state for all its citizens,” a civic definition characteristic of Western liberal democracies, whereas other Palestinians prefer a bi-national definition of the state.

We believe that the gap between the Jewish majority and the Palestinian minority in terms of their desired definitions of the state can be bridged by adopting a new definition of Israel as “a Jewish state and a state for all its citizens.” Such a definition of Israel will include the Jewish component, thus reflecting the overwhelming wishes of the Jewish majority. At the same time, it will declare the country to be “a state for all its citizens,” thus responding to the demand for formal inclusion by members of the Palestinian minority. Although modern states are ordinarily assumed to belong to all their citizens and to their citizens alone, since most Israeli Jews insist on defining the state as “Jewish” (despite the presence of many non-Jews as citizens) and since the state views itself as representing all Jews (including those who are not its citizens), it becomes important to explicitly note that the state also belongs to its non-Jewish citizens.

While the proposed definition is new, and might therefore be viewed by members of the Jewish majority as threatening the *status quo*, it does not really endanger the preservation of the Jewish character of the state in any meaningful way. In fact, the definition reaffirms the state’s Jewish character, and it will enhance the stability of the state if the definition were to be accepted by both Jews and Palestinians. While this compromise formula may not completely satisfy those Palestinians in Israel (and others) who want Israel to simply be “a state for all its citizens,” the proposed definition can encourage members of the Palestinian minority (as well as other non-Jewish citizens of Israel) to feel less excluded than at present.

## Conclusion

This article has analyzed the Vision Documents published in 2006–2007 by political and intellectual leaders of the Palestinian community in Israel. These documents present a serious challenge to the *status quo* in Israel, a challenge that we believe must be seriously addressed. Rather than advocating the maintenance of the current ethno-national regime in Israel or its complete abolition, in this article we have tried to find a middle ground between the demands of the Jewish majority and those of the Palestinian minority. Our approach seeks to sustain the Jewish character of the state, thus meeting the overwhelming preference of the majority, while insisting on complete equality for all individual citizens of Israel and the significant enhancement of collective rights for the Palestinian minority, including the granting of limited autonomy in the areas of education, religion, and culture.

At present, the prospects of significant improvement in Jewish–Palestinian relations within Israel appear slim. Thus far, the leaderships of both national communities have made little attempt to alleviate each other’s concerns and fears. On the contrary, some prominent individuals on both sides have made provocative statements that only serve to escalate and inflame mutual tensions. After sixty years of uneasy coexistence, it is incumbent upon the political leadership of both the Jewish majority and the Palestinian minority to try to improve the tense relationship between Jews and Palestinians in Israel. Above all, leaders of the majority must do a lot more to ensure the full equality of all Israeli citizens. They must also find ways of acknowledging the Palestinian national minority in Israel and providing it with some collective rights. Leaders of the Palestinian minority, on the other hand, need to offer some kind of reassurance to members of the Jewish majority about their genuine acceptance of the state. The Vision Documents’ use of terms such as “colonial” and “imperialist” in describing the Zionist project is not at all helpful in this respect.

The recent vociferous rejection by the Palestinian leadership of some kind of national service for Palestinian citizens (which does not involve serving in the Israeli army) is also not conducive to improving relations with the Jewish majority. Convincing the Jewish majority to end all forms of discrimination against Palestinians as individuals and to grant the Palestinian community substantial collective rights—possibly amounting to autonomy in certain areas—will not be an easy task given the prevailing mutual hostility and suspicion. But we believe that this task could be greatly facilitated if members of the Palestinian minority were to render national service to the state. National service on the part of the Palestinian minority could help to ease the widespread Jewish concerns about their loyalty to the state. At the same time, this loyalty

could be significantly strengthened if Palestinian demands for equal treatment as individuals and recognition as a group are granted.

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### **Notes**


1. The National Committee for the Heads of Arab Local Authorities in Israel, 2006.
2. Jabareen, 2007.
3. Adalah, 2007.
4. Mada al-Carmel, 2007.
5. In fact, some of the same individuals were involved in writing the different documents.
6. Although the Supreme Follow-up Committee of the Arabs in Israel is not an elected body and is not recognized by the state as an official or representative organization of the Palestinian community, it is still the most authoritative representative body for Palestinians in Israel.
7. Jabbarin, 2006.



8. The National Committee for the Heads of Arab Local Authorities in Israel, 5.
9. Mada al-Carmel, 2007.
10. According to one scholar, this began after 1967 when Israel's occupation of the West Bank and Gaza allowed Arabs in Israel to renew contact with their kin in those territories, and accelerated as a result of the Intifada in the territories beginning in 1987 (Landau, 167–170).
11. Ghanem, 9.
12. Mada al-Carmel, 11–12.
13. The “Democratic Constitution” refers to the “injustice” of the *Nakba* perpetrated by Israel. Adalah, 4.
14. Mada al-Carmel, 12.
15. “View,” in *The Future Vision of the Palestinian Arabs in Israel*, 5; Mada al-Carmel, 12; Adalah, 5.
16. “View,” in *The Future Vision of the Palestinian Arabs in Israel*, 5.
17. Mada al-Carmel, 13.
18. See, for instance, Asher Susser's comments in his exchange with Asaad Ghanem, one of the authors of the Future Vision Document. (Dialogue no. 6, March 2007, between As'ad Ghanem and Asher Susser,” <http://www.bitterlemons-dialogue.org/dialogue6.html>).
19. Jabbarin, 12.
20. Jabbarin, 13.
21. See for instance, Kretzmer, *The Legal Status of Arabs in Israel*; Peled, 1992; Peleg, 2004; Peled, 2007.
22. Jabbarin, 13.
23. Ghanem, 9. An “ethnocratic state,” according to Ghanem is one that is controlled by one ethnic group and that operates in the interests of that dominant ethnic group. Other states that Ghanem labels ethnocratic states are Turkey, Sri Lanka, Latvia, Lithuania, and Estonia.
24. Smooha, 1997.
25. Yiftachel, 2006.
26. See in particular, Haider, 22–26.
27. Ghanem, 10.
28. Mada al-Carmel, 16.
29. Adalah, 3.
30. Adalah, 4.
31. Mada al-Carmel, 14.
32. “The Democratic Constitution” also calls for allowing the return of the ‘present absentees’ to their villages and for them to receive compensation from the state. Adalah, 14.
33. See, for instance, Adalah: 5, 14.
34. Ghanem, 11.
35. Adalah, 14.

36. Ghanem, 11.
37. Mada al-Carmel, 16.
38. Adalah, 9–10.
39. While Sammy Smooha (ibid.) calls Israel an “ethnic democracy,” Oren Yiftachel calls it (ibid.) an “ethnocracy.” Without passing judgment on this terminological debate, we see Israel as an ethno-national polity.
40. Thus, depending on the definitions of ethnicity and nationhood, there are by some counts several thousands “nations” in the world, while only about two hundred states. Very few of these are truly bi-national in their constitutional framework, although many have several nations residing within them. The State of Israel has been very reluctant to recognize the Palestinians within it as a “nation,” as reflected in the silence about it in Israel’s Declaration of Independence of 14 May 1948.
41. For the development of this idea, see Peleg, 2007.
42. Interview with Uriel Abulof, *Eretz Acheret* 39 (April–May 2007): 34 [Hebrew].

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