

# Israel's House Divided

PETER BERKOWITZ

*April 12, 2004 at 12:00 AM*

## *Jerusalem*

**F**ENCES LOCK OUT. In the process, they lock in. So it is perfectly foreseeable that Israel's decision to keep out terrorists by constructing a security fence separating itself from 3 million West Bank Palestinian Arabs will also work to keep in 1.2 million Arab citizens of Israel and tie their fate more closely to that of the Jewish state. Less foreseeable are the precise consequences for the Arab minority, now almost 20 percent of the population and growing, and for Israel's character as a state that is both Jewish and democratic.

A new report of the International Crisis Group--an influential NGO with headquarters in Brussels that conducts "field-based analysis and high-level advocacy to prevent

AD

and resolve deadly conflict"--argues that the real issue is Israel's lamentable history of discrimination against its Arab minority. Entitled "Identity Crisis: Israel and its Arab Citizens," the report calls for massive investment by the government in Arab communities. And it recommends an extensive array of programs to promote mutual understanding between Israeli Jews and Arabs, because "mutual perceptions typically have been characterized at best by indifference, at worst by total misunderstanding and mistrust."

On a mid-March trip to Israel, I had an opportunity to discuss the condition of Israel's Arab minority with Israeli Jews and Arabs. Contrary to the International Crisis Group report, the deeper problem seems to lie in the conflicting opinions Israeli Jews and Israeli Arabs have about Israel's guiding principles and core promise.

AD

The collapse of Oslo at Camp David in the summer of 2000 and the violent demonstrations by Israeli Arabs in October 2000 in which Israeli police killed 13 marked a watershed in the two communities' relationship. Long pent-up grievances

among Israeli Arabs were brought out into the open, and doubts among Israeli Jews about the loyalty to the state of their fellow citizens were crystallized. But if there was a single turning point in Jewish perceptions, it came long before--in 1947, when the Arabs in Palestine emphatically rejected the option of a Jewish state and indeed any option other than an Arab state in all of Mandatory Palestine. Israelis were compelled to conclude that the Arabs were not interested in coexistence. The conclusion was fortified by the war launched by five Arab states on the fledgling Jewish state--which spurred the exodus of hundred of thousands of Palestinian Arabs from their homes and resulted in an Israel more than 50 percent larger than contemplated by the U.N. partition plan.

Even after 1966, when Israel lifted the martial law it had imposed on Arab communities after the 1949 Armistice agreement, Israeli Jews and Israeli Arabs continued to live separate lives. While one could and still can find small towns where Israeli Jews and Israeli Arabs mingle in markets and cafés, the two peoples have mainly coexisted by attending different schools, shopping at different stores, and socializing in different circles. Most Israeli Jews have never really ceased to regard Israeli Arabs as a potential fifth column. And most Israeli Arabs are at best unmoved by and generally estranged from Israel's Jewish symbols and public culture.

It can't be emphasized  
enough that Israeli law  
promises all citizens  
full civil and political

rights--and because of  
Israel's commitment to  
this promise its Arab  
citizens remain far and

Your video will start shortly

away the freest Arabs in the Middle East. It should also be stressed, as Knesset member Amnon Rubenstein pointed out in a recent article, that the Israeli welfare state has significantly reduced the tremendous gaps between Jews and Arabs--in education, health, and social and economic well-being--that Israel inherited from British Mandatory Palestine. Yet it must also be said, as a substantial majority of Israelis now recognize, that Israel failed--out of fear, out of indifference, out of bigotry--to allocate to Arab communities a fair share of state resources for roads, hospitals, and schools, and to fully integrate their fellow citizens into the nation's social and political life.

The 1993 Oslo accords seemed to many to herald a new era, starting with mutual recognition between Israel and the Palestinians of Gaza and the West Bank and promising something approaching social and economic integration. Oslo was both welcomed and feared by Israeli Arabs. While feeling a sense of liberation from the dilemma of having to choose between Israel and the Palestinian cause, they were also apprehensive that once a final agreement was reached, they would find themselves marginalized in both states. The collapse of Oslo and Arafat's launching of the second Intifada reinstated, and intensified, the old dilemma.

What do Arab citizens of Israel ask from the state today? One demand, espoused by an increasing number of relatively moderate Arabs, is to turn Israel into what Knesset member Azmi Bishara calls "a state of all its citizens." Head of the National Democratic Assembly party (Balad), which holds 3 of the 120 seats in the Knesset and has a growing Arab following, Bishara has outraged Israeli Jews by his friendly visit with Syrian dictator Bashar Assad and by his warm words for the Palestinians' "national liberation struggle." But it is his party's political program that is genuinely radical. For by the anodyne slogan "a state of all its citizens," Bishara, former head of the philosophy department at Bir Zeit University, means a secular, democratic, and most emphatically non-Jewish state. In contrast to American minorities, which have traditionally demanded to fully share in the state's founding principles, Israel's Arab minority increasingly demands that Israel revise its founding principles by ceasing to be a Jewish state.

For their part, Israeli Jews today are more likely than not to forthrightly acknowledge Israel's history of discrimination against its Arab minority. They are quick to add that making good on the promise of civic equality, written into Israel's Declaration of Independence and Basic Laws, is indispensable, both as a moral imperative and as a strategic necessity. But for an overwhelming majority, the "red-line," the point beyond which they will not go in accommodating Arab demands, is abandoning the idea that Israel is by right and must remain a state that is both Jewish and democratic.

Sitting in the Tel Aviv University faculty club, Likudnik and three-time former defense minister Moshe Arens gets right to the point. "For 55 years, Israeli Arabs have suffered from total neglect." The only solution, says Arens, who regards himself as an old-fashioned liberal, is to integrate the Arab population fully into Israeli society. Reform, for him, involves two essentials. Beyond providing equal resources to Arab communities, Israel also must, Arens believes, insist that Arabs--who at present are exempted--serve in the army. Arens takes obvious pride in his role in forming the army's first Bedouin brigade, which, he notes beaming like a father, serves today with distinction in the Gaza Strip. And he adds that the small community of non-Jewish and also non-Arab Druze in Israel have demonstrated valor as soldiers and officers. In his view, no proposals for alternative forms of national service will do. "If you create the impression that an Arab young man who does national service as a laboratory assistant in Umm Al-Fahm [an Arab village] is doing the same thing for Israel as a young man who goes into the infantry, that is not the case. It is not true. You are only going to push the two communities farther apart."

I ask Arens about what is controversially referred to as the "demographic threat," the fear that high birth rates will someday produce an Arab majority in Israel. He scowls. The old-fashioned liberal in him is offended. "I don't talk about the demographic threat. I don't like that phrase. I don't even like to allow it to pass my lips. I can easily see where the Arab population feels insulted." Arens does think that Israel should work to reduce the birth rate of Israeli Arabs, which, among the 90 percent who are

Muslim, is among the highest in the world. Not, he explains, because of demographic considerations, but because lowering the birth rate and increasing literacy will improve the quality of their lives.

In Jerusalem, over breakfast at the guest house at Mishkenot Sha'ananim, just a few hundred yards from the great stone walls of the Old City, I discuss this delicate subject with Ruth Gavison. Slight in build and fearsome in intellect, Gavison is a widely respected professor of constitutional law whose natural political home is on the left, but who increasingly finds herself at odds with her longtime political allies for her willingness to find the fault on both sides, not just the Israeli.

While she is adamant about protecting the civil and political rights of Arab citizens of Israel, and stresses that Israel must immediately invest in infrastructure in Arab communities, Gavison believes that solving the conflict with the Palestinians beyond the Green Line is the indispensable precondition to tempering tensions with Arab citizens in Israel: "It is very hard to separate the question of the Israeli Arabs from the question of the political situation of the Palestinians in the West Bank and Gaza. The two issues are totally intertwined. Because, without a two-state solution, it is very difficult for Israel to say credibly to the Arabs in Israel, you have to choose between being proud citizens of a Palestinian nation-state or loyal citizens of the Jewish state. If there is no two-state solution, you really don't give Arab citizens of Israel an adequate response to their claim that they too want to have a place where their

culture and where their language are dominant. However, if you give them their own nation-state, it is possible to ask them to remain a minority in the Jewish nation-state."

Nevertheless, Gavison is worried about the readiness of Israel's Arab citizens to live with a state whose symbols and public culture reflect the national aspirations of the Jewish people. She tells me that the younger generation is more radical, that its sense of Palestinian identity is much stronger, as is its determination to have that identity affirmed by the state. "You see it in their writings," she said. "I do quite a lot of reading in their texts. They talk a lot about human rights and they talk about cultural and national identity, but they don't give much weight to duties of citizenship. On the one hand, they enjoy, and they invoke, and they use the rights of citizenship very effectively. On the other hand, they don't give the responsibilities of citizenship any moral weight whatsoever."

I ask her about Azmi Bishara's party. She is skeptical. "They invoke the ideal of a secular democratic state. But they don't really want a neutral state. They don't want to assimilate. They don't want to integrate. They want their autonomy, they want equal status for their language. They want a national existence. They want recognition as a national minority. They want institutions. They say it is a provisional condition that they are a minority here. They want Israel to stop being Jewish but they insist that there will be an Arab Palestinian state in the West Bank and Gaza. They want Palestinian self-determination without conceding that Jews too are entitled to it."



Indeed, if there was a common thread running through the conversations I had with a variety of Arab citizens--including a star student at the Tel Aviv University Law School, a bureaucrat in the ministry of higher education, a high school teacher from the Galilee, and an editor for Israel's Arabic language broadcasts--it was the necessity of Israel's abandoning the Jewish character of the state in the name of its democratic character. Nobody put it more pointedly than Awatef Shiekh and Rim Alhatib, staff assistants respectively to Jamal Zahalka and Wasil Taha, the other two Knesset members of Bishara's National Democratic Assembly.

I interview them, in English with a smattering of Hebrew, in Shiekh's Knesset office. In dress, in demeanor, in facility at multitasking, in confident command of the issues, and in political passion, these twentysomething women could pass for Capitol Hill staffers. I told them it appeared that the heart of the matter was whether Israel, as a Jewish and democratic state, can respect the rights of its Arab minority. Her voice rising with indignation, Alhatib responded, "If Israel is both Jewish and democratic, it does not separate between religion and state. So therefore it can't be a democracy. A liberal democracy. Because one of the defining features of a democracy is to separate these things." Moreover, according to Alhatib, a state that is both Jewish and democratic imposes a cruel requirement on its non-Jewish minority: "If you want me to act like a Jewish citizen, it's like asking me to act against myself. Because if I want to stay Arab or Palestinian, I erase myself." She goes on to explain her party's mission in the Knesset: "What is very, very important for us, the most important thing that we do here, is to ask for equality in the civic area. But also to try to conserve our culture

and our Palestinian identity." I follow up: In the end, though, are you saying that Israel cannot be "a state of all its citizens" so long as it remains both Jewish and democratic? "For sure," replies Awatef Shiekh.

Their sense of grievance is intense. I tell them that Israeli Jews to whom I have spoken insist on the urgent need to invest in their communities and to achieve civic equality. They scoff that talk is cheap. I ask them about alternative forms of national service. They distrust the idea of any form of national service because they think it will be used by the government as propaganda to distract from the question of their rights. They think that any appeal to Israel's security predicament in the effort to understand Israel's mistakes in the treatment of its Arab citizens is "just an excuse." Their presence at the Knesset, their freedom to make harsh criticism of the government, indeed the ability of their representatives to demand publicly that Israel renounce its Jewish character, is in their judgment not a credit to democracy in Israel but the least that the state owes them. Awatef Shiekh sums up the work of her party: "Balad is putting the government in front of a mirror and saying you are a cripple. You are not a democracy."

Later that day, I sit in the lobby of the American Colony Hotel in East Jerusalem with Sheerin Alaraj. She is a Palestinian woman in her early thirties who wears a head scarf and is a member of Fatah. She holds an Israeli identity card, but lives in a village near Jerusalem on the Palestinian side of the Green Line and cannot vote in national elections. I ask her to what extent Arab citizens of Israel are caught between two worlds. First she lets me know, in excellent English, that she prefers to speak of

Palestinian citizens of Israel. Then she proceeds: "I'll tell you my problem with them. I think they are actually loyal to two conflicting sides. This creates serious problems. At the same time, it has lots of advantages. They are sort of standing in a liminal position. It is very convenient for them living in the state of Israel. At the same time, they are seen by Israeli Jews as joining the other side, joining the enemies of the state."

Are the perceptions of Israeli Jews accurate? "I do ask [Palestinian citizens of Israel] to be loyal to the Palestinian goals," Sheerin declares. You do? "Yes. And I have a problem with those who identify themselves as Israelis." Really? "Oh, I have a serious problem with them. It happened with me once in my life. Only once. We were in a group of Jews and Arabs, Palestinians from Israel, Jordanians, Egyptians, Lebanese, and Syrians. It was an international gathering and we decided to deal with the Palestinian-Israeli conflict. And they asked us to go into groups. Arabic-speaking and Hebrew-speaking. And one of the Palestinians from Israel decided that he is an Israeli and that he would join the Israeli side. That was it. I never spoke to him again."

The crux of the problem for Alaraj is Israel's determination to be both Jewish and democratic. "That contradicts itself," she says as if it were self-evident. "It can't be democratic and Jewish at the same time. It is either democratic or it is Jewish." How should Arab citizens of Israel live in the face of this contradiction? "The first thing," explains Sheerin, "is not to serve in the army. This is the minimum I expect from them." But she wants more, including protest and demonstration. And she maintains hope: "By the time the Israelis give up this Jewish state thing, peace will emerge."

IS THERE IN THE END a fatal contradiction between Israel's Jewish character and its democratic form of government? Only if you accept the idea--rooted in Rousseau, promulgated for more than a century by Marxists, and embraced by left-leaning intellectuals throughout the Western world--that the aim of democracy is to reflect in its institutional forms peoples' highest hopes, overcome individual alienation, and make all its citizens whole in heart and soul. But there is a more reasonable understanding of liberal democracy, one more in keeping with its first principles and classical formulations and less bound up with utopian hopes and Communist nightmares.

In this understanding, majorities are given wide latitude to legislate, circumscribed principally by energetic protection of the individual rights that belong to all citizens. In this understanding, states do not have an obligation to affirm equally the grandest aspirations of all citizens, but they do have an obligation to ensure that all are equal before the law and that none falls below minimum or basic requirements for education, health, and material well-being. And in this understanding, there is no reason in principle why a Jewish state--one which is open to Jews throughout the world, and gives expression in its public culture to Jewish history, Jewish hopes, and Jewish ideals--cannot protect the political rights and civil liberties, including religious freedom, of all its citizens, provide them with equal opportunities, and require that they take their fair share of responsibility for maintaining the state. And there is every reason, grounded in both democratic and Jewish imperatives, why Israel ought to do precisely that.

*Peter Berkowitz teaches at George Mason University School of Law and is a fellow at Stanford's Hoover Institution.*

---

**PETER BERKOWITZ**

Peter Berkowitz is the Tad and Dianne Taube senior fellow at the Hoover Institution, Stanford University.