Reconciling Liberalism and Judaism? Human Rights in Israel

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Introduction

Israel was established three years after the end of World War II. Immediately following the departure of the British High Commissioner, Sir Alan Cunningham, on 14 May 1948, David Ben-Gurion declared the State of Israel. The next day five Arab armies invaded Israel, aiming to destroy the newly established state and put an end to the Zionist dream in its early inception. Given the Holocaust, this war brought about the full realisation that Israel should develop the necessary mechanisms to defend itself. It also set the priorities: security is first on the agenda.

Israel is a small country. Its size is roughly 21,200 square kilometers, more or less the size of the State of Massachusetts (21,456 sq km) which is ranked 45th among the 50 states of the United States. The above-mentioned size does not include the West Bank (5,607 sq km), which is not officially part of Israel. Israeli law does not apply in the West Bank, where the majority of the population consists of Palestinians, about 2.5 million, and 500,000 Jewish settlers.

Israel is a young democracy under constant stress. It is situated within a hostile environment. Israel has four Arab neighbour states: Egypt, Syria, Lebanon and Jordan. With two of them, Egypt and Jordan, Israel has signed peace treaties. A state of war has existed between Israel, on the one side, and Syria and Lebanon, on the other. Israel is different from its neighbours in many crucial respects: religion, culture, language, and regime. For many years, its neighbours refused to accept it, perceiving Israel as a bone in their throats. As the Arab states are collectively many times stronger and larger than Israel in means, size and in population, every threat is taken most seriously. Israel’s history is thus the history of survival.

Since its establishment Israel has experienced seven wars (the 1948 Independence War; the 1956 Suez War; the 1967 Six Day War; the 1969-1970 War of Attrition; the 1973 Yom Kippur War; the 1982 Lebanon War, and the 2006 Israel-Hezbollah War, known also as The Second Lebanon War), a Palestinian uprising (Intifada) that lasted six years (1987-1993), and constant terror attacks launched by various Palestinian factions.

1 I thank Dalia Dorner, Naomi Chazan, Richard Collin, Barak Medina, Menachem Kellner, Bhikhu Parekh and Dan Yakir for their constructive comments. This chapter is subject to Ius et Lex Copyright ownership.
2 Declaration of Independence of the State of Israel, http://www.youtube.com/watch?v=6ZDSBF5xt0o
Terrorism is not a new phenomenon. Israel has been facing terrorism since its inception. In such a strenuous and abnormal reality, respect for human and civic rights is held secondary to security considerations.

Israel is a country of immigrants. It was built as a refuge country for all Jews who wish to connect their fate and future with Zion. Jews came from all corners of the world to build their home in Israel. Like other countries of immigration, Israel is striving to achieve a shared raison d’être acceptable to people who have different languages, different cultures, different norms. This is not an easy task.

The Law of Return, passed on 5 July 1950, gives the Zionist doctrine its most forceful legal expression. It gives automatic citizenship to all Jews who leave their previous homes and make aliyah (immigrate) to Israel. Effectively, the Law of Return is a nationality law, granting only Jewish immigrants automatic nationality status in the state of Israel.6 There are still schisms between different immigrant groups as well as between these groups and people who were born in Israel (Sabra). Generally speaking, three ethnic groups of people are identified in the Jewish population in Israel: Sephardim whose origins lie in Asia and Africa; Ashkenazim whose origins lie in Europe and America; and Sabras, native born Israelis. The large Sephardi sector holds justified grievances against the Ashkenazi elite, speaking of systematic discrimination and violation of basic civic rights during the formative years of the state, and arguing that some residuals of this discriminatory attitude continued to linger for decades, some say until nowadays.7 While, generally speaking, the integration of some 900,000 immigrants who arrived since the 1980s from the Soviet Union following the collapse of Communism under Mikhail Gorbachev has been a success story,8 the integration of the 120,000 Ethiopian Jews has proven more difficult.9

Israel was built as a Jewish democracy. The State’s Founding Fathers wanted Israel to be first and foremost a democracy. The Jewish population in Israel ascribes almost similar importance to the Jewish character of the State and to its democratic foundations. In the 2013 Israel Democracy Index, 28.2 percent of respondants said it is preferable in all cases to adhere to the percepts of Jewish religious law, Halacha, in the event of conflict between democracy and halacha.10 People were further asked which part of Israel’s definition as a Jewish democratic state is “more important to you personally?” 32.3 percent answered that the Jewish part is more important; 29.2 percent said that the democratic character is more important, while 37 percent thought that both are equally important.11 However, to reconcile liberal-democratic values with Jewish values is hard, if not impossible, to achieve. While liberalism is built on the motto of Live and Let Live, Judaism is built on belief in God whose dictates administer how we all should live. All Jews are in the same boat, and therefore the maxim of Live and Let Live is unattainable:

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10 Tamar Hermann et al., The Israeli Democracy Index 2013 (Jerusalem: Israel Democracy Institute, 2013): 150.
11 Tamar Hermann et al., The Israeli Democracy Index 2013, p. 139.
The non-believer might rock the boat, capsising us into the deep and and turbulent water. Against the liberal values of autonomy, personal development, individualism and self-government there is the deep Jewish belief in shared communality, in shared destiny.

In September 2013, the Israeli population was 8,081,000. Some twenty per cent of the Jewish people in Israel are religious people, many of whom may prefer theocracy over democracy; some twenty per cent of the Israeli people are Palestinian-Arabs, who do not endorse the Zionist ethos of the State; and further twenty per cent of Israelis had arrived from the Soviet Union, a country whose democratic underpinnings are questionable and contested by deep-seated autocratic regulations and procedures. Most of the Russian immigrants are secular, if not agnostic. A third of them are not Jewish. This mixture sets the scene for the understanding of Israel and its complex state of human rights. The schisms between religious and secular, between Palestinians and Jews, and between Israel and its neighbours (including occupied Palestine) shape, to a large extent, the Israeli identity and the preservation of human rights.

This essay argues that mixing religion in politics is problematic. It becomes destructive when the religion is unyielding and coercive. Whenever religious powers are on the rise, the foundations of liberal democracy are shaken and its protective mechanisms are regressing. Indeed, in Israel egalitarianism is still in the making. Orthodox Judaism and liberal democracy are in conflict. The rise of one comes at the expense of the other in a situation where religion does not encompass the concept of freedom from religion.

This essay further argues that Palestinians and Israelis are entitled to the same rights and liberties. Accommodations and corrective mechanisms should be devised and implemented in every sphere where Palestinians are not accorded equal status. Israel should strive to safeguard equal rights and liberties for all citizens notwithstanding nationality, religion, race or colour.

Finally, this essay views the occupation with great concern. The occupation with its elaborate coercive mechanisms denies basic human rights from the Palestinians who reside in the West Bank. Israel should aspire to end the occupation, the sooner the better. It should strive to sign a peace treaty with the Palestinians on the basis of a two state solution, Israel and Palestine, living in tranquility and peace one alongside the other.

**Human Rights Legislation**

Human rights are broadly classified as either civil rights or social rights. Civil rights are essentially “negative” rights, in the sense that they impose upon the state a duty to refrain from interference, and they derive from the principle of individual liberty. Social rights are “positive” rights, in that they impose a duty of action upon the state and its agents, to advance the substantive equality of vulnerable groups in relation to basic conditions of existence (e.g., housing, food, work, education, social security and health), and they derive from the principle of justice. Both these principles can be seen to derive from the fundamental concept of human dignity. Both “liberty rights” and “justice rights” enjoin the state to correct discrimination, whether individual or collective.

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Israel has a strong constitutional tradition of civil and political human rights as constraints on the government's executive powers. The 1948 Declaration of Independence affirms that Israel will foster the development of the country for the benefit of all its inhabitants; that it will be based on the foundations of liberty, justice and peace; that it will ensure complete equality of social and political rights to all of its citizens irrespective of religion, race or sex, and that it will guarantee freedom of religion, conscience, language, education and culture. The Declaration was invoked by the courts to protect basic human rights in the absence of law. The Declaration has become the basic norm in Israeli law as it has established a symbiosis between the Jewish values of liberty, justice and peace and democratic values which are similarly these same values.

In 1992, the Knesset legislated two Basic Laws to guarantee the basic rights and liberties of all citizens. *Basic Law: Human Dignity and Liberty* (1992) attempts to protect human dignity and freedom in order to establish the values of the State of Israel as a Jewish and democratic state. It maintains that a human being’s property must not be harmed; that every person is entitled to the protection of his/her life, body and dignity, and that no person’s freedom may be taken or restricted by unlawful arrest, imprisonment, or extradition, or in any other manner. In turn, *Basic Law: Freedom of Occupation* (1992) holds that every citizen or resident of the State is entitled to engage in any occupation, profession or line of work, and that every governmental agency must respect the freedom of occupation of every citizen or resident. The “constitutional revolution” of the enactment of these Basic Laws extended existing substantive principles in respect of the power of the Supreme Court to exercise judicial review. However, principles of equality and, social justice, freedom of speech and religious freedom were omitted from the Basic Laws, and attempts to propose legislation that would guarantee full economic, social and cultural rights constitutionally to all Israeli citizens have not materialised until now.

In her comments on a draft of this essay, former Justice of the Supreme Court Dalia Dorner wrote that the Knesset refusal to bolster and secure the Basic Laws by demanding a special majority for changing them makes the constitutional revolution meaningless.

The Knesset has furthered protection of human rights in some fields by specific legislation, including the *Protection of Privacy Law – 5741-1981*, the *Prevention of Family Violence Law, 5751-1991*, a law tightening the restrictions on pre-trial arrest

15 http://www.science.co.il/Israel-Declaration-of-independence.asp
18 Barak Medina and Dan Yakir noted in their comments that the High Court of Justice gave wide interpretation to human dignity. It has read into the basic laws all human rights, including social rights, equality, etc.
19 http://www.nevo.co.il/law_html/law01/087_001.htm
20 http://www.jewishvirtuallibrary.org/jsource/Politics/PreventionofFamilyViolenceLaw.pdf
and detention. Laws extending the prohibited grounds of discrimination in employment, and prohibiting discrimination in provision of goods and services; an amendment strengthening the provisions of the Equality of Women’s Rights Law, a law on sexual harassment to defend human dignity, freedom and privacy and to promote equality between men and women, a law on single-parent families that grants certain benefits to such parents, who are usually women, and laws mandating affirmative action to promote fairer representation of women and Palestinian-Arabs in the civil service and government corporations. A law of special importance is the Equal Rights for People with Disabilities, 5758-1998. This law establishes the universalist principle that a person with disabilities will be able to exercise his/her rights within the existing institutions of society, and not in segregated frameworks. It prohibits discrimination against people with disabilities in the workplace, and establishes the right of people with disabilities to accessible transportation services, modified to address their needs. These include intra-city buses, trains, planes, and ships. On 27 August 2013, Minister of Justice Zipi Livni signed and confirmed an extensive set of regulations relating to equal rights for people with disabilities.

The Universal Declaration of Human Rights, 1948 [UDHR] is the normative foundation of human rights discourse. The historic context of the UDHR is similar to that of the establishment of the state of Israel. The preamble to the Declaration explains the need to protect human rights, in reference to the historic fact that “disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind”. The two major international human rights legal instruments that derived from the UDHR are the International Covenant of Civil and Political Rights, 1966 [ICCPR] and the International Covenant of Economic, Social and Cultural Rights, 1966 [ICESCR], both were ratified by Israel in 1991. The government has also ratified the

22 E.g., Equal Opportunities in Employment Law (Amendment no. 3), 5755-1995. According to the amended law the prohibited grounds of discrimination are sex, sexual orientation, personal status, parental status, age, race, religion, national group, country of origin, outlook, political party or service in the reserves.
24 According to an amendment introduced into this law in 2000, the law’s aim is defined as “laying down principles for ensuring full equality between men and woman, in the spirit of the principles in the Declaration of the Establishment of the State of Israel” (which promises total equality in political and social rights, irrespective of religion, race or sex); every woman is entitled to protection against violence, sexual harassment, sexual exploitation and trafficking in her body. The law also states that provisions or actions to amend past discrimination against women and to promote equality shall not be regarded as discriminatory and mandates appropriate representation of women in public bodies. For general discussion on women rights in Israel, see Daphna Barak-Erez, “Social Feminism and Social Rights of Women”, in Yoram Rabin and Yuval Shany (eds.), Economic, Social and Cultural Rights in Israel (Tel Aviv: Ramot, 2004): 855-892 (Hebrew).
30 Regulations on Equal Rights for People with Disabilities (improving access to public places that are not buildings), 7304 (11 November 2013).
International Convention on Elimination of All Forms of Racial Discrimination; the International Convention for the Prevention of Torture and Cruel, Inhuman and Degrading Treatment and Punishment; the International Convention for Elimination of All Forms of Discrimination against Women, and the Convention on the Rights of the Child. These conventions have not been incorporated into domestic law, and are not directly enforceable by the courts. However, all authorities are required, as far as possible, to interpret legislation so as to avoid breach of Israel’s international obligations. The authorities are also required to report to the treaty bodies regarding compliance with the State’s human rights obligations.

State and Religion

The main concern in this sphere is not freedom of religion but freedom from religion. As no separation between state and religion exists, people are obliged to assume customs that not necessarily coincide with their conceptions of the good.

There are four officially recognized religions in Israel: Judaism, Islam, Christianity, and Druze. Citizens may follow the religion into which they were born. This arrangement is the heritage of the Millet system, introduced under the Ottoman rule and maintained under the British mandate and by Israel after 1948. Matters of personal status are determined in accordance with religious laws by the religious courts of different communities. In Israeli Judaism, the orthodoxy rules supreme and dictates the norms and customs of the state although a minority of the Jewish population is orthodox and ultra-orthodox. Most of the Jewish people in Israel define themselves as secular or as Massortim, that is, as people who observe some religious norms and Halachic (Jewish Law) dictums. The Reform and Conservative Movements that are very strong and prevalent outside Israel suffer discrimination in Israel. The Jewish religious establishment, the Chief Rabbinate, is orthodox. Most of the rabbis who are sponsored by the state are orthodox. The orthodox synagogues and communities receive precedence in budget allocation, in jobs, in sponsoring their education programs. All the rabbis serving in the Israel Defence Force (IDF) are orthodox. The state does not sponsor Jewish religious research institutes and publication of religious books that do not belong to the orthodoxy. Reform rabbis are unable to marry and bury members of their own communities.

Sabbath observance laws, which may potentially impose unacceptable limitations on such rights, have in practice been relaxed in recent years. Their existence and level of enforcement now vary from town to town. Thus, in many towns cinemas and other places of entertainment are open on the Sabbath and some shopping centers operate too. However, in most towns, and in interurban routes, public transport does not operate on the Sabbath, a restriction that obviously has an inordinate impact on the poorer sections


33 I thank Rabbi Meir Azari for this information (communication on 2 April 2013).
of the population who do not have their own cars, and curtails exercise of their right to freedom of movement.\textsuperscript{34}

Democracy is supposed to allow each and every individual the opportunity to follow her conception of the good without coercion. Israel today gives precedence to Judaism over liberalism. I submit that on issues such as this one, the reverse should be the case.\textsuperscript{35}

**Discrimination against Women**

In Israel, the concept of a Jewish state has been imbued with religious values, and gender equality rights clash with religious norms. Women in Jewish (and also Muslim and some Christian denominations) are subject to discrimination in property and inheritance laws. Furthermore, some religious practices are offensive to the sensibilities of women, and involve coercion, which conflicts with the liberal elements of democracy which vouchsafes the rights of individuals.

The status of women in personal matters is especially problematic and calls for drastic reform. In Jewish law, the establishment of patriarchy negates the premises of gender equality, of respect for others, not harming others, anti-coercion and the preservation of the dignity of the person. The man enjoys clear power over the woman. The Chief Rabbinate that enjoys a monopoly on all matters relating to personal status has a clear bias against women. While not all Israelis necessarily object to wed in a religious ceremony, many Israelis believe that the right to wed in any kind of ceremony – religious and secular – should be granted.\textsuperscript{36} At present, however, the Interior Ministry does not recognise a marriage unless it was conducted by the Chief Rabbinate. Israelis who wed abroad, in accordance with their conscience, face difficulties if later they seek a divorce.

The *Rabbinic Courts Jurisdiction Law (Marriage and Divorce)* of 1953, which was passed after considerable controversy, provides that for Jews, who are either citizens or residents of Israel, matters of marriage and divorce are exclusively under the jurisdiction of the Rabbinic Courts, and that marriage and divorce should adhere to *Halacha*.\textsuperscript{37} People who marry outside the monopoly of the Chief Rabbinate might face a penalty of two-year imprisonment.\textsuperscript{38} Even before the passage of this law, the Rabbinic Courts had received a monopoly over matters of personal status under Article 5 of the *Women’s Equal Rights Law* of 1951, which stated that the intent of the law was not to change the laws concerning permissions and prohibitions regarding marriage and divorce.\textsuperscript{39}

\textsuperscript{34} Ibid. See also Frances Raday, “Women Rights: Legal Aspects”, in R. Cohen-Almagor (ed.), *Israeli Democracy at the Crossroads*, op. cit.

\textsuperscript{35} For further discussion, see Aviezer Ravitzky, “Is a Halachic State Possible? The Paradox of Jewish Theocracy” and Asa Kashish, “A Jewish and Democratic State: Present Navigation in the Map of Interpretations”, both in R. Cohen-Almagor (ed.), *Israeli Democracy at the Crossroads*, op. cit.

\textsuperscript{36} A 2011 poll showed that while more than 60 percent support civil marriage, only a third thinks that they would actually wed in civil marriage. See “Two thirds of the public support civil marriage, third will marry in civic ceremony” (26 July 2011) (Hebrew), http://www.hiddush.org.il/%D7%AA%D7%AA%D7%A2%D7%95%D7%A5-15-0-%D7%A0%D7%99%D7%A9%D7%95%D7%90%D7%99%D7%9D_%D7%90%D7%96%D7%A8%D7%97%D7%99%D7%9D.aspx


The Rabbinic Courts are guided by patriarchal norms. Women are perceived as playing a passive role in marriage and divorce. It is the husband who delivers the divorce paper to the wife. In Deuteronomy 24:1 is written: “A man takes a wife and possesses her. She fails to please him because he finds something obnoxious about her, and he writes her a bill of divorcement, hands it to her and sends her away from his house”. The asymmetry and inequality are clear: A Jewish woman cannot divorce her husband. If the wife refuses her consent, the husband may be able to acquire a rabbinical dispensation to remarry. Women can initiate divorce proceedings but husbands must give their consent to make the divorce final. There are many instances in which husbands refuse to grant their wives a divorce, and then the women cannot remarry or give birth to legitimate children. These women are called *agunot*, or chained women. The Rabbinic Courts have the ability to sanction those men, but they rarely do so. As a result, women are forced to agree to economic concessions in order to get a divorce. The gender inequality is staggering as child support determined by the Rabbinic Courts is 30 percent lower than child support determined by the civil family courts, in the incidents when the woman in question rushed to open the alimony file in the civil court. Furthermore, men who refuse divorce can start a new family without fearing that the children born as a result of the new bond will be considered bastards. Thus Israel’s Jewish law contravenes Article 16 of the 1948 *Universal Declaration of Human Rights* which holds: “Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution”. The UN Committee on Economic, Social and Cultural Rights in its 2003 concluding observations expressed concern regarding the fact that the Jewish religious courts’ interpretation of personal status law with respect to divorce is discriminatory as regards women, especially the regulation that allows the husband to remarry even when the wife is opposed to the divorce, whilst the same rules do not apply to the wife. The Committee recommended that the State party take steps to modify the Jewish religious courts’ interpretation of the law concerning divorce to ensure equality between men and women, as provided for in Article 3 of the *Covenant on Economic, Social and Cultural Rights*.

This problematic, illiberal situation is especially onerous for anyone who is not considered Halchically Jewish. In Israel, there are some 300,000 of immigrants from the former Soviet Union and Ethiopia whose personal status is deemed problematic by the

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40 P. Shifman, *Family Law in Israel* (Jerusalem: The Sacher Institute, Faculty of Law, The Hebrew University of Jerusalem, 1984, Hebrew): 178-179. Menachem Kellner noted that this is true in principle but this is very rare.
41 "chained" woman, *hayarkon70 news*, [http://www.youtube.com/watch?v=eTayig3piiY](http://www.youtube.com/watch?v=eTayig3piiY) (Hebrew). Menachem Kellner noted that he does not believe that this is true; the sanctions do not always work, but it is not true that they are rarely applied.
46 *Ibid.*, para. 39. Article 3 of the *Covenant* provides: "The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant". See [http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx](http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx).
Orthodox monopoly. They are categorized as “absent religion” ("Chasrei dat"). They face difficulties when they wish to wed, to establish and raise families, to divorce, and to secure an appropriate burial place. The religious coercion brings about continued agony and a great deal of hardship that alienate many parts of the population from the State and its institutions.

The asymmetry and inequality are also evident in the Talmudic discussion on “Isha Katlanit” (“Lethal Woman”): A woman who was married twice and whose husbands both died shall not marry a third husband while a man whose two wives died does not or need not abstain from marrying again. Women are different than men. The differences lead to unjustifiable inequalities.

These incursions into the right to marry are compounded by the fact that both Jewish and Muslim law discriminate between men and women, in the laws of marriage and divorce per se, as well as in the laws of evidence. Women are not permitted to serve as judges or even witnesses.

Discrimination in the form of gender segregation continues in some public places, including in Haredi (ultra-orthodox) public health clinics and at the Western Wall. Israel has taken some significant steps to promote gender equality. Prime Minister Netanyahu has instructed to study the issue and suggest ways to make the Western Wall site more accommodating to all Jews. The Authority for the Advancement of the Status of Women in the Prime Minister’s Office works to mainstream women’s participation in the government and private sector, as well as to combat sexual harassment and domestic violence. Every municipality and ministry is required to have an adviser working to advance women’s issues.

Since the 1950s, women’s opportunities in the workplace have been secured by legislation guaranteeing three-month maternity leave allowance paid by the National Insurance Institute, protection against dismissal during pregnancy and affordable childcare facilities. The Equal Retirement Age Law and the Equal Employment Opportunities Law were passed in 1987 and in 1988 respectively. In 2000, amendments to the Equal Rights Law mandated representation by women at all levels in public entities. In the Israeli national trade union (Histadrut), women are represented at each level. The Histadrut has adopted a resolution requiring that 30 percent of its leadership

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47 Irit Rosenbloom, Absent religion in Israel – what is the significance?, New Family, http://www.newfamily.org.il/blog/press-and-media/%D7%97%D7%A1%D7%A8%D7%99-%D7%93%D7%AA-%D7%91%D7%99%D7%A9%D7%A8%D7%90%D7%9C-%D7%9E%D7%94-%D7%94%D7%9E%D7%A9%D7%9E%D7%A2%D7%95%D7%AA-%D7%9E%D7%AA%D7%95%D7%A9-%D7%99%D7%9C%D7%94-%D7%9E%D7%A9/
48 Talmud Bavli, Ye'amot, 64, 2; Shulchan Aruch, Iban Haezer, 9. For further discussion, see Isaac Sassoon, The Status of Women in Jewish Tradition (NY: Cambridge University Press, 2011). Menachem Kellner noted in his comments that Rambam largely uprooted the application of the "katlanit" law, which in any event would be a rare event.
52 In her comments, Naomi Chazan noted the puzzle: very advanced legislation with very unequal results. The situation regarding religion and state is only part of the explanation. She thinks that part is a result of the “security” priority, and also what she terms “good old chauvinism”. At the Van Leer Institute, Chazan
must be women. The Israeli educational system treats boys and girls equally. No measurable educational gap exists between male and female students through high school. The Ministry of Education introduced programmes designed to encourage a culture of gender equality and to maintain a climate of respect, growth and confidence regarding gender. Its policy requires schools to provide and promote equal opportunities for both genders. In the army, approximately 80 percent of army professions are open to women. The number of women in clerical positions has decreased to 20 percent, and almost 26 percent of IDF officers are women.53

However, women do not receive equal pay for the same work they do as men. According to the 2013 Central Bureau of Statistics, women’s salaries average 66 percent of men’s.54 The majority tend to work in jobs that are seen “feminine”: teaching, nursing, and clerical assistants which are relatively low paid and which offer limited benefits. This is despite the fact that women are more educated than men.55 Throughout Israeli history, only ten women served as cabinet ministers. Only 26 women serve in the 19th Knesset, voted in January 2013. The situation in local government is even worse. Only 7 percent of mayors are women, and only 16 percent of municipality councillors are women. Only 4 percent women serve as CEOs in the 400 large companies in Israel.56

**Israeli-Palestinians**57

Twenty percent of Israel's 8-million population consists of Palestinian-Arabs, many of whom do not share the raison d'être of Israel as a Jewish and Zionist state. They often claim, quite rightly, that they are being discriminated against, and do not enjoy the same rights as Jews. One half of the Jewish respondents to the 2013 Israeli democracy index agreed with the statement that Jews should enjoy more rights than non-Jews.58 Nearly half of them, 43.8 percent, agreed that the government should encourage Arabs to emigrate from Israel.59

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55 In 2008, 32.4% of employed women had 16 or more years of education, compared to 26.1% of men. The overall education was 14.2 years for women, and 13.5 years for men. See Directorship of Research and Economy, “20 facts on employment gaps between women and men” (Jerusalem, 2010): 3 (Hebrew).
56 Yossi Chatav, “Lost women: only 4% CEOs in the major 400 companies”, Hrus (22 March 2012), [http://www.hrus.co.il/%D7%A0%D7%A9%D7%99%D7%9D-%D7%90%D7%95%D7%91%D7%93%D7%95%D7%AA-%D7%A8%D7%A7-%D7%9E%D7%A0%D7%9B%D7%9C%D7%99%D7%95%D7%AA-%D7%9E%D7%AA%D7%95%D7%9A-400-%D7%97%D7%91%D7%A8%D7%95%D7%AA-%D7%9E%D7%95 (Hebrew).
57 The 2004 Index of Arab-Jewish relations in Israel shows that 45.1% of the Arab minority in Israel identify themselves as Arab Israelis; the same percentage identify themselves as Palestinian Israelis, and 9% identify themselves simply as Palestinians. Sammy Smooha, *Index of Arab-Jewish Relations in Israel, 2004* (Haifa: Jewish-Arab Center, 2005), Table 29. See [http://www.caf.org.il/](http://www.caf.org.il/)
58 Tamar Hermann et al., *The Israeli Democracy Index 2013*, p. 106.
According to the 2012 Israeli democracy index, 46.6 percent of Arabs very much agreed with the statement that they were discriminated against and 28.3 percent agreed with this statement (total 74.9 percent). The majority of Jews did not share this view. Only 13.8 percent of Jews very much agreed that Arabs were discriminated against and 24.5 percent agreed with this statement (total 38.3 percent).60

Formally, all Israeli citizens are equal before the law, regardless of national affiliation, religious beliefs, and political stands. I say "formally" because in this connection an important distinction has to be made between formal citizenship and full citizenship. Israeli Jews can be said to enjoy full citizenship: they enjoy equal respect as individuals, and they are entitled to equal treatment by law and in its administration. The situation is different with regard to the Israeli-Palestinians, the Bedouin and the Druze. Although they are formally considered to enjoy liberties equally with the Jewish community, in practice they do not share and enjoy the same rights and burdens.61

Officially, Israeli-Palestinians enjoy full equality before the law. They have the right to vote and to be elected to state institutions. They have been serving in the Israeli parliament, the Knesset and they enjoy religious and cultural autonomy. However, Palestinians are under-represented in all institutions. In 2010, only 7 per cent of civil servants were Palestinians and only 1.5 per cent of university faculty members were Palestinians.62 Delegates of the Arab minority are not represented in accordance with their size in society, in the Knesset and in the government. To date, there has been only one Arab minister: Raleb Majadele who was appointed Minister without portfolio in 2007 and a few months later became Minister of Culture, Sport and Science. Majadele served in this role for two years until 2009. No other Palestinian ever served in the Israeli government. This should be corrected by concrete positive egalitarian steps encouraged by the government and enacted by the legislature.

Israeli-Palestinians do not enjoy special provisions and discounts given to those who serve in the army.63 They are ineligible to work in companies with defence contracts or in security-related fields. Palestinian-Arabs will find it more difficult than Jews to receive licences for extending their flats, or for building new ones. The Budget Law, which governs state funds, does not specify what proportion should be earmarked for minorities; the decision lies within the officials' discretion. Due to their lack of representation in government offices, Palestinian-Arabs receive substantially less funding for local government budgets, and have fewer resources allocated for welfare budgets, school

60 Tamar Hermann et al., The Israeli Democracy Index 2012 (Jerusalem: The Israel Democracy Institute, 2012): 113 (Hebrew).
facilities or other education programmes. Consequently, budgets of Palestinian-Arab municipalities stand in no comparison to those of Jewish municipalities.

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

In the early 2000s, twenty-five towns with the highest unemployment rate in the country, ranging from 13.9 percent to 24.8 percent, were Palestinian-Arab. The situation has not significantly changed since then. The 2008 socio-economic Index showed that Arab localities are significantly over-represented at the bottom list. Laqye, Al-Batof, Jisr Az-Zarqa, Abu Basma, Kuseife, Mas’ade, Ar’ara-Banegev, Buq’ata, Jaljulye, Nahef, Bi’ne, Kafar Kanna, Rahat, Qalanawe, Abu Ghosh, Umm El-Fahm, Hura and Fureidis are all ranked very low in the socio-economic index. None of the Palestinian communities ranked higher than the six lowest clusters. Only Meilya features in the sixth cluster.

The Ministry of Religions allocates only 2 percent of its budget for Palestinian concerns. The education system in Arab towns and villages is lagging behind the education system in Jewish towns and villages. Only 35 percent of the Israeli-Palestinians acquire matriculation certificates. Arabs who graduate find it difficult to get a job in government offices. In the civil service, only 5 percent of employees are Israeli-Palestinians. The Oslo peace process, which started in September 1993, has reinforced the status of the Palestinians in Israel as a “double periphery”: being placed at one and the same time at the margins of Israeli society and at the margins of Palestinian National Movement.

Around 50 percent of the Israeli-Arab population lives in poverty. The poverty rate among Arab families has significantly increased since the 1990s, rising from 35 percent in 1990 to 45 percent in 2002.

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64 http://www.arabhra.org/HRA/Pages/Index.aspx?Language=2
66 High Court of Justice 2773/98 Supreme Follow-up Committee on Arab Matters and Others v. The Prime Minister; High Court of Justice 11163/30 Supreme Follow-up Committee on Arab Matters and Others v. The Prime Minister P.D. 61(1): 1 (decision on 23 November 2008) (Hebrew).
69 High Court of Justice 240/98 Adalah v. Minister ofReligions, P.D. 52(5): 167 (Hebrew).
Being a Palestinian-Arab in many cases “guarantees” that a worker's salary would be lower than that of a Jew who is doing the same work. Arabs have generally held low-wage jobs in the Israeli economy. On average, Arab men earn 60 percent of the national average wage, while Arab women earn 70 percent of the average wage.\(^{73}\) Arab citizens are discriminated in having access to land, in land planning, in rural and urban development, and in housing provisions. Arabs own only 2.5 percent of Israel’s lands and they lack the ability of acquiring the majority of Israeli land. While over 1,000 Jewish settlements have been established since 1948, the Arab community has remained in almost standstill.\(^{74}\) The lack of town plans and planning permissions for Palestinian towns is one of the main causes of inequality and of the failure of the Palestinian citizens to fulfill their economic potential.\(^{75}\) As Israeli governments refused to issue building plans for Arab communities, Arabs took the initiative and established new villages that are not recognised under Israeli law.

The Bedouins, who comprise 12 percent of the Palestinian-Arab citizens of Israel, suffer particularly severe forms of discrimination. In the 1960's, thousands of Bedouins had submitted claims to acknowledge their ownership over 1.5 million dunams (1 dunam = 0.001 sq kilometer). The State decided not to probe these claims; instead, Israel paid insignificant compensations to those who agreed to waive their claims and move to small towns. Half of the Arab Negev residents accepted that settlement and were thus transferred to those small towns. The other half, about 90,000 of 170,000 people, continue to live in small villages – some have existed long before the establishment of Israel while others were set up after a string of forced transfers of people from their original residency. The State refuses to recognise these villages, calling them “illegally constructed villages”, and thereby deprives their residents of the right to basic services and essential infrastructure such as electricity or running water.\(^{76}\)

In 2011, the government approved the Prawer Plan for the mass expulsion of the Bedouin community in the Negev. The plan speaks of forced displacement of some 70,000 Bedouin citizens of Israel, and the destruction of 35 unrecognized, illegal villages.\(^{77}\) Some 45,000 structures are at risk of demolition.\(^{78}\) More than 1,000 homes were demolished in 2011 and dozens more in 2012.\(^{79}\)

At the same time, Israel would like to see from all its citizens, without exception, a real and strong commitment to the state, to peace, and to the struggle against terror. While Palestinians should not be forced to serve in the army, there is no reason why they should not do national service in their own communities, serving in charities and human rights organizations, in hospitals, nursing homes and hospices, in the fire brigades and in the community police, for the same period of time that Jews are been drafted to the army.

\(^{73}\) Ibid.

\(^{74}\) Kais Nasser, Severe Housing Distress and Destruction of Arab Homes: Obstacles and Recommendations for Change (Nazareth: Dirasat, Arab Center for Law and Policy, 2012), pp. 85-86.


\(^{78}\) Kais Nasser, Severe Housing Distress and Destruction of Arab Homes, p. 84.

\(^{79}\) Ibid.
three years for men, and two years for women. This is a vital key for their full integration into society.

The occupation

I have said that security considerations have considerable effect on Israeli life and on the state of civic and political rights of Jews and Palestinians. Security is not an end in itself, but a means to an end. The aim should be to secure a democratic system, an administration of the people, for the people, by the people, that guarantees individual freedoms and fundamental human rights. To secure its democratic foundations, Israel should end the occupation; the sooner the better. The state of occupation negates fundamental human rights. It harms primarily the Palestinians but it also damages the civic foundations of democracy. Decision makers thought that it is possible to maintain the duality of Dr. Jekyll and Mr. Hyde: being an occupier outside the Green Line, and a citizen inside the Green Line. However, norms of the occupation infiltrate inside Israel and damage the democratic foundations of the State. Prime Minister Sharon's Disengagement Plan, also known as the Gaza First Plan, was a possible route to follow as -- indeed -- the first step in a calculated process designed to evacuate the territories and shifting responsibility to the Palestinian Authority (PA).80 Both Israel and Palestine should strive for a two-state solution that will bring peace and tranquility to both nations.

The Palestinians aspire to have an independent state in the 1967 borders, with Arab Jerusalem as its capital and a substantial return of refugees to Israel. The Israelis wish to retain the Jewish character of Israel, being the only Jewish state in the world, and they wish to enjoy life in security, free of violence and terror. Both parties should explicitly accept UN Security Council Resolutions 242, 338 and 1397 and then begin their full implementation. Resolution 242 of 22 November 1967 calls for the withdrawal of Israel armed forces from territories occupied in the 1967 war; the termination of all claims or states of belligerency; respect for and acknowledgment of the sovereignty, territorial integrity and political independence of every state in the area and their right to live in peace within secure and recognized boundaries free from threats or acts of force; it further affirms the necessity for guaranteeing freedom of navigation through international waterways in the area, and for achieving a just settlement of the refugee problem.81 UN Security Council Resolution 338 of 22 October 1973 calls upon all parties concerned to start immediately the implementation of Security Council Resolution 242 in all of its parts.82 And UN Security Council Resolution 1397 passed in 2002 premised a vision of a region where two States, Israel and Palestine, live side-by-side within secure and recognised borders. It demanded immediate ending of all acts of violence, including all acts of terror, called upon the Israeli and Palestinian sides and their leaders to resume negotiations on a political settlement, and expressed support for the efforts of the Secretary-General and others to assist the parties to halt the violence and to resume the peace process.83 Peace with the Palestinians is the key to Israel’s security and long-term

80 R. Cohen-Almagor, "The best first plan", The Baltimore Sun (18 December 2003); http://almagor.blogspot.com
survival in a hostile and volatile region where many countries still have not come to
terms with Israel’s existence.

To achieve peace, it is essential to have trust, good will and security. It would be far-
fetched at present to hope for peace in the short term. We should have little illusions
about peace, at least so long as Hamas is determined to wipe Israel off the map. Israel
does not even appear on Hamas maps. Israel should aspire to enter a long-term interim
agreement; to build trust; evacuate isolated settlements; consolidate economic conditions
for Palestinians; bolster security on both sides; stop enlarging existing settlements;
dismantle checkpoints to make the lives of Palestinian civilians easier; develop the
nautilus Iron Dom against rockets and other anti-rocket mechanisms. Finally,
international cooperation is required to lift the existential Iranian threat.

I believe that if there is a will, there is a way. Both sides should aspire to peace in order to
reach peace and cement the protection of basic human rights. Both sides need to
understand that peace is a precious commodity and therefore be prepared to pay high
price for its achievement, reaching a solution that is agreeable to both. The peace deal
should be attractive to both, equally. It cannot be one-sided, enforced or coerced. Of all
the possible solutions presently on the table, a two state solution seems to be the most
viable. I believe that good starting points are the Clinton parameters and the Geneva
Accord. Both documents lay the foundations for resolving all contentious issues.

Once the two parties establish trust between them, they could negotiate the Two State
Solution. It is proposed that the endgame be based upon the following parameters:

**Palestinian sovereignty** – will be declared and respected.

**Mutual recognition** – Israel shall recognize the State of Palestine. Palestine shall
recognize the State of Israel.

**Mutual diplomatic relations** – Israel and Palestine shall immediately establish full
diplomatic relationships with each other, installing ambassadors in the capital of the
respective partner.

**Capital** – each state is free to choose its own capital.

**Borders** – These should be reasonable and logical for both sides. Former military
intelligence chief Amos Yadlin explained: “Having a border is the best security
arrangement.” Settling the conflict would give Israel greater international legitimacy to
fight terrorism and enable it to deal with the more serious emerging threat from Iran.

Israel will withdraw to the Green Line, evacuating settlements and resettling the settlers
in other parts of the country. The major settlement blocs -- Ma’ale Adumim, Givat Ze’ev,
Gush Etzion, Modi’in Illit and Ariel -- which account for approximately 70 percent of
the Jewish population in the West Bank and for less than 2 percent of its size, may be
annexed to Israel upon reaching an agreement with the PA of territorial exchange that

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84 See Aditi Bhaduri, “A society under constant stress”, In the Fray (6 May 2007)
HTTP://INTHEFRAY.ORG/CONTENT/VIEW/2268/36/
87 Ben Birnbaum, “The End of the Two-State Solution: Why the window is closing on Middle-East peace”,
The New Republic (11 March 2013), http://www.newrepublic.com/article/112617/israel-palestine-and-end-
two-state-solution#
will be equal in size.\textsuperscript{88} Border adjustment must be kept to the necessary minimum and must be reciprocal. At the 2001 Taba talks, the Palestinians presented a map in which Israel would annex 3.1 percent of the West Bank and transfer to the PA other territory of the same size.\textsuperscript{89} Peace negotiator Beilin said that they were willing to concede Israeli annexation of three settlement blocs of at least 4 percent of the West Bank.\textsuperscript{90} Prime Minister Olmert offered Palestinian President Abbas (aka Abu Mazen) similar or even slightly better deal but Abbas did not reply positively.

**Territorial contiguity** – a corridor would connect the West Bank and the Gaza Strip to allow safe and free passage. The road will be permanently open and solely Palestinian. No Israeli checkpoints will be there. Palestinians will not be able to enter Israel from this corridor, nor shall Israelis enter Palestine from the corridor.

**The Security Barrier** (known also as “The Fence” or “The Wall”) creates a political reality. It should run roughly along the 1967 mutually agreed borders.

**Security** – Israel won’t compromise its security. It will take all necessary measures to ascertain that its citizens could live free of fear for their lives. Palestine and Israel shall base their security relations on cooperation, mutual trust, good neighborly relations, and the protection of their joint interests.\textsuperscript{91} Palestinian sovereignty should be respected as much as possible. Checkpoints will be dismantled. Only the most necessary control and early-warning posts will remain, subject to review and necessity agreed upon by both sides. The Palestinian state will be non-militarized. This issue was agreed upon in 1995. Also agreed upon were joint Israeli-Palestinian patrols along the Jordan River, the installation of early warning posts, and the establishment of a permanent international observer force to ensure the implementation of the agreed security arrangements.\textsuperscript{92} The early warning posts will be periodically visited by Israeli security officers but they won’t be permanently present on Palestinian soil. If there is a need for a permanent presence, this would be trusted to an agreed-upon third party.

**Jerusalem** – What is Palestinian will come under the territory of the new capital Al Kuds. Al Kuds would include East Jerusalem and the adjacent Palestinian land and villages. Abu Dis, Al-Izarieh and Al-Sawahreh will be included in the Palestinian capital. The Israeli capital would include West Jerusalem and the adjacent Israeli settlements. To maintain Palestinian contiguity, Israel may be required to give up some of the settlements around Arab Jerusalem. The Old City will be granted a special status. Special arrangements and recognition will be made to honour the importance of the Western Wall and the Jewish Quarter for Jews, and similarly special arrangements and recognition will be made to honour the importance of the Islamic and Christian holy places. The Old City will be opened to all faiths under international custodianship. There will be Israeli-Palestinian cooperation in providing municipality services to both populations.

**Haram al-Sharif** – On 31 March 2013, a Jordan-Palestinian agreement was signed between the PA and Jordan, entrusting King Abdullah II with the defense of Muslim and

\textsuperscript{88} For pertinent maps, see \url{http://www.geneva-accord.org/mainmenu/static-maps/}. See also West Bank “Settlement Blocs”, Peace Now, \url{http://peacenow.org.il/eng/content/west-bank-%E2%80%9Csettlement-blocs%E2%80%9D}


\textsuperscript{90} Beilin, *The Path to Geneva*, p. 246.

\textsuperscript{91} The Geneva Accord, \url{http://www.informationclearinghouse.info/article5019.htm}

\textsuperscript{92} Beilin, *The Path to Geneva*, p. 169.
Christian holy sites in Jerusalem.\textsuperscript{93} While Jordan may be a party to any agreement concerning the site, a broader arrangement is welcomed. As agreed by Abbas and Olmert, it will be under the control of a five-nation consortium: Palestine, Israel, Jordan, Saudi Arabia and the United States. The Waqf will continue its administration. Jews will enjoy a right of access. Excavation for antiquities may be undertaken only with the full agreement of both sides. Similarly, alterations to the historical structures and foundations can be made only upon the consent of both sides.

\textbf{Water} – The UN secretary-general has said that Palestinians “have virtually no control” over the water resources in the West Bank, with 86 percent of the Jordan Valley and the Dead Sea under the \textit{de facto} jurisdiction of the settlement regional councils.\textsuperscript{94} Israel and Palestine should seek a fair solution which would not infringe the rights of any of the sides and will assure that the Palestinian people will have the required water supply for sustenance and growth.\textsuperscript{95}

\textbf{Fishing} – Israel and Palestine will enjoy fishing rights in their respective territorial waters.

\textbf{Terrorism and violence} – Israel should remain steadfast on its demand that the Palestinians fight terrorism with zero tolerance in this sphere. Both sides will work together to curb violence. Both sides will see to it that their citizens on both sides of the border reside in peace and tranquility. Zealots and terrorists, Palestinian and Jews, will receive grave penalties for any violation of peace and tranquility. The Palestinians, apparently, fail to understand the gravity of terrorism and are willing to accept it as part of life. Peace negotiator Nabil Shaath said: “The option is not either armed struggle or negotiations. We can fight and negotiate at the same time, just as the Algerians and the Vietnamese had done”.\textsuperscript{96} Democracies, however, see things differently. On this issue there should be no compromise.

\textbf{Incitement} – Both sides need to clean up the atmosphere, fight bigotry, racism, incitement and hate on both sides of the fence/wall. This includes a close study of the education curricula in both the PA and Israel. Both sides need to overhaul their school books, excluding incitement, racism, bigotry and hate against one another.\textsuperscript{97} The curricula should reflect a language of peace, tolerance and liberty. Both sides should utilize the media to promote peaceful messages of reconciliation and mutual recognition.

\textbf{Education} – Israel and Palestine will institute a balanced curriculum on good neighborhood, understanding cultures and religions, respect for others and not harming

\textsuperscript{93} Analysts: Jerusalem deal boosts Jordan in Holy City, \textit{Ma’an News Agency} (3 April 2013), \url{http://www.maannews.net/eng/ViewDetails.aspx?ID=581765}

\textsuperscript{94} Briefing: Beyond the E-1 Israeli settlement, \textit{IRIN} (18 March 2013), \url{http://www.irinnews.org/Report/97676/Briefing-Beyond-the-E-1-Israeli-settlement}


\textsuperscript{96} Shlomo Ben-Ami, \textit{Scars of War, Wounds of Peace} (London: Phoenix, 2005), p. 240. Yossi Beilin tells the story of the Taba talks during which two Israelis were murdered in Tulkarem. The Palestinians, he writes, expressed their shock at the murder but they found it difficult to understand why “we always play into the hands of those who want to sabotage the talks”. Beilin, \textit{The Path to Geneva}, p. 243.

others. This education programme will commence at the kindergarten and continue at primary and high schools. In every age group vital concepts for understanding the other will be studied. This programme is critical for establishing peaceful relationships and trust between the two parties.

**Language** – Starting in primary schools, Arabic will be a mandatory language for pupils to study in Jewish schools. Similarly, Hebrew will be a mandatory language for pupils to study in Palestinian schools. Language is the most important bridge between different cultures and nations. Israelis will master Arabic to the same extent that they presently master English. Palestinians will master Hebrew as their second language.⁹⁸

**Prisoners** – As an act of good will, part of the trust-building process, Israel will release a number of agreed upon prisoners. With time, as trust will grow between the two sides, all security prisoners will return home.

**Refugees and their right of return** – This is a major concern for both Palestine and Israel. For Palestinians, this issue is about their history, justice and fairness. For Israelis, this is a debated issue, where many Israelis are unwilling to claim responsibility for the Palestinian tragedy and most Israelis object to the right of return as this would mean the end of Zionism. The issue is most difficult to resolve as the original refugee population of an estimated 700,000-750,000 has grown to 4,966,664 refugees registered with UNRWA at the end of November 2010. About 40 percent of the refugees live in Jordan, where they comprise about a third of the population; another 41 percent are in the West Bank and Gaza, 10 percent are in Syria, and 9 percent are in Lebanon. In the West Bank, refugees constitute about one-third of the population while in Gaza they comprise over 80 percent of the population.⁹⁹

Israel and the PA have been arguing endlessly about this issue as a matter of principle without examining by surveys how many of the refugees and their families actually intend to return to Israel if this option were available to them. What needs to be done is to identify the population, establish the numbers, and after mapping the refugee population conduct a survey among them that would include the following options:

- Return to Israel;
- Return to the West Bank;
- Return to the Gaza Strip;
- Emigrate to third countries that would commit to absorbing a certain quota (appeal will be made to countries which receive immigration on a regular basis to participate in this settlement effort);
- Remain where they are.

The 1948 Palestinian refugees will be able to settle in Palestine. For the rest of the world, it would be legitimate to set immigration quotas for absorbing Palestinians who apply for

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⁹⁸ Bhikhu Parekh commented that there is no reason why all Palestinian children should learn Hebrew. Israeli Palestinians should but he does not see why this should be a requirement for all Palestinian Arabs. I think that requiring the children of both societies to learn both Arabic and Hebrew is vital for facilitating connections the two communities, for promoting understanding of one’s other culture and for decreasing animosity and fear.

settlement in their designated choice of country. Unification of families should be allowed in Israel on a limited annual quota. But massive refugee return to Israel will not be allowed. This dream should be abandoned. When Abu Mazen was asked whether he insisted on getting back Safed, where he was born, he replied: “It’s my right to see it, but not to live there”. I suspect that Abu Mazen’s view reflects the view of many Palestinians who seek recognition, apology and compensation, not the right of return. Thus Israel should recognise the Nakba, acknowledge Palestinian suffering, and compensate the 1948 refugees and their children (but not grandchildren) for the suffering inflicted on them. An international tribunal of reputable historians and international lawyers, including equal representatives of Israel and Palestine, will determine the level of compensation. If needed, Israel may establish an international relief fund to which humanitarian countries that wish to see the end of the conflict contribute. I believe that between Israel, Europe, the Moslem World, North America and other countries of good will (the Geneva Accord mentions Japan; I would add China, Australia and Brazil), the required funding can be secured. The United Nations and the World Bank may also be approached to offer assistance.

Economic Agreements - Israel and Palestine will consider opportunities for economic cooperation for the benefit of both societies, aiming to capitalise on the potential of both, to optimise resources and coordinate efforts. Israel would help Palestine develop an independent economy and open doors for Palestine in the Western world and elsewhere. Palestine will pave the way for Israel’s integration into the Middle East as an equal member in the community of neighbouring countries. Palestine will help Israel develop economic, industrial, tourist and other relationships with the Arab and Muslim countries.

International Commerce – Israel and Palestine will be free to conduct international commerce as they see fit. In order to develop trust between the two parties, some level of transparency about logs of commerce will be agreed and memoranda of understanding will be signed by the two parties.

Tourism – Israel and Palestine will coordinate efforts in promoting tourism to the region, via collaboration with neighboring countries, in order to facilitate cultural and religious experiences that are unique to this region.

Communication and Media – Mutual channels of communication will be opened on television, radio and the Internet. These media channels will transmit their broadcast in two or three languages: Arabic, Hebrew and possibly also English. Communication and language are important for the development of good neighborly relations.

Termination of the conflict – following the signing of a comprehensive agreement covering all issues and concerns, an official statement will be issued declaring the end of the Israeli-Palestinian conflict.

International Arbitration – Difficult issues which cannot be resolved by direct negotiations will be delegated to a special arbitration committee. This special committee will have an equal number of Israeli and Palestinian delegates plus an uneven number of international experts. The committee will include lawyers, economists, human rights experts and experts on the Middle East. Their resolutions would be final, without having the right of appeal. Both Israel and Palestine will commit to accept every decision of the

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arbitration committee. One model to follow might be the arbitration committee comprised to resolve the 1988 Taba dispute between Israel and Egypt.\textsuperscript{101}

**Conclusion**

Israel is stricken with schisms challenging the foundations of liberal democracy (liberty, equality, tolerance, justice) and the ability to maintain human rights.

After the Holocaust, the goal was to found a safe haven for Jews all over the world so as to avoid the possibility of another horrific experience of that nature. Indeed, the United Nations acknowledged the need for establishing a Jewish state. This creation, however, based on a Jewish conception of the good, discriminates against the Israeli Arabs. Israel acknowledges the problems involved in the introduction of this perfectionist element in its framework of ruling. To assure an equal status for the Palestinian-Arab minority, it is time to translate the words of the Declaration of Independence into conduct and to strive to achieve real equality between Arabs and Jews, to secure civic and human rights for all. There is an unhealthy discrepancy between words and deeds, between the language that invokes the values of liberty, justice and peace and their application in everyday life.

Israel, being the only Jewish state in the world, should endeavour to retain its Jewish character. But the preservation of the Jewish character of the state should not entail coercion of the predominant secular circles of Israel. People are born free and wish to continue their lives as free citizens in their homeland. Coercion is foreign to our natural sentiments and desires to lead our lives free as possible from alien restraints and impediments. Thus we need to differentiate between the symbolic aspects and the *modus operandi* aspects. The symbols should remain Jewish with some accommodations in order to make the state a home for its Palestinian citizens as well. Shabbat should remain the official day of rest. Palestinian villages and towns may make Friday their day of rest. Hopefully, one day, when security considerations would become less dominant and pressing, and the Israeli economy could afford two days of rest, as is the case in many parts of the world, then Friday and Shabbat will become the two official days of rest.

As far as the *modus operandi* aspects are concerned, separation between state and religion should be achieved. Hence, while Shabbat should be observed, malls and shopping places outside the cities should be available for the many people who work during the week and do their shopping during weekends. Public transportation should be made available for all people who cannot afford having a car and for those who do not drive. The state should cater for the needs of as many citizens as possible. Kosher shops and restaurants should be available and with them non-Kosher shops and restaurants for the secular, agnostic population. Most importantly, the significant events in one's life: birth, wedding, divorce and death should be handled in accordance with the people's own choices. If they so desire, people may involve the rabbinate and other religious institutions in their private lives. But this option should be left to them. If people wish to have secular ceremonies then they should have the ability to conduct them and not to be forced to undergo practices which mean very little to them, if anything. Presently, many couples travel to Cyprus and other countries to get married. This is not a solution for people who cannot afford the financial burden associated with traveling abroad.

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Furthermore and principally, this is not a solution for secular Israelis who rightly conceive the Orthodox domination as a severe encroachment of their civic freedoms.\(^{102}\)

The state should have as little as possible say in intimate family affairs. The government has to play the role of an umpire both in the sense of applying just considerations when reviewing different conceptions and in trying to reconcile conflicting interests, trends, and claims. This delicate task demands integrity as well as impartiality. Democratic governments should not exploit their role for their own advantage, and when making decisions they have to bear in mind the relevant considerations and demands which concern society as a whole, not only one or some fractions of it.\(^{103}\)

Education is a key factor in establishing human rights norms and in erecting bridges between different people of different walks of life. In its most sensible recommendations, the UN Committee on Economic, Social and Cultural Rights encouraged the State party to continue to provide human rights education in schools at all levels and to raise awareness about human rights, in particular economic, social and cultural rights, among state officials and the judiciary. It further encouraged Israel to develop the system of mixed schools for Jewish and Arab pupils, in order to promote understanding, tolerance and friendship among the citizens of the country.\(^{104}\)

A worrying development is the growing antagonism towards human rights organisations, such as the Association for Civil Rights in Israel (ACRI)\(^{105}\) and B’Tselem\(^{106}\) and toward major funders of human rights groups in the country, such as the New Israel Fund (NIF).\(^{107}\) These and other human rights organisations promote equal human and civil rights for all and oppose the Israeli occupation of the West Bank as the occupation negates fundamental human rights. ACRI and B’Tselem became target for vicious attacks of people and organisations which see activities designed to promote equality, liberty, justice and democracy as undermining the State of Israel. The attacks on NIF were intended to discredit the Fund and then all organisations which receive grants from the NIF. Those attacking individuals and organisations are willing to condone the occupation and wish to bar any criticisms of Israel’s policies vis-à-vis the Palestinians. Their negative campaign against these human rights organisations is proving quite effective. The 2013 Israeli Democracy Index shows that the majority of Jews, 50.2 percent, agreed with the statement that human rights organisations are damaging Israel.\(^{108}\)

The constant challenge for Israel is to secure basic human rights for all, the powerful as well as the powerless, for Moslems, Christians and Jews. Israel needs to develop a comprehensive liberal theory of gender equality and minority rights. It must explicitly address the needs and aspirations of its Jewish Reform and Conservative communities and of its Palestinian-Arab minority of all religious denominations. It should invest in cultivating tolerance. The key for understanding the other is education, making what is foreign familiar, making what is remote closer. Pluralism can be enriching rather than

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\(^{105}\) Association for Civil Rights in Israel, [http://www.acri.org.il/en/](http://www.acri.org.il/en/)

\(^{106}\) B’Tselem, [http://www.btselem.org/](http://www.btselem.org/)

\(^{107}\) New Israel Fund, [http://www.nif.org/](http://www.nif.org/)

\(^{108}\) Tamar Hermann et al., *The Israeli Democracy Index 2013*, p. 166.
intimidating. Israel should erect bridges and remove obstacles to the understanding of the other through mechanisms of awareness, of recognition and of legitimacy. Continued dialogue and exchange of ideas will be instrumental in contesting boundaries by peaceful means, and in reaching fruitful compromises without resorting to discrimination, coercion and abuse.
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