

SEARCH FOR COMMON GROUND: A joint understanding of the “Democratic and Jewish” character of Israel, facing the contending perceptions of Arabs and Jews.

Problematicue: In its Declaration of Independence, the State of Israel proclaims that it is a Jewish state, granting “complete equality of social and political rights for all its citizens”. The perceived tension in the formulation has been a source of conflict. Many Jews in Israel fear that the rejection by the Arabs of the “democratic and Jewish” formula portrays unwillingness to recognize their legitimate existence as a people in this part of the Middle East. Many within the Arabs in Israel resent the formulation “democratic and Jewish” as incompatible to the idea of a “state for all its citizens” and perpetuating discrimination and domination.

In different occasions, workshops and public meetings with Jewish, Arab and other participants, efforts were undertaken in the search for common ground. Using universal human rights as shared values, and taking into account the wide support for the two-state solution on both societies, the following principles seem to have acquired a promising level of acceptance by both sides. It should apply to the existing State of Israel and provide guidelines for the formation of the future State of Palestine: Agreement on such principles should encourage immediate and unconditional implementation by the side that controls its destiny (Israel),. No need to wait for the realization of the goals of the other (Palestine) but rather serve as a source of inspiration and hope that re-interpreting the basis of Arab/Jewish relations in Israel can become a source of inspiration and hope for overall reconciliation.

- 1) The first step towards the resolution of our conflict is the formation and acceptance of both a **Palestinian Arab State** and an **Israeli Jewish State**. Stress on their respective “Arab” and “Jewish” identity recognizes the strength of their respective bonds with the Arab and Jewish nation worldwide and the majority’s self-determination to belong and be recognized as an integral part of such peoples..
- 2) The special relationship with their Diasporas should be respected and channeled through the Law of Return, or Right of Return to their homeland¹. For people who have been evicted or unwillingly left the land of their ancestors, the ingathering of exiles back with their own nation should be seen as “affirmative action”., providing automatic rights to their own brethren over other potential immigrants is a form of positive discrimination that can and should be understood..
- 3) However, recognition of the special relationship of the Jewish majority in Israel and the Arabs in Palestine should not be at the account of the equal rights of other groups born in both states. (combination of “Jus Sanguinis” and “Jus Solis”} Furthermore, if the principle of affirmative action is accepted for the Diasporas, it should also be recognized to redress inequalities towards those groups within the states that have been directly or indirectly negatively discriminated over the years.
- 4) The existence of significant minorities needs to be acknowledged and autonomy group rights to be protected and supported (language, education, religion, community legal practices, communal property, culture, symbols, etc.). Clearly, this is the case of Arabs in Israel and could potentially be also the case of Jews in Palestine.
- 5) The formulation “Jewish and democratic” would then mean that the recognition of priority rights in the immigration to the land, but should not include any extra rights as compared to those of all citizens of Israel, and may require that the special

¹ The issue of return to their homeland, namely their respective states in the partitioned Land is widely acceptance. The right to come back or settle in the state of the “Other” nation can be regulated by the sovereign resolution of the representative institutions.

privileges granted to the Jewish newcomers should not be forced upon the taxpayers as a whole but rather covered by the Jewish Diaspora and other voluntary contributions, including bonds, etc. Herzl's "Altneuland" vision as a "State for the Jews" means "for the Jews who need or would like to come to live there", but once in Israel it is incumbent upon "all its citizens" to decide how to apply its democratic principles. (The example of equality before the law in the case of equal privileges to Israeli TOSHAV HOZER, Arab and Jewish citizens returning to Israel is a step in the right direction).

- 6) In order to fulfill the generalized aspirations for democracy, both states have to respect the equal rights of all citizens regardless their ethnicity, religion, language or other group attributes. Equality should be measured not only textually but also in the concept of the wide socio-economic gaps, and providing in particular corrective measures for those who are below the poverty line.
- 7) As long as the formulation of "Jewish and democratic" is the expression of the majority of its citizens, it is also legitimate to accept the demand for a functional autonomy for the Arab minority. In addition of their full rights as individuals, the recognition of group rights can be a vehicle that redresses discrimination and even provides privileges that can stimulate loyalty and the positive attraction of the non-Jewish citizens to identify themselves as Israelis. In the present situation it means greater representation of the Arab minority in Israel's institutions, cultural autonomy and recognition of the minority's institutions.
- 8) The issue of national symbols (flags, anthem, and holidays) in established democracies, even if a source of friction in its incipient stages is not longer divisive (A cross in the Swiss flag, The UK with Anglican kings and as a state religion). Traditional features should not prevent the addition of other symbols related to other groups within the two states, as in many other pluralistic, multicultural and democratic countries.
- 9) A consensus based on the above principles is the expression of the will of the people, as represented through democratic choice (legislators, referendum, etc.) and can be changed over time, provided it remains within the universally accepted human rights principles. Majority rule has its limits and for emerging democracies, searching for common ground with the minorities contributes to its consolidation.
- 10) Clearly, the asymmetry in the current situation needs to be acknowledged, in terms of Israel, an established and powerful state, and the Palestinians, still without an expression of self-determination and many of them disenfranchised. While the obligations towards the Arab minority in Israel should not be delayed till the formation of the Palestinian state, it will be important in the state formation stage that democratic principles and equality to all citizens, including a potential Jewish minority is considered.
- 11) Even if the above mentioned principles are eventually adopted, we need to recognize the inherent tensions in the interpretation of the law and the legitimate conflicts of rights. Hence, it is essential that the Judiciary in Israel will function with total independence and professionalism, including due participation of Arab judges.
- 12) While consensus can be built around many of the above mentioned points, it may be necessary to add an agenda to other pending issues that require further consideration such as : a) the transformation of discriminatory institutions (Jewish National Fund, Jewish Agency) and /or the formation of similar Arab institutions in Israel as representing voluntary associations between Israel and the Diasporas; b) The formulation of a pledge of loyalty or allegiance to the state by all its citizens, to find an expression other than military service; the possibility of educating all citizens towards universal values while centering in their own history, presenting also parallel narratives that allow to better understand the "Other" and the rights of both nations to

the land of their ancestors; realistic ways to implement the aspirations as expressed in this document.

This text has been compiled by Edy Kaufman, including the input of many Arab and Jewish individuals, academics and active members of Israeli and Palestinians NGOs. More feedback is being requested, please e-mail your comments to ekaufman@cidcm.umd.edu or FAX to Washington DC at 301 3149256