

# **RENEWING THE JEWISH SOCIAL CONTRACT**

**Bridging the Religious-Secular Divide**

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# When Magical Thinking Will Not Suffice: Israeli Democracy, Israeli Arabs, and the Kinneret Agreement

By Daniel Gordis

Given the relentless terror in Israel and the resurgent anti-Semitism both in Europe and on American university campuses, it is not surprising that Jews around the globe are again asking themselves why the State of Israel is necessary, and what, indeed, it should stand for. For that reason, projects such as the Kinneret Agreement are potentially invaluable, and the American Jewish Committee deserves much credit for addressing this document with seriousness.

Unfortunately, however, despite its commendable goals, the final declaration fails to deliver the brutally honest strategic thinking that Israel needs. Indeed, the agreement reminds one of *Eretz Yisrael hayafah*, yesteryear's mythological (and unattainable) picture of an idealized Israeli society. Who could possibly disagree with any of the document's platitudes? But how do such consensus-making generalities advance our thinking in these critical hours?

I would suggest that Israel will ultimately be unable to sustain a commitment to three of the major values that the document endorses, namely: the Jewishness of the state, the equality of its growing Arab minority, and the state's democratic underpinnings. To argue otherwise, without offering some specific plan for curbing one of the three values, is to engage in magical thinking. And at this point in Israel's history, nothing could be more dangerous.



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## Three Competing Tenets

An analogy by way of illustration: In classical (if simplistic) theology, three basic claims are commonly made: (a) God exists and is all-powerful; (b) God is good; and (c) evil exists. But faced with the presence of evil in the world, one must deny one of the three claims. You can deny that God has power, or claim that God is evil. Others deny that suffering is "evil," since people only "get what they deserve." But logically, one cannot insist on all three tenets. The same is true of Israel. We would all like a state that is Jewish, democratic, and deeply respectful of its Arab minority; the question is, however, after an honest look, does that dream still seem realizable.

The agreement states that Israel is, by definition, a Jewish state (point III). The Jewish character of the state is to be reflected in a profound commitment to Jewish history and culture, in its connection with

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the Jewish communities of the Diaspora, in the Law of Return, encouragement of aliyah, Hebrew language as the primary language of the state, the centrality of the Jewish calendar to the rhythms of state life, and the primacy of Jewish symbols in its culture, among others.

At the same time, we are told that Israel must respect the rights of its Arab minority (point V, and elsewhere). But does the thick Jewish culture described in point III really leave room for a culturally thriving Arab minority? Why should Israeli Arabs feel any commitment to a society that not only gives primacy to a culture not their own, but is actually created *for the sake* of that other culture? When Pat Buchanan claims that the United States is a Christian country, despite the plethora of evidence to the contrary, American Jews feel threatened and disenfranchised. But in Israel, the situation is reversed; Israel is a Jewish state. It is, to paraphrase Lincoln's Gettysburg Address, of the Jews, by the Jews, and for the Jews.

In what meaningful ways, then, can Israeli Arabs truly be equal? They can (and should) be given equal access to housing, and equal budgets can (and should) be spent on their schooling and health care. But will they ever be full partners in this society? Could we ever expect them to be part of what Jean Jacques Rousseau called the "general will" (dependent upon a commonality of interests) or John Rawls described as "overlapping consensus," which, each maintained, lies at the core of liberal, democratic society? The very nature of the Zionist enterprise suggests not, but few Israelis have been willing to acknowledge that, and the Kinneret Agreement, unfortunately, does not move the conversation forward.

Though the Kinneret Agreement notes that the Israeli-Arab population is growing, it underplays the challenge this demographic reality presents. In fact, the Israeli-Arab population is growing at a much faster rate than is Jewish-Israeli society. Israel faces a virtually certain eventuality in which this marginalized and increasingly radicalized minority will become so large that it could influence the fundamental nature of the state and perhaps even undermine its basic Jewish character.

Were Israel not a democracy, the growth of the Arab population would be of less concern. But Israel is a democracy, and its democratic character is another one of the nonnegotiable qualities to which the agreement points (points II and IV). How, precisely, did the signatories of the agreement imagine that, as this intrinsically disenfranchised Arab

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population grows, Israel will be able to preserve its Jewish and democratic natures? The document sheds no light on this critical question.

### Tough Choices

Today, in the eleventh hour, we dare not delude ourselves. Painful though it may be for those of us who still cherish the liberal values on which we were raised, very tough choices will have to be made. The agreement (point IV) states that a substantial Jewish majority in Israel will have to be preserved, but “only by moral means.” What does that mean? What are our options?

Classical Zionism, of course, would suggest fostering increased Jewish immigration to Israel. But the reality is that there has never been a substantial immigration to Israel from countries where Jews feel secure, and most other Jewish populations have already come. Barring an unforeseen catastrophe in North America, one has to conclude that Jewish immigration to Israel is on the wane. Immigration, then, is no panacea.

Others opt for fascism. If dramatically increasing the number of Jews in Israel is not a viable option, and if lowering the Israeli-Arab birthrate is possible only in the long term, simple logic dictates that the only other possibility is the reduction in the number of Arabs in Israel. That conclusion is what has led to the distressing discussion of “transfer” in right-wing Israeli society. But because there is no place to which one might transfer Israeli-Arabs,<sup>1</sup> transfer is not practical. And because they would never leave willingly, “transfer” is a euphemism for “ethnic cleansing,” which is itself a euphemism. This, neither the Western world nor most Israelis will abide. Transfer is unacceptable.

Enter post-Zionism. Some Israelis propose a dramatic step in the opposite direction, namely, that Israel become *medinat kol ezrahbeha*, a “state of all her citizens.” But this is shorthand for admitting defeat, for giving up on the Jewish character of the state, something that the agreement itself says is unacceptable and which twentieth-century European history makes unthinkable. Of the three equally nonnegotiable principles in question, the Jewishness of the state is, with apologies to Orwell, more equal. It is the point of the entire enterprise. Wholesale liberal democracy, therefore, is also not the solution.

What, then, to do? At least two other options remain, neither of them attractive. One is to recognize that the likely redrawing of Israel’s

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borders in the next few years presents an opportunity for public discourse not only on what land to keep, but on what land to yield. Painful though the thought is, perhaps Israel needs to consider giving to an emerging Palestinian homeland the “Galilean Triangle,” thus substantially reducing the number of Israeli-Arabs for the time being.<sup>2</sup>

This choice would be exceedingly painful for Israelis as well as for the Arab inhabitants of the area. But while lines would be redrawn, no Arab families would be uprooted. This is not transfer in another guise. Indeed, if anyone would have to be moved, it would be Jews. Undoubtedly, the Israeli-Arabs who would be “given away” to a Palestinian homeland—and presumably lose their Israeli citizenship—would cry foul; indeed, the “permissibility” of any such decision needs to be carefully evaluated according to the canons of international law and liberal democratic theory.<sup>3</sup> But given the brutal choices that Israel faces, this one *might* be the lesser of several evils.

Yet even this step would only buy time. Ultimately, assuming that aliyah is over and that the Arab birthrate will continue to be significantly higher than that of the Jews, Israel will have to ask hard questions about just what it means by “democratic.” Just as “moral” is a highly ambiguous term,<sup>4</sup> so, too, is “democratic.” Does Israel have to be a “liberal democracy” in the American sense? Are there limitations to Israel’s liberalism that need to be put into place to preserve Israel’s Jewish nature? These are the agonizing but potentially life-saving questions that Israel must now begin to debate rationally and honestly.

Will Kymlicka, whose liberal credentials need no defense, has argued that “the viability of [minority] communities depends on coercively restricting the mobility, residence, and political rights of both [the majority and minority].”<sup>5</sup> And Ruth Gavison of the Hebrew University, a leading Israeli civil rights activist, has noted that who the minority is in Israel’s case is not clear: “Jews may be the majority in Israel, but they are a small minority in a hostile region.”<sup>6</sup> What possibilities could creative political philosophy imagine to protect the Jewishness of the state without violating basic liberal political commitments?

Precisely because the Kinneret Agreement leaves us yearning for serious engagement with these questions, we are indebted to its authors. If this document, despite all that it does not say, propels this conversation forward, it will have contributed much to beginning a process that may yet save the Jewish state.

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1. Supporters of the notion commonly point to Egypt and Jordan as possible destinations, but neither Egypt nor Jordan is interested. And even if, under some currently inconceivable international solution, Egypt would be pressured into absorbing the Gaza Strip, and Jordan into taking the population of the West Bank, this would not have any impact on the status of Israeli Arabs, who are part of neither of those populations.

2. According to some estimates, the population of this area (inside Israel's pre-1967 borders) consists of approximately 350,000 Arabs and 50,000 Jews. Such a step, therefore, would reduce the Arab population by approximately one third, and the projected growth by at least that percentage.

3. Some Israelis have suggested an arrangement whereby settlers in the West Bank would continue to live in "Palestine" but possess Israeli citizenship, while Israeli Arabs could continue to live in Israel, but they would be given Palestinian citizenship in lieu of their Israeli citizenship. Proponents of this (admittedly problematic) solution argue that it is a fair embodiment of the original hope for "two nations for two peoples."

4. MK Effie Eitam, one of the signatories of the Agreement, and the leader of the National Religious Party, is on record as stating that he considers forced transfer "moral." Thus, it is clear that even the agreement's claim that a Jewish majority can be preserved "only by moral means" was understood so differently by the various people who signed it that it means virtually nothing at all.

5. Will Kymlicka, *Liberalism, Community and Culture* (Oxford: Clarendon Press, 1989), p. 146.

6. Ruth Gavison, "Zionism as It Was Meant to Be," *Jerusalem Post*, July 15, 2002 (Internet edition).