Is Israel Democratic?
Substance and Semantics in the “Ethnic Democracy” Debate

Astronomers recently dealt with the weighty question of whether to continue classifying Pluto as a “planet” or to redefine it as a “trans-Neptunian object.” This debate did not involve disagreement over the actual nature of Pluto itself; all agreed that it was smaller than the eight other planets, that it was composed mainly of ice, and that it had an unusual elliptical orbit. The question was whether to define the concept of “planet” elastically enough to include such an object, while still excluding numerous other objects that also orbit the sun. For the astronomers involved, this was largely arbitrary, since nothing inherent to the term “planet” (original meaning: “a wanderer”) furnished operational guidelines for such distinctions.

Similarly, there is remarkably little disagreement over the actual substance of Israeli politics in the recent debate over “ethnic democracy” in the pages of Israel Studies.1 Sammy Smooha classifies Israel in the historically-rare category of “ethnic democracy”; As’ad Ghanem, Nadim Rouhana, and Oren Yiftachel challenge the “democracy” component of that taxonomy and suggest instead the label of “ethnocracy,” a somewhat less rare but still infrequent species; Ruth Gavison argues for moving the debate into explicit rather than submerged normative terms, and concludes that there is no necessary conceptual inconsistency between a state being Jewish and its being a democracy. All, however, describe the actual situation of non-Jews in Israel, in law and in practice, in similar terms. In Smooha’s words, “minorities are treated as second-class citizens, feared as a threat, excluded from the national power structure, and placed under some control,” while “at the same time [they] are allowed to conduct a democratic and peaceful struggle that yields incremental improvement in their status.”

The question of whether this disqualifies Israel as a democracy obvi-
ously depends on the definition of democracy that is used. The term "democracy," like the term "planet," does not have an inherent and precise delimitation that is fixed for all time and is intuitively obvious in its application to specific cases. Standard dictionary definitions, such as "government by the people" or "majority rule," do not take us very far. Political scientists must operationalize the concept for it to be useful empirically, and such definitions will always be arbitrary to some extent. We usually ask only that the analyst be clear about the definition being used in order to avoid superfluous debate over semantics—though it is useful to remember that definitions deviating widely from conventional usage, no matter how precise, are still likely to invite misunderstanding.

Gavison points out that the use of a label loaded with positive and negative connotations—such as "democracy"—has especially serious consequences. This is further reason to be as precise as possible in defining such concepts operationally. Gavison then deals with these consequences on a political and normative level. I agree that the normative aspects of this issue should be made explicit, and I find her discussion of them illuminating. The focus here, however, will return to what she terms the "scholarly" or "conceptual" level, dealing with grubby issues of definition and methodology.

DEFINING DEMOCRACY

Ghanem, Rouhana, and Yiftachel do begin with a clear definition of democracy:

We perceive [democracy] as a system of government based on several key principles: (a) equal and inclusive citizenship and civil rights, (b) popular sovereignty and universal suffrage; (c) protection of minorities; and (d) periodic, universal and free elections.

To this the authors later add a de facto fifth requirement: a democracy must have clear borders. This is because it must have a "demos," defined in ancient Greece as "an inclusive body of empowered citizens within a given territory." This clearly implies, they argue, clear and permanent borders: "the state should belong to all its citizens and only to those citizens."

Ghanem, Rouhana, and Yiftachel have, therefore, supplied us with fairly precise and measurable criteria for differentiating between a "democracy" and a "non-democracy." Fair enough. By this definition it is also clear
that they have a very strong case for flanking Israel. It is difficult to argue (and so far no participant in this debate has argued) that Palestinian Arabs in Israel enjoy full equality with Jews either de jure (that is, in terms of constitutional and legal structures) or de facto. As a minority, they are systematically excluded from important areas of Israeli life. The lack of clear borders is expressed in the citizenship extended to Jewish settlers (but not Palestinians) living beyond the Green Line and in the ambiguous relationship of Israel to Jewish diasporas around the world. The state of Israel is established explicitly on an ethnic basis, and, by the above criteria, an ethnic democracy is, indeed, a contradiction in terms (like “hot ice,” as the authors put it).

Political scientists working empirically on democracy have generally employed much less unforgiving criteria. Some even challenge the validity of dealing with political democracy as a dichotomous, either-or, concept: “I believe that we unnecessarily compromise the concept of political democracy by considering it a dichotomous phenomenon. This leads to a crude lumping of countries into the same category when in reality they have very different degrees of political democracy.” And those who have chosen to dichotomize democracies and non-democracies have proceeded more cautiously.

Dankwart Rustow, in 1967, applied the following four criteria:
1. The free flow of information and the free expression of opinion.
2. The competition of party programs and candidates for electoral approval.
3. The control of the government by elected representatives.
4. Either (a) periodic changes in the composition of the ruling majority or (b) representation of all major electoral trends within it.

Application of these criteria to contemporary states led to a list of 31 democracies, Israel being one of them.

In 1971, Robert Dahl suggested a set of eight requirements for democracy (which he termed “polyarchy” in order “to maintain the distinction between democracy as an ideal system and the institutional arrangements that have come to be regarded as a kind of imperfect approximation of an ideal”):
1. Freedom to form and join organizations.
2. Freedom of expression.
3. Right to vote.
4. Eligibility for public office.
5. Right of political leaders to compete for support and votes.
7. Free and fair elections.
8. Institutions for making government policies depend on votes and other expressions of preference.

Consequently Dahl classified 26 states, circa 1969, as “fully inclusive polyarchies,” Israel being one of them.¹

G. Bingham Powell established five criteria for democracy in 1982:
1. The legitimacy of the government rests on a claim to represent the desires of its citizens.
2. The organized arrangement that regulates this bargain of legitimacy is the competitive political election.
3. Most adults can participate in the electoral process, both as voters and as candidates for important political office.
4. Citizens’ votes are secret and not coerced.
5. Citizens and leaders enjoy basic freedom of speech, press, assembly, and organization.

Powell concluded that 20 nations had continuous democratic regimes from 1958 to 1976, Israel being one of them.²

Finally, Arend Lijphart, in 1984 and 1994, using Dahl’s criteria, identified 33 nations that had been continuously democratic since the immediate post-World II period—Israel being one of them.³

None of these operational definitions, it will be noted, required equality of rights, non-exclusion of minorities, or clear and unambiguous borders. All of them also recognized that, in Lijphart’s words, “democratic regimes are characterized not by perfect responsiveness but by a high degree of it.”⁴ Of course, Ghanem, Rouhana, and Yiftachel are free to argue that a definition of democracy ought to include minority rights, and to so define it themselves. Nominalists such as myself have no problem with that so long as it is made clear and explicit, and so long as it is applied consistently to all states. But the authors need to bear in mind that this usage does differ from that common in political science, which may force them to remind the reader repeatedly of their higher standard (or find another label for it). It also differs significantly, it should be added, from what the person in the street generally understands by “democracy.” One indication of this is a recent survey of Palestinians in which 73 percent rated the status of democracy and human rights in Israel as either “Good” or “Very Good,” against 67 percent for the United States, 55 percent for France, and 32 percent for the Palestinian Authority.⁵
HOW DIFFERENT IS ISRAEL?
THE NEED FOR COMPARISON

How would other nations rank by the criteria that Ghanem, Rouhana, and Yiftachel propose? If we all agree that Israel is to be judged as other countries are judged, a comparative perspective becomes necessary. Such problems as minority rights in a conflict situation, security pressures on civil liberties, the role of religion in politics, and overwhelming pressures on available resources can be fully evaluated only by comparing the Israeli case to others, similar and dissimilar. The authors explicitly recognize that democratic/non-democratic governments exist on a continuum and that there is no perfect democracy, which certainly invites comparison. (I also understand informally that they are in fact studying other “ethnocracies,” though the subset of cases they find comparable—Estonia, Serbia, Malaysia, Sri Lanka—seems very limited.)

The lack of such comparison in the article at hand, however, tends to create the impression that Israel is being measured against an ideal standard, making any serious defect grounds for rejecting its democratic credentials. It is only fair to ask whether other states pass this test. Can any nation with ethnic problems—meaning most nations in the world today—pass muster regarding equality and non-exclusion of minorities in law and in practice? Surely the United States, with its glaring racial inequities, would have to be classified as “non-democratic” if this standard is applied stringently.

Ghanem, Rouhana, and Yiftachel do provide grounds for differentiating Israel from “truly” democratic states when they stress the degree to which Israeli violation of equal rights is anchored in law. While all or most states may fall short in practice, the authors stress the formal structures that legitimate this discrimination in Israel: the Law of Return and other legislation privileging Jews and Jewish values, quasi-governmental bodies such as the Jewish Agency or the Jewish National Fund that exclude non-Jews, etc. It might be argued that other democracies enshrine equality and non-exclusion at least formally, whatever their shortcomings in practice, but that Israel does not do even this.

Of course, Ghanem, Rouhana, and Yiftachel do not in fact limit their critique of Israel to formal structures. They mix law and practice together—and they are perfectly correct in doing so, since both must be considered. But even putting this aside, there are other problems with an exclusive focus on formal structures. In the first place, it is not clear that even by this criteria most presumed democracies are free of sin. Several years ago, my state legislature decreed that henceforth the official language of Indiana was to be
English; admittedly this had little if any practical impact, but were I a native Spanish-speaker I would see this, quite correctly, as an insult and even as a discriminatory act. It certainly is not an ethnically- and culturally-neutral law. Many states in the modern world have adopted policies to “protect” their cultures against alien influences; are they beyond the pale?

But most importantly, actual practice is surely at least as important, if not more important, than official structures. Judged by its official constitution and laws, the Soviet Union under Joseph Stalin was one of the most democratic polities in human history. An analysis limited to formal structures would be very uninstructional in most cases, like a furniture inventory that says nothing about a family that slouches in its chairs and snores in its beds. An official apologist for Israel might even conceivably make the argument that Israel is simply being less hypocritical than other states by matching its formal structure to what it actually does.¹⁴

Looking at both law and practice, any comparison must begin with a recognition of the general tenuosity of democracy. Democracy is a relatively recent and still far-from-universal human achievement; by Lijphart’s criteria, there were no democracies at all until the early twentieth century (because women did not have the vote), and only 23 states have been continuously democratic since the immediate post-World War II period. All of these are relatively well-developed, prosperous nations; all but Israel, India, Costa Rica, and Japan are in Western Europe, North America, or the British Commonwealth.¹⁵

Israel often appears in the literature as one of the major case studies of democracy in a deeply-divided society. Ethnic and religious cleavages clearly make the achievement of democracy more difficult; analysts point to a strong correlation between homogeneity and political democracy.¹⁶ Generally, only a handful of states with deep and numerically significant ethnic divisions have maintained stable democracies by standard criteria: Switzerland, Belgium, Canada, arguably India—and Israel. Thus it is not too surprising that one of the weaker aspects of Israeli democracy is minority rights. Political scientists consider “consociational” democracy, in which power is shared among major groups (Switzerland is the classic example), to be more suitable to deeply-divided societies than simply majoritarian democracy in which nothing dilutes majority rule. I have argued that Israeli politics is basically consociational within the Jewish community, but not in dealing with the Jewish-Arab division.¹⁷

Consequently, I would agree with the implicit premise of this debate: Jewish-Arab relations within Israel are the acid test of Israeli democracy. Posing this in stark “either-or” terms, however, obscures the reality that all
nation-states must in some fashion balance the demands of cultural, ethnic, and historical particularity against universalistic principles. Israel faces the difficulty, in David Kretzmer's words, of managing the tension between two conceptions of nationhood: "As a democratic state Israel must serve the needs of all its citizens; as the state of the Jewish people its function is to pursue particularistic goals." But Israel is hardly the only state facing this dilemma.

Both Smooha and his critics present Israel as a relatively unusual case transcending conventional categories, whether as an "ethnic democracy" (which Smooha opposes to either majoritarian or consociational democracy) or as an "ethnocracy" (which Ghanem, Rouhana, and Yiftachel oppose to either democracy or authoritarianism). But does Israel really represent a third type in either classification? Is the ethnic element in the Israeli polity so strong as to constitute a difference in kind, and not just a difference in degree?

Neither of the two essays clearly addresses the critical issue of the relationship between an "ethnic" state—democratic or not—and the basic concept of a "nation-state" as it has been generally understood and used in political theory (Gavison also notes this "ambiguity between ethnicity and nationhood"). In either version, the basic concept of an ethnic state comes suggestively close to the classic definition of a nation-state. A "nation" is typically defined as "a people connected by supposed ties of blood generally manifested by community of language, religion, and customs, and by a sense of common interest and interrelation." This differs little, if at all, from most notions of ethnicity. As the idea became prevalent that every nation had a right of self-determination, the dominant political model in the world became the nation-state: "A state organized for the government of a 'nation' whose territory is determined by national boundaries, and whose law is determined, at least in part, by national customs and expectations."

Since ethnic borders seldom correspond perfectly to political borders, the "national" majority in any given state constitutes a dominant ethnic group with respect to minorities not identified with that nationhood, no matter how democratic the procedures. All nationalisms have a potential problem with minority rights, as Jewish history demonstrates only too well. Furthermore, a hostile majority can suppress a minority by democratic as well as non-democratic means (as democracy is usually defined). The critical question is how far ethnonational identity is intertwined with the very definition of the state, and this is a matter of degree.

In theory liberal democracy is indifferent to distinctions among citizens. But no political system exists in a social, cultural, linguistic, and
historical vacuum; even the most liberal regime is shaped by its particular context. A nation-state, formed around a central “nation” however defined, bears some particularistic features. This imprint will be lighter where the prevailing model of nationality is assimilative and where it corresponds to the concept of citizenship. In this “New World” model, state forms nation: there is a territorial focus, citizenship is extended to those born within its borders (*jus solis*), and naturalization is not tied to ethnicity, culture, or descent. Such a pattern predominates not only in New World nations formed by immigration, but also in some states with natural borders (e.g., islands), in some older states where borders shaped identity (France, Britain), and in newly emerging states where “artificial” borders are beginning to shape identity. Even here, however, a sense of particularity—Americanness, Japanese, French—remains and may be a strong political factor.

Clearly this sense is stronger in the “Old World” model where nation forms state: there is an ethnic focus, with citizenship distinguished from nationality and often extended on grounds of descent (*jus sanguinis*), while naturalization is more difficult, since it is tied to ethnicity, culture, or language. This pattern predominates in some areas with well-defined historical nations (Central and Eastern Europe, Asia), in newer states formed when the concept of nation-state was at its peak (post-World War I), and in some situations where the mismatch between ethnic and political borders is especially dramatic (Vietnam, Korea, Bangladesh, Yugoslavia).

As a product of the nation-state idea at its most intense, Israel belongs to the “Old World” model and ranks toward the more ethnic end of this continuum. It is not, however, in a category by itself; there are many other states in which ethnicity is likewise closely intertwined with the definition of the state. Many states, for example, confer citizenship by descent and/or ethnicity to those who can establish an ancestral link. The Israeli Law of Return is an unusual case of *jus sanguinis* in that it recognizes an ancestral link over two millennia, but other states have similar policies. Germany, which generally follows the concept of a community of descent, has as part of its 1949 Basic Law a provision granting the right of “return” to refugees of German ethnic stock, which led to a massive influx of “Germans” from Eastern Europe whose ancestral link was measured in centuries. The Soviet Union, following World War II, adopted similar “laws of return” for persons of Armenian, Russian, Ukrainian, or Byelorussian national origin who wished to enter the Soviet Union and receive Soviet citizenship. During the decolonization process, the imperial powers (Britain, France, Netherlands, Italy, Belgium) readmitted “nationals” who were generations removed from the home country.
Does the existence of a broader Arab-Israeli conflict make Israel's minority issue unique? One of the more curious defenses of de facto discrimination is the argument that Israeli Arabs, as an ethnic minority linked to an external threat, represent a unique security problem. This is not the case: there are Greeks in Turkey and in Turkish Cyprus as well as Turks in Greek Cyprus; Hindus in Pakistan and Moslems in India; Tamils in Sri Lanka; Arabs in Iran; Albanians in Macedonia; Chinese in Vietnam and elsewhere in Southeast Asia; Somalis in Ethiopia; and many potentially hostile tribes with cross-border links in Africa. In the past, the presence of ethnic Japanese in the United States and Canada, Armenians in Turkey, Germans throughout Eastern Europe, and various "suspect" ethnic groups in the Soviet Union, has been a source of concern to the governments affected.

The treatment of these "enemy minorities" has usually been dismal. The fate of Armenians during World War I, of Japanese in the United States during World War II, and of German minorities during and after World War II, testifies to the corrosiveness of wartime suspicions. In recent decades, the expulsion of suspect minorities has been commonplace, long before civil strife in the former Yugoslavia gave "ethnic cleansing" a bad name. It is noteworthy that, among 26 ethnically-divided states rated as democratic (see below), only the Baltic states parallel Israel in having sizeable minorities linked to a potentially hostile neighbor. Clearly such links do put minority groups in a more complicated and vulnerable position.

One useful index related to this pattern is the exclusion of ethnic minorities from military service; again, Israel is not unique in selective conscription. Among democratic nations, Britain did not apply the draft to Ireland in World War I or to Northern Ireland in World War II, while in Canada the conscription of French Canadians was a contentious issue in both conflicts. Elsewhere minorities have been excluded from the armed forces, in whole or in part, in Burma, Fiji, Guyana, Iraq, Malaysia, Pakistan, Sri Lanka, and a number of African states. Military service often serves minorities as a path to gaining legitimacy and acceptance, as it has with the Druze community in Israel.

Israel's link to ethnicity is not unique. But the Law of Return and other explicitly Jewish features do place it among the more ethnic nation-states, and thus among the more problematic in terms of ethnic minorities. How many states actually have significant ethnic minorities, and how do they fare in democratic terms? In The Jewish State, I took a tentative stab at this question, admittedly very rough and incomplete. In 1995 there were, by this count, 71 states in the world with ethnic minorities, defined by language, of
over 5 percent. Of these 71 states, 26 (including Israel) were ranked as “free” on political rights and civil liberties in the annual Freedom House survey of 1994–1995.

From Israel’s perspective, an important question is how many of these 26 states practice some form of ethnic power-sharing and how many do not, and whether this is related to the size of minorities. Arend Lijphart’s four basic characteristics of consociational power-sharing are: 1) participation in the governing coalition or executive; 2) a high degree of group autonomy; 3) proportionality in representation and allocation; and, 4) a formal or informal minority veto on matters of fundamental importance. “Addressing only ethnic divisions,” 11 of the 26 states (not including Israel) met at least three of these four conditions.

There was a clear correlation between power-sharing and the size of the minority. Only one of the 12 democratic states with linguistic minorities of less than 20 percent (Finland) used power-sharing techniques in its ethnic relations, while 10 of the 14 democratic states with minorities above 20 percent did so. Clearly accommodation of ethnic groups above this threshold, in a democracy, ordinarily involves the use of explicit power-sharing techniques that, by their nature, dilute the prevailing ethnicity of the state. With an Arab minority of about 19 percent, Israel stands near the fulcrum: close to the upper limit on the size of minorities that states have generally been able to incorporate successfully into functioning majoritarian democracies, and beyond which most have found consociationalism more applicable. To judge by experience elsewhere, it would appear that Israel might be able to integrate this minority without wide use of power-sharing techniques, but that such techniques are clearly preferable and perhaps even essential.

CONCLUSIONS: ETHNICITY AND POWER-SHARING

Of what, minimally, does the “Jewishness” of the Jewish state consist? The Israeli Supreme Court, in dealing with the eligibility of parties to participate in elections, has tried to answer this question. Acceptance of Israel “as a Jewish state,” the court ruled, means at least (a) maintenance of a Jewish majority, (b) the right of Jews to immigrate, and (c) ties with Jewish communities outside Israel. None of these features are inherently inconsistent with democracy as usually defined, and none of them are unique to Israel. The nation-state, based on the principle of the sovereignty for a particular ethnonational community, is the prevailing form of political
organization in international relations. Most states, including most democracies, claim some kind of ethnic component in their identity, and none exist in a cultural vacuum. A large number of states grant citizenship on the basis of ethnic identity of descent. Nor is the existence of a dispersion peculiar to the Jewish people, save perhaps in duration and extent, and the growth of sentiment for “normalizing” Israel-Diaspora relations could lessen any remaining differences (by limiting the Law of Return, reducing the role of world Jewry in Israel, or even reversing the flow of influence as Israel becomes the dominant force in the Jewish world).

Israel is a democracy by the usual standards in which power-sharing techniques have functioned fairly effectively among Jewish groups, but from which the Palestinian Arab minority has been excluded. Given the depth of the ethnic division, lessons from experience elsewhere, and the particular strengths of Israeli politics, the extension of power-sharing—consociational democracy—to Palestinians within Israel is clearly the preferred option. Israeli Jews wish to remain Jewish: that, after all, was the basic idea of Zionism. By the same token, Israeli Arabs are a non-assimilating minority with their own culture, language, and identity. Democratic governments—and even many non-democratic regimes—usually achieve long-term stability in such cases by power-sharing based on the explicit recognition of two or more ethnic communities.

This may require development of an overarching identity, a common framework that transcends the division into Jew and Arab, to counter the feeling of Israeli Arabs that they do not belong. Though the name Israel is decidedly Jewish in origin, Arab citizens have often expressed interest in expanding the concept, as a territorial label, to encompass non-Jews as well. This would in essence create the common civic space that has existed only in theory. Israeli Arab novelist Anton Shammas has asked for “a new definition of the word ‘Israeli,’ so that it will include me as well….” Responding from a Jewish perspective, A. B. Yehoshua noted that during the First Temple period “Jewish religious identity was not at all a necessary element of Israeli identity,” and projects a gradual cultural symbiosis leading to a common Israeli identity.

Introduction of power-sharing would be eased by the fact that it already works on the Jewish side. Power-sharing among Jewish groups, messy and contentious yet effective, already serves as a model of independent organization, collective bargaining, and direct action within the framework of law. On the municipal level, a “system of elite consultations” kept Arab-Jewish peace in Jerusalem over the decades, providing another model.
Whether conceived as consociationalism or not, specific proposals for Jewish-Arab accommodation tend to be similar. Most involve explicit recognition of Israeli Arabs as a national minority with rights as a group, such as an act of the Knesset affirming that “the Arab minority in the State of Israel is an integral part of the Jewish State and is entitled to full recognition of its specificity within the framework of law.” Recognition of Arabs as a minority could involve making state symbols and practices more inclusive; for example, by having “Israeli” holidays that draw in both communities.

Secondly, following from such recognition would be group autonomy in cultural and educational affairs, with the election of a representative body for that purpose, and possibly the establishment of an Arab-language university. Functional autonomy in these areas may be necessary to counter the growth of support for territorial autonomy or total separation.

Finally, inter-ethnic consociationalism will get a tremendous boost when Arab parties that accept the framework of a Jewish state are brought into government coalitions. Nothing else can provide as clear an index of the extension of Israeli power-sharing to the Arab community. It is extremely important, as Gavison notes, that Palestinians participate directly in the decision-making process themselves, rather than having these issues handled as an internal debate among Jewish Israelis.

This is in addition, of course, to a fair allocation of resources and equality before the law. Nothing in the “Jewish” nature of the state inherently compels discrimination in local government budgets, health and welfare services, education, economic opportunities, or treatment in the courts. In fact all of the above measures could be implemented without renouncing the essential Jewishness of Israel as a nation-state. What they involve is some dilution of the relationship between ethnicity and statehood, moving Israel more toward the center of the spectrum on this dimension. There always remains some sense in which an ethnic minority “does not fully belong” in a nation-state with a dominant ethnic group, but Israel would become more of a “normal” nation-state with “normal” minority problems.

A majority in both communities—roughly two-thirds, in fact—endorse the continuation of Israel as a Jewish state, with full recognition of Arab rights as a national minority as a workable solution. This assumes, of course, the continuation of the process of delinking the Israeli Arab situation from developments in the West Bank and Gaza. For Arabs within Israel, the sense that the basic conflict was being resolved would free them to focus further on their own problems and demands. Resolution of broader Arab-Israeli issues could conceivably intensify their struggle in the sense that they could no longer be put off by security arguments. But on the whole,
peace and stability on the international level should reduce tensions within Israel, remove legitimate security issues, help expand civil rights, and make Israelis more willing to accept independent Arab organizations and Arab control of their own education and internal affairs. In such a setting Arabs could also perform military service, or another form of national service, as a path to integration and equality.

Reading in the other direction, this implies that there is no real solution to ethnic relations within Israel as long as the larger problem impinges. The future of Israeli democracy is inextricably linked to continued moderation of the Arab-Israeli conflict and to the fate of the larger Arab population in the territories beyond the Green Line.

NOTES


4. Ibid., 261. Emphasis in the original.


13. The case for a comparative perspective is made convincingly by Benyamin

14. See note 9, above.
15. Does any country other than Israel tie itself in knots by attempting to legislate “permissible” torture, rather than simply denying that such practices are officially tolerated?
16. See note 16, above.
19. Kretzmer, Legal Status, 175.
23. This includes some states that also recognize jus solis; a partial list would include Belgium, Bulgaria, Finland, France, Germany, Hungary, Liberia, Poland, Sri Lanka, Switzerland, and the United Kingdom as well as the Soviet Union and most Soviet successor states. Ruth Donner, The Regulation of Nationality in International Law, 2nd edition (Irvington-on-Hudson, NY, 1994) 32, 69, 114–19; United Nations Legal Department, Laws Concerning Nationalities (United Nations ST/LEG/Ser.B/4, 1954) 223–4, 386–7. The Israeli Law of Return can also be defended as a policy of selective immigration, rather than as extension of a particular conception of citizenship, since all states practice selective immigration, the question then becomes the legitimacy of selection on ethnic grounds, and again Israel is not unique in this regard.
27. Based on the data in Maps ’N Facts (Broderbund Software, 1994); closely-related languages were grouped together and microstates were eliminated. For more information see Dowty, The Jewish State, 210–12.
30. The 11 states were Belgium, Benin, Botswana, Canada, Finland, Guyana, Malawi, Mauritius, South Africa, Spain, and Switzerland.
32. This argument is developed by Oren Yiftachel, "The Concept of 'Ethnic Democracy' and its Applicability to the Case of Israel," Ethnic and Racial Studies, 15 (January, 1992) 135-36.
33. The exchange between Shammas and Yehoshua is in David Grossman's, Sleeping on a Wire: Conversations with Palestinians in Israel (New York, 1993) 277, 270-1.