

A Free People in Our Land



Israeli Democracy and Pluralism



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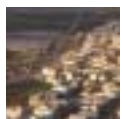
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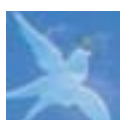
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Foreword

*"The hope of two thousand years, to be a free people in our land: the land of Zion and Jerusalem"
(From "Hatikva", Israel's national anthem)*



As narrated in the Bible, the birthplace of the Jewish nation was in the Land of Israel (Eretz Yisrael). For over two millenia, after the Jewish people lost their sovereignty over Eretz Yisrael and were exiled to countries around the world, the Jews never

ceased their yearning to return and rebuild their homeland.

Although the Jewish people were scattered throughout the nations of the world, they continued to adhere to the basic tenets of their belief. These tenets were expressed by the words of the Torah (the Five Books of Moses), the visions of the prophets, and the Talmud, the definitive body of Jewish law. The egalitarian principles that are found in these sources have provided a natural environment for the proliferation of democratic ideas.

Tolerance for others, respect for all people and concern for the social welfare of each member of society, as embedded in the Jewish sources, were the cornerstones upon which Jewish life in the Diaspora was built. From the communities of Jews who always maintained a presence in Eretz Yisrael, to the far flung communities around the world, Jewish communal life was run by institutions which helped lay the groundwork for the democratic institutions of Israel today. Moreover, liberal and democratic ideas from the emerging democracies in Europe during the 19th century had their influence on the development and outlook of political Zionism.

The modern State of Israel, reborn in 1948, transformed the

dream nourished in the hearts of the Jewish people for two thousand years into a reality. The newly formed state, in contrast to the surrounding region noted for its totalitarian and authoritarian regimes, adopted egalitarian, democratic and pluralistic guidelines for its own society.

Israel's Declaration of Independence (May 14, 1948) proclaimed the formation of a Jewish state which would adhere to democratic principles. The absorption of hundreds of thousands of Jews from around the world added to the pluralistic nature of Israel's culture. The framers of the declaration, mindful of the years of persecution suffered by the Jewish people at the hands of different regimes under

which they resided, made it clear that Israel would be bound by principles of freedom, equality and tolerance for all inhabitants regardless of religion, conscience, race, gender or culture.

Israel is still a young country. It has devoted many of its resources to defending its borders and residents from threats by hostile neighbors. In keeping with the words of its Declaration of Independence, Israel continues to extend the hand of peace to its neighbors. Moreover, despite ongoing attacks on its

people, Israel continues to act in pursuance of the liberties and values to which it has always been fully committed. The State of Israel is determined as ever to validate the founders' belief that a Jewish and democratic state can exist amidst the daily challenges to its integrity. Assisted by its judiciary branch, by legislation enacted by its parliament, the Knesset, and by the many other institutions which comprise its society, Israel has demonstrated how true commitment to a democratic way of life does not have to be impeded by external circumstances. In this way, tangible meaning is given to the words "a free people in our land."

Israel is committed to the principles of freedom, equality and tolerance for all inhabitants regardless of religion, conscience, race, gender or culture





The Roots of Israeli Democracy

Israel is a Jewish and democratic state. Although seemingly incompatible, the integration of both ways of life was a natural consideration for the founders of the state and has been the guiding principle for the nation since its rebirth in 1948. Some of the seeds of modern political democracy were already planted in the early stages of Jewish history and a number of underlying principles and values that form the basis of a democracy have been at the core of Jewish thought and practice for over two millennia.

The authority of the law, individual and humanitarian concern, the exhortation by the prophets of the Bible and later by the rabbis of the Talmud (the authoritative body of Jewish law completed c. 400 C.E.) to care for the weaker members of society, and their emphasis on equality before God, are all concepts that subsequently emerged as part of modern democratic philosophy.

Embracing a central monotheistic belief, Jewish tradition has, over the centuries, recognized pluralistic tendencies in its customs and practices. Over the span of Jewish history this pluralism has been manifested by the existence of both Hassidim¹ and Mitnagdim,² Sephardic and Ashkenazic customs, as well as Kabbalistic (mystical) and Halachic (ritualistic) approaches. As long ago as the temple period, the Sadducees, a priestly cult that adhered to a rigid interpretation of the Torah, lived alongside the Pharisees, proponents of an oral tradition of Jewish law and the precursors of modern rabbinic Judaism. All of these movements differ in their approaches to Judaism and yet are universally recognized as integral parts of "Klal Yisrael", the Jewish nation.

The Talmud, which records the formation of Jewish custom and ritual, is careful to chronicle the debates and divergent views among the scholars of the Mishnaic period (c. 1st - 2nd century C.E.). Practices were decided based on majority opinion. Nonetheless, minority opinions were carefully recorded in the Talmud as well. The debates between the houses of Shamai (Beit Shamai) and Hillel (Beit Hillel), which

were the two greatest houses of study in Israel during the Mishnaic period, are cited often in the Talmud. Beit Shamai was known for its stringent interpretation of biblical precepts and Beit Hillel for its lenient approach. The Talmud records both approaches even though the rabbis preferred the rulings of Beit Hillel.

Modern Judaism consists of many different customs, liturgies and philosophies, practiced by the different movements of Judaism, most of which arose in the past two centuries.

Along with the earlier expressions of substantive humanitarian and pluralistic

ideas, Jewish institutions themselves adhered to some modes of what later became expressions of modern democracy. Early Jewish communities during the period of the Talmud and afterward, both in Israel and the Diaspora, were governed by representative bodies chosen by each community (Kehila), which were separate from the religious Batei Din (Jewish courts). These bodies were elected by the communities for which they served, and they supervised all the social activities of the community. Care for the welfare of all community members, specifically widows, orphans and the poor, was one of the main concerns of these community institutions, a practice which has been translated in Israel's modern democratic system as social welfare policy.



Israel Ministry of Foreign Affairs

Some of the seeds of modern political democracy were already planted in the early stages of Jewish history

Although theoretical Zionism was expressed by the prayers and yearning of the Jews over the centuries to return to their homeland from which they were exiled, political Zionism originated among the emerging democracies in Europe following the 18th century emancipation. The emancipation granted Jews the rights of citizenship through which they became more involved in their respective countries and enabled them to cultivate an appreciation of the new type of democratic system of governance and the values that came with it.

From its inception, the political Zionist movement - fostered by the ideas of Theodore Herzl, the father of modern Zionism - was based on a democratic system of decision-making.

The First Zionist Congress, convened by Theodore Herzl, was held in Basel, Switzerland with 197 delegates representing Zionist organizations from all over the world. The Zionist Congress held the status of a national assembly representing the entire Jewish people. Participants in the Congress were elected representatives of the Jewish communities. The Congress provided an open forum for a full range of opinions and functioned on the basis of free elections, already establishing the tradition of a democratic political process and parliamentary debate.

Israel's parliament, the Knesset, derives its name from the "Knesset Hagdola" ("Great Assembly") which was the legislative body of the Jews in Israel during the second temple period. The traditions of the Knesset and the democratic procedures by which it operates were influenced by the Zionist Congress, by the experience of the Assembly of Representatives ("Assefat Hanivharim"), which was the supreme elected representative body of the Jewish community in British Mandatory Palestine, and, to a certain extent, by the procedures and customs of the British Parliament.

The roots of Israel's democratic tendencies, nurtured over two millenia by the Jewish nation, were given a chance to mature with the establishment of the state. These principles have not only led to the acceptance of a democratic culture in a region of authoritarian regimes, but have helped Israel remain a sturdy and healthy democracy amongst the nations of the world.

1. *Hassidim* are adherents of a movement founded in Europe in the 18th century based on an expressive approach to Jewish ritual and thought.
2. *Mitnagdim* were strict talmudists who were devoted to the pure study of Jewish texts.



Herzl envisaged the establishment of a democratic Jewish state.



Theodor Herzl addressing the Second Zionist Congress, 1898



Modern day Israel: the Knesset in session

Democracy and Jewish Tradition

Rabbi Gilad Kariv

"The State of Israel . . . will be based on Freedom, Justice and Peace as Envisaged by the Prophets of Israel"

(From Israel's Declaration of Independence, May 14, 1948)

Many elements of the modern democratic system can be found in the religious, cultural and national roots of the Jewish nation.

The first shared principle is the recognition of the duties of a government to promote and apply principles of justice and to guarantee the existence of a civilized and just society. Early Judaic law, as reflected by the commandments found in the Torah, stresses the obligation of a government to institute legal norms and create mechanisms by which all members of society would benefit. *"Judges and officials shall be placed in all thy gates which the Lord thy God has given you for your tribes and they shall judge the people with righteous judgment."* (Deuteronomy 16:18).

Jewish tradition measures a government's right to exist and remain in power by its treatment of the weakest members of society. Accordingly, the prophets living in the times of the kingdoms of Israel and Judah were critical of any actions taken by the monarchs that had adverse affect on the rights of the people, particularly the weak. Prophecies describing future Jewish sovereignty were centered around the principles of law and justice: *"Behold, the days come, says the Lord, that I will raise unto David a righteous shoot, and he shall reign as king and prosper, and shall execute justice and righteousness in the land."* (Jeremiah 23:5).

The second common thread shared by both democracy and Judaism is the subordination of an administration to the rule of a higher authority. Unlike other ancient cultures, Jewish tradition did not hold kings and rulers above the law. The law was not subject to a monarch's personal whims or desires. The book of Deuteronomy describes one of the first acts that a king must take upon assuming the throne: *"And it shall be when he sits upon the throne of his kingdom that he shall write him a copy of this law in a book . . . and it shall be with him and he shall read it all the days of his life so that he may learn to fear the Lord his God to keep all the words of this law and these statutes and to do them."* (Deuteronomy 17: 18-19).

Tales in the Bible describing the lives of the kings of Judah and Israel are rife with examples of the importance of the rule of law. One of the more prominent incidents involves King Ahab, who upon the advice of his foreign wife, Queen Jezebel, confiscated the vineyard of his neighbor, Nevo, and had him killed. This act, which went against the very essence of the rule of law, is explained in the Book of Kings as the reason for the collapse of the House of Ahab and the overthrow of his heirs from power.

Another theme common to both democratic principles and Judaism is the exposure of the government and ruler to inspection and review. Unlike other ancient cultures, who glorified their kings and treated them as

deities, the kings of the Bible are not portrayed as anything other than human and there are many references to the natural tendencies of these rulers to abuse their powers. The Bible and later Jewish thought made it clear that a ruler is not exempt from censure, examination and rebuke. Almost all of the great leaders of the Bible are described in their moments of weakness. A leader's ability to accept criticism and responsibility for his errors and omissions is the yardstick against which he is judged to be a great leader.

Fourthly, Judaic law recognized the importance of the decentralization of governmental power. Many Jewish sources acknowledge the corrupting influence of power and the importance of separating between the various branches of authority. In most ancient cultures the ruler was traditionally the head of the cult, the embodiment of a god or the chief religious

figure. No distinction was made between the rulers and the religion or cult. In contrast, the Jewish king played almost no role in the religious and ritual life of the people. Even if in certain cases there was a merger of roles, it was solely to demonstrate that the king was bound by supreme law and obligated to comply with such law.

Early Jewish sources were suspicious of omnipotent regimes and rulers, and recognized the all too human tendency for the abuse of authority and power. Although

the Jews of the Bible lived under a monarchical system of government, the underlying principles of the ideal regime, as described by the prophets, with respect for human rights and limitation of powers, were expressed for hundreds of years in Jewish liturgy, literature and thought. They became part of the roots of Jewish culture, and emerged later as elements of the modern democratic political system.

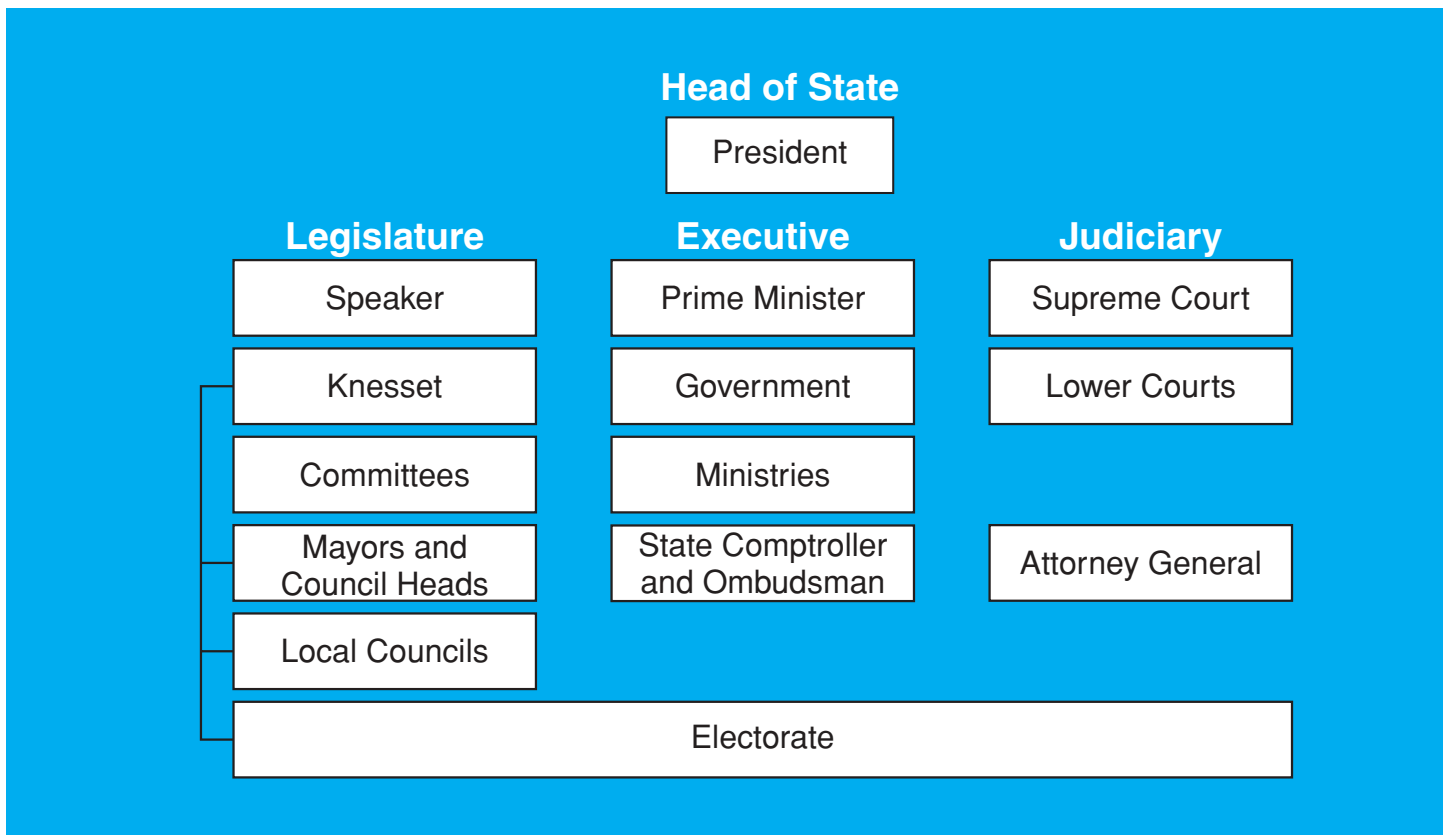


Israel Government Press Office / Avi Ohayon

Respect for human rights and limitation of powers, were expressed for hundreds of years in Jewish liturgy, literature and thought

Rabbi Gilad Kariv is a reform rabbi and attorney who serves as Director of Public Policy for the Israel Religious Action Center (IRAC), a center for Jewish pluralism, and an arm of the Israel Movement for Progressive Judaism.

Israel as a Parliamentary Democracy



The Structure of Israel's Democratic Institutions

Israel is a parliamentary democracy consisting of legislative, executive and judicial branches. As in other such systems, the parliamentary system is characterized by an executive branch supported by a legislative branch through votes of confidence. There is no clear cut separation of powers between the legislative (the Knesset - Israel's parliament) and executive branches (the Prime Minister and Cabinet) of the government. The Judiciary is an independent branch as guaranteed by law.

Israel's head of state is the President who serves for a term of seven years as a non-partisan representative of the state. His office is mainly ceremonial and his duties are defined by law. They include his designating a Knesset member to form a new government; opening the first session of a new Knesset; accepting credentials of foreign envoys; signing treaties and laws adopted by the Knesset; formally appointing judges, the Governor of the Bank of Israel and heads of Israel's diplomatic missions abroad, on the recommendation of the appropriate bodies; and pardoning prisoners and commuting sentences on the advice of the Minister of Justice. The President is elected by a simple majority of the Knesset and is nominated on the basis of his personal stature and contribution to the state.

The Legislative Branch

The Knesset is Israel's parliament. Its name and number of members (120) come from the "Knesset Hagdola" ("Great Assembly") which was the representative Jewish body convened in Jerusalem in the 5th Century BCE. Members of the Knesset are elected by general elections. The Knesset operates in plenary sessions and through its standing committees. In plenary sessions, general debates are conducted on government policy and activity, as well as on legislation. Debates can be conducted in the official languages of the state: Hebrew or Arabic.

A bill may be presented by an individual Knesset member, a group of Knesset members, the Government as a whole or a single Minister. When a Ministry initiates a bill, it must first be approved by the Government before going to the Knesset. Bills by private members do not require Government approval.

A proposed bill is presented to the plenary for a first reading and a short debate on its contents. It is then referred to the appropriate Knesset committee for detailed discussion and redrafting, if necessary. The bill is returned to the plenary for a second reading, presentation of reservations by committee members and a general review. If, thereafter, it

is not found necessary to return the bill to the committee, a third reading takes place, at which time a vote on the entire bill is taken.

The Knesset is elected for a tenure of four years, but may dissolve itself or be dissolved by the Prime Minister before the end of its term. Until a new Knesset is formally constituted following elections, full authority remains with the outgoing parliament.

Elections for the Knesset are general, national, direct, equal, secret and proportional, with the entire country constituting a single electoral constituency. All citizens over the age of 18 are entitled to vote in national elections and may be elected to the Knesset from age 21.

Because of the importance attributed to the democratic process, election day is a holiday. Free transportation is available to voters who happen to be outside their polling districts on this day, and special arrangements are made to enable military personnel and Israelis serving as diplomats abroad to vote.

A central elections committee, headed by a justice of the Supreme Court and comprising representatives of the parties holding seats in the Knesset, is responsible for conducting the elections. Regional election committees oversee the functioning of local polling committees, which include representatives of at least three parties in the outgoing Knesset.

Knesset elections are based on a vote for a party rather than for individuals, and the many political parties which compete for election to the Knesset reflect a wide range of outlooks and beliefs.

Parties represented in the outgoing Knesset can automatically stand for re-election; new parties may present their candidacy by obtaining the signatures of 2,500 eligible voters and depositing a bond, which is refunded if they succeed in receiving at least one and a half percent of the national vote, entitling them to one Knesset seat.

Prior to the elections, each party presents its platform and the list of candidates for the Knesset, in order of precedence. The parties select their candidates for the Knesset in primaries or by other procedures.

An allocation funding the expenses of election campaigns is granted to each party from public funds, based on its number of seats in the outgoing Knesset. New parties receive a similar allocation retroactively for each member elected.

The State Comptroller reviews the disbursement of all campaign expenditures.

On election day voters cast one ballot for the party of their choice. Knesset seats are then assigned in proportion to each party's percentage of the total national vote.

Susson Tiram



The Knesset building

The Executive Branch

The Government (consisting of the Prime Minister and cabinet of ministers) is charged with administering internal and foreign affairs, including security matters. Its policy-making powers are very wide and it is authorized to take action on any issue that is not delegated by law to another authority. Most ministers are assigned a portfolio and head a ministry; others serve without a portfolio but may be called upon to take responsibility for special projects. The Prime Minister may also serve as a minister with a specific portfolio.

A new Government is formed after elections. The President designates, after consultations, one Knesset member with the responsibility of forming the Government and becoming its Prime Minister. Like the Knesset, the Government usually serves for four years, but its tenure may be shortened if the Prime Minister is unable to continue in office due to death, resignation or impeachment, in which case the Government appoints one of its members (who is a Knesset member) as acting Prime Minister. In the case of a vote of no-confidence, the Government and the Prime Minister remain in their positions until a new Government is formed.

The Government determines its own working and decision-making procedures. It usually meets once a week but additional meetings may be called as the need arises. The Government may also act by means of ministerial committees.

To date, all Governments have been based on coalitions of several parties, since no party has ever received a majority of Knesset seats to be able to form a Government by itself.

The Judiciary

The absolute independence of the judiciary is guaranteed by law. Judges are appointed by the President, upon recommendation of a special nominations committee, comprised of Supreme Court judges, members of the bar and public figures. Judges' appointments are for life, with a mandatory retirement age at 70.

Magistrate and district courts exercise jurisdiction in civil and criminal cases, while juvenile, traffic, military, labor and municipal appeal courts deal with matters coming under their respective competence. There is no trial by jury in Israel.

In matters of personal status, such as marriage, divorce, and maintenance, guardianship and the adoption of minors, jurisdiction is vested in the judicial institutions of the respective religious communities: the rabbinical courts, the Moslem religious courts (sharia courts), the religious courts of the Druze and the juridical institutions of the Christian communities in Israel.



The Supreme Court building with the Knesset in the background

The Supreme Court, located in Jerusalem, has nationwide jurisdiction. It is the highest court of appeal on rulings of lower tribunals. In its function as the High Court of Justice, the Supreme Court hears petitions against any government body or agent, and is the court of first and last instance.

Although legislation is wholly within the competence of the Knesset, the Supreme Court can and does call attention to the desirability of legislative changes; sitting as the High Court of Justice, it has the authority to determine whether a law properly conforms with the Basic Laws of the state.

The State Comptroller and Ombudsman

This office was established by law in 1949, in recognition of the importance of a system of checks and balances as a crucial element of a democratic society. The State Comptroller carries out external audits and reports on the legality, regularity, economy, efficiency, effectiveness and moral integrity of the public administration in order to assure public accountability. Since 1971, the State Comptroller also fulfills the function of ombudsman, and serves as an address for any person to submit complaints against state and public bodies which are subject to the audit of the comptroller.

The State Comptroller is elected by the Knesset in a secret ballot for a seven-year term of office. The Comptroller is responsible only to the Knesset, is not dependent upon the Government, and enjoys unrestricted access to the accounts, files and staff of all bodies subject to audit. The Comptroller carries out his or her activities in contact with the Knesset state audit affairs committee.

Precursor to a Constitution - the Basic Laws

Israel's Declaration of Independence proclaims that a constitution for the newly formed state would be drafted by an elected constituent assembly within a few months from the establishment of the state. Due to a lack of consensus on the actual content of the constitution, mainly on the role that religion would play in the newly emerged state, the drafting of the constitution was deferred by the first Knesset. Instead, the first elected Knesset, which was empowered to formulate the constitution, adopted the Harrari Resolution (named after the Knesset member who sponsored the act). This resolution provided that the Knesset would gradually draft a constitution by the adoption of Basic Laws, to be enacted one at a time. The Basic Laws, when complete, will, with Knesset approval, be consolidated into a binding constitution. Although not yet complete, eleven Basic Laws have already been enacted and a few are in the process of being legislated.

Most of the Basic Laws deal with the logistics and roles of the various institutions in a democratic political system. These Basic Laws are as follows:

The President of the State, consolidates a wide range of laws pertaining to the President's functions and service in office;

The Knesset, sets out the procedures for being elected to Israel's parliament and those by which the Knesset itself is governed. One of the more important provisions in this law was an amendment prohibiting the election to the Knesset of any party or person whose goals directly or otherwise (1)

negate the existence of the state as a Jewish and democratic state, (2) incite racism, or (3) support armed struggle by a hostile state or terrorist organization against the State of Israel;

The Government, sets the rules and principles regarding the service of the elected Prime Minister and his cabinet, the formation of the Government and the qualifications for becoming a minister, the functioning and procedures of the Government, and issues pertaining to the continuity of the Government or conditions for its being succeeded by a new Government;

The Judiciary, ensures the independence of the judiciary and the courts, and deals with the nature of judicial proceedings, the appointment of judges and the structure of the courts;

Israel Lands, sets out the principles of the state's relationship to the land and the conduct of land transactions;

The State Comptroller, sets out the authorities vested in this position in its supervision of government activities and as national ombudsman, and its responsibility only to the Knesset;

The State Economy, sets out the basic framework for the workings of the nation's economy, budget and production of currency;

The Military, deals with all aspects of the Israel Defense Forces as constituting Israel's official military institution;

Jerusalem, the Capital of Israel, establishes Jerusalem as Israel's capital and therefore accords the city a special status. This law also secures the rights of all religions to maintain their holy sites.

Two Basic Laws that were enacted over the past decade have been hailed as the "bill of rights" section of the proposed constitution and contain the basic foundations for the protection of human rights as encapsulated in Israel's Declaration of Independence. These two Basic Laws are:

Human Dignity and Liberty, (1992) protects "human dignity and liberty, in order to establish in a Basic Law the values of the State of Israel as a Jewish and democratic state";

Freedom of Occupation, (1994) guarantees the right of every citizen or inhabitant to engage in any occupation, profession or trade.

The Basic Laws, although enacted as regular laws by the Knesset, have a quasi-constitutional status. Some contain "entrenched clauses", requiring a special majority of the Knesset in order to amend them. The Supreme Court has been interpreting secondary legislation on the basis of whether such legislation is consistent with the provisions of the Basic Laws. By attempting to subordinate all new and existing legislation to the principles derived from the Basic

Laws, the Israeli Supreme Court is setting clear guidelines for the norms expected from a true democracy.

Local Government

Three types of local authorities are recognized by law: municipalities, that manage the larger urban areas with populations over 20,000; local councils, which are the governing bodies for towns with populations between 2,000 and 20,000; and regional councils, which are responsible for several villages or localities within a certain radius.

Each local authority functions through by-laws consistent with national laws, approved by the Ministry of the Interior. Local authorities are responsible for collecting local taxes, which, along with allocations from the state budget, serve to provide social, educational, cultural and sanitation services for their residents.

Local authorities are managed by a council headed by a mayor or head of council. The number of council members representing each authority is determined by the Ministry of the Interior, according to each authority's population. A central volunteer body, the Union of Local Authorities, was formed to represent local authorities before the national governmental bodies and provide guidance to the authorities themselves.

Elections for local government are conducted by secret ballot every five years. Ballots are cast in a similar manner to those cast for national elections. Residents vote for a party list of candidates and the number of seats attained by each party is proportional to the percentage of votes received by the party. All residents over the age of 17 may vote in a local election and those elected must be 21 or older.



Israel Government Press Office

A voter placing her ballot in national elections

Israel's Declaration of Independence

ERETZ-ISRAEL [(Hebrew) The Land of Israel] was the birthplace of the Jewish people. Here their spiritual, religious and political identity was shaped. Here they first attained to statehood, created cultural values of national and universal significance and gave to the world the eternal Book of Books.

After being forcibly exiled from their land, the people remained faithful to it throughout their Dispersion and never ceased to pray and hope for their return to it and for the restoration in it of their political freedom.

Impelled by this historic and traditional attachment, Jews strove in every successive generation to re-establish themselves in their ancient homeland. In recent decades they returned in their masses. Pioneers, ma'apilim [(Hebrew) - immigrants coming to Eretz-Israel in defiance of restrictive legislation] and defenders, they made deserts bloom, revived the Hebrew language, built villages and towns, and created a thriving community controlling its own economy and culture, loving peace but knowing how to defend itself, bringing the blessings of progress to all the country's inhabitants, and aspiring towards independent nationhood.

In the year 5657 (1897), at the summons of the spiritual father of the Jewish State, Theodore Herzl, the First Zionist Congress convened and proclaimed the right of the Jewish people to national rebirth in its own country.

This right was recognized in the Balfour Declaration of the 2nd November, 1917, and re-affirmed in the Mandate of the League of Nations which, in particular, gave international sanction to the historic connection between the Jewish people and Eretz-Israel and to the right of the Jewish people to rebuild its National Home.

The catastrophe which recently befell the Jewish people - the massacre of millions of Jews in Europe - was another clear demonstration of the urgency of solving the problem of its homelessness by re-establishing in Eretz-Israel the Jewish State, which would open the gates of the homeland wide to every Jew and confer upon the Jewish people the status of a fully privileged member of the comity of nations.

Survivors of the Nazi holocaust in Europe, as well as Jews from other parts of the world, continued to migrate to Eretz-Israel, undaunted by difficulties, restrictions and dangers, and

never ceased to assert their right to a life of dignity, freedom and honest toil in their national homeland.

In the Second World War, the Jewish community of this country contributed its full share to the struggle of the freedom- and peace-loving nations against the forces of Nazi wickedness and, by the blood of its soldiers and its war effort, gained the right to be reckoned among the peoples who founded the United Nations.

On the 29th November, 1947, the United Nations General Assembly passed a resolution calling for the establishment of a Jewish State in Eretz-Israel; the General Assembly required the inhabitants of Eretz-Israel to take such steps as were necessary on their part for the implementation of that resolution. This recognition by the United Nations of the right of the Jewish people to establish their State is irrevocable.

This right is the natural right of the Jewish people to be masters of their own fate, like all other nations, in their own sovereign state.

Israel Government Press Office



ACCORDINGLY WE, MEMBERS OF THE PEOPLE'S COUNCIL, REPRESENTATIVES OF THE JEWISH COMMUNITY OF ERETZ-ISRAEL AND OF THE ZIONIST MOVEMENT, ARE HERE ASSEMBLED ON THE DAY OF THE TERMINATION OF THE BRITISH MANDATE OVER ERETZ-ISRAEL AND, BY VIRTUE OF OUR NATURAL AND HISTORIC RIGHT AND ON

THE STRENGTH OF THE RESOLUTION OF THE UNITED NATIONS GENERAL ASSEMBLY, HEREBY DECLARE THE ESTABLISHMENT OF A JEWISH STATE IN ERETZ-ISRAEL, TO BE KNOWN AS THE STATE OF ISRAEL.

WE DECLARE that, with effect from the moment of the termination of the Mandate being tonight, the eve of Sabbath, the 6th Iyar, 5708 (15th May, 1948), until the establishment of the elected, regular authorities of the State in accordance with the Constitution which shall be adopted by the Elected Constituent Assembly not later than the 1st October 1948, the People's Council shall act as a Provisional Council of State, and its executive organ, the People's Administration, shall be the Provisional Government of the Jewish State, to be called "Israel".

THE STATE OF ISRAEL will be open for Jewish immigration and for the Ingathering of the Exiles; it will foster the development of the country for the benefit of all its inhabitants; it will be based on freedom, justice and peace as envisaged by the prophets of Israel; it will ensure complete equality of social and political rights to all its inhabitants irrespective of religion, race or sex; it will guarantee freedom of religion, conscience, language, education and culture; it will safeguard the Holy Places of all religions; and it will be faithful to the principles of the Charter of the United Nations.

THE STATE OF ISRAEL is prepared to cooperate with the agencies and representatives of the United Nations in implementing the resolution of the General Assembly of the 29th November, 1947, and will take steps to bring about the economic union of the whole of Eretz-Israel.

WE APPEAL to the United Nations to assist the Jewish people in the building-up of its State and to receive the State of Israel into the comity of nations.

WE APPEAL - in the very midst of the onslaught launched against us now for months - to the Arab inhabitants of the State of Israel to preserve peace and participate in the building of the State on the basis of full and equal citizenship and due representation in all its provisional and permanent institutions.

WE EXTEND our hand to all neighboring states and their peoples in an offer of peace and good neighborliness, and appeal

to them to establish bonds of cooperation and mutual help with the sovereign Jewish people settled in its own land. The State of Israel is prepared to do its share in a common effort for the advancement of the entire Middle East.

WE APPEAL to the Jewish people throughout the Diaspora to rally round the Jews of Eretz-Israel in the tasks of immigration and building and to stand by them in the great struggle for the realization of the age-old dream - the redemption of Israel.

PLACING OUR TRUST IN THE ALMIGHTY, WE AFFIX OUR SIGNATURES TO THIS PROCLAMATION AT THIS SESSION OF THE PROVISIONAL COUNCIL OF STATE, ON THE SOIL OF THE HOMELAND, IN THE CITY OF TEL AVIV, ON THIS SABBATH EVE, THE 5TH DAY OF IYAR, 5708 (14TH MAY, 1948).

David Ben-Gurion	Abraham Katznelson	Ben Zion Sternberg
Daniel Auster	Rabbi Wolf Gold	Eliyahu Dobkin
Rachel Cohen	Rabbi Yitzchak Meir Levin	Nachum Nir
David Zvi Pinkas	Felix Rosenblueth	Bekhor Shitreet
Mordekhai Bentov	Meir Grabovsky	Meir Wilner-Kovner
Aharon Zisling	David Remez	Zvi Segal
Yitzchak Ben Zvi	Yitzchak Gruenbaum	Moshe Shapira
Rabbi Kalman Kahana	Meir David Loewenstein	Zerach Warhaftig
Moshe Kolodny	Berl Repetur	Moshe Shertok
Eliyahu Berligne	Zvi Luria	Herzl Vardi
Saadia Kobashi	Mordekhai Shattner	Rabbi Yehuda Leib Hacohen Fishman
Eliezer Kaplan	Dr. Abraham Granovsky	
Fritz Bernstein	Golda Myerson	

Israel Ministry of Foreign Affairs



David Ben Gurion, Israel's first Prime Minister, declaring Israel's independence

Democracy and the Rebirth of Jewish Sovereignty

The vision set out in Israel's Declaration of Independence forms the foundation of Israel's character, the principles by which the state is governed and the liberties granted to all of its citizens. The Declaration is clear in its intention to serve as a manifesto for the establishment of a democratic state with all of the fundamental freedoms that enable this type of government to flourish. These sentiments are gradually being codified in the Basic Laws, the compilation of which serves as a precursor to a final constitution as envisioned by the founders in the Declaration. In the interim, alongside the Basic Laws, Israel has developed a set of social policies and legal norms to carry out the statements expressed in its Declaration.

"The State of Israel will be open for Jewish immigration and for the Ingathering of the Exiles"

Following their expulsion from the Land of Israel some 2,000 years ago, the Jews were dispersed to other countries, mainly Europe, North Africa and the Middle East. Although the Jews at times prospered in the countries in which they resided, they also suffered periods of harsh discrimination, pogroms and total or partial expulsions. Yet the dream of returning to their ancestral homeland and the belief in the concept of the eventual "ingathering of the exiles" were kept intact by the Jewish nation throughout the centuries. The Zionist movement, founded at the end of the 19th century, transformed the concept into a concrete political goal, the rebirth of Jewish sovereignty, and the State of Israel translated it into law, granting citizenship to every Jew wishing to settle in the country.

In the decade following Israel's declared independence in 1948, approximately 687,000 Jews, over 300,000 of them refugees from Arab lands, immigrated to Israel. Many were Holocaust survivors from European countries. They joined the previous waves of mostly Russian and Polish immigrants who had arrived in the beginning decades of the century. These earlier immigrants had already laid the foundations of a comprehensive social and economic infrastructure, developed agriculture, established kibbutzim and moshavim (unique communal and cooperative forms of rural settlement), and provided the labor force for building the nation's houses and roads. Immigrants from Western and Central Europe, who had arrived in the 1930's with education, skills and experience, had raised business standards, improved urban and rural amenities and broadened the existing Jewish population's cultural life.

Over the years, Israel has continued to receive new immigrants in larger and smaller numbers, coming from the free countries of the western world as well as from areas of distress. Since 1989 over one million new immigrants from the former Soviet Union have settled in Israel. Among them are many highly educated professionals, well-known scientists and acclaimed artists and musicians, whose expertise and

talents are contributing significantly to Israel's economic, scientific, academic and cultural life.

The 1980's and 1990's witnessed the arrival of two massive airlifts of the ancient Jewish community of Ethiopia, popularly believed to have

been there since the time of King Solomon. The state has been working to ease the transition of these 50,000 immigrants from an agrarian African environment to an industrialized western society.



Immigrants from Ethiopia

Israel has established agencies and bodies over the years to help facilitate the integration of the different groups of immigrants into Israeli society. While some immigrants find it easier to acclimate on their own to Israel's particular political and social climate, others still rely on the state's welfare assistance to attend to their economic and social needs. Private and volunteer organizations, of which there are many, are also instrumental in attending to the needs of the various immigrant as well as minority populations.

"It will foster the development of the country for the benefit of all its inhabitants"

Israel is home to a widely diverse population from many ethnic, religious, cultural and social backgrounds. Of its approximately 6.6 million people, 77 percent are Jews, 19 percent are Arabs (mostly Moslem) and the remaining 4 percent comprise Druze, Circassians and others not classified by religion.

Unlike other societies, where new immigrants are absorbed into a predominant cultural "melting pot", Israel can best be described as a mosaic, comprised of individual groups, each contributing its own cultural identity, ethnicity and linguistic

character to the overall design of the society. Israel's official languages are Hebrew and Arabic. English is widely used, and other languages - especially Russian, Spanish, French, Yiddish and Amharic - are spoken by the various ethnic and religious groups who represent large sections within Israeli society and also retain their own cultural background.

As a result of the mass immigration after the founding of the state and the ensuing decades since, the structure and fabric of Israeli society changed dramatically. The resultant social grouping amongst the Jews, who comprised the largest segment of the population, was composed of two main elements: a majority comprised of the established Sephardic community, veteran Ashkenazic settlers and Holocaust survivors; and a large minority of recent Jewish immigrants from the Islamic countries of North Africa and the Middle East.

Both groups initially co-existed without much social and cultural interaction. Unlike the majority of the Sephardic community, Ashkenazi Jews involved themselves early on in the state's political life and held many key positions in government offices and institutions. Over time, however, the Sephardic population became more politically active and gradually entered into Israel's political leadership. Although some disparity remains between the two groups, common denominators of religion, Jewish history, and national cohesion have, for the most part, succeeded in overcoming the barriers between both populations.

Alongside these cultural tensions, are those generated by the various movements of Judaism. Each movement is steadfast in its commitment to its own individual practice of Judaism as a religious and nationalistic creed, and its perceptions of the role Judaism should play in the national character of the state as a whole.

Likewise, Jewish society in Israel is made up of observant and non-observant Jews, comprising a spectrum that runs from the ultra-Orthodox, who live in separate isolated communities, to those who regard themselves as secular. Yet, this distinction is not clear cut. A great many Jews who do not describe themselves as orthodox follow traditional Jewish religious laws and customs to varying degrees. As Israel was conceived as a Jewish state, the Sabbath (Saturday) and all Jewish festivals and holy days have been instituted as national holidays and are observed by the entire Jewish population, to a greater or lesser extent.

While Jews comprise the majority of the population of the State of Israel, some 1.5 million people, approximately 23 percent of Israel's population, are non-Jews. Although the



The Jewish celebration of Simchat Torah



A Jewish family celebrating the Mimuna festival

majority of non-Jews are defined collectively as Arab citizens of Israel, non-Jews also include a number of different, primarily Arabic-speaking, groups, each with distinct characteristics.

Moslem Arabs, almost one million people, most of whom are Sunni, reside mainly in small towns and villages, over half of them in the north of the country. Bedouin Arabs, also Moslem (estimated at some 170,000), belong to some 30 tribes, a majority scattered over a wide area in the south. Formerly nomadic shepherds, the Bedouin are currently in transition from a tribal social framework to a permanently settled society and are gradually entering Israel's labor force.



Bedouin girls sit in front of a computer distributed as part of "A Computer for Every Child"

Christian Arabs, some 113,000, live mainly in urban areas. Although many denominations are nominally represented, the majority are affiliated with the Greek Catholic, Greek Orthodox, and Roman Catholic churches.

The Druze, some 106,000 Arabic-speakers living in 22 villages in northern Israel, constitute a separate cultural, social, and religious community. While the Druze religion is not accessible to outsiders, one known aspect of its philosophy is the concept of *taqiyya*, which calls for complete loyalty by its adherents to the government of the country in which they reside.



Druze dancers

The Circassians, comprising some 3,000 people concentrated in two northern villages, are Sunni Moslems, although they share neither the Arab origin nor the cultural background of the larger Islamic community. While maintaining a distinct ethnic identity, they participate in Israel's economic and national affairs without assimilating either into Jewish society or into the Moslem community.

Of the Christian population in Israel, while the large majority are Arab, 23,000 are non-Arab, many of whom came to Israel with their Jewish spouses during the waves of immigration in the 1980's and 1990's, mainly from the former Soviet Union and Ethiopia.

Although most Christians are Arab, their demographic profile differs from the Muslim population, and more closely resembles the Jewish population. Most Christians live in urban areas and the Christian community is characterized by a high level of education, particularly among the younger generation. The majority of Christian men are employed and one third of Christian women are in the civilian work force, many in academic, free and technical professions.

Despite differences, economic disparities and an often heated political life, Israeli society is quite balanced and stable. The fact that socio-economic, and at times political, tension between the different groups is kept to a moderate or even low level, can be attributed to the country's judicial and political systems, which represent strict legal and civic equality within the framework of a democratic state. Israel's party-based, proportional representation political system

enables the many different segments of the population to be represented in Israel's democracy.

"It will be based on freedom, justice and peace as envisaged by the prophets of Israel; it will ensure complete equality of social and political rights to all its inhabitants irrespective of religion, race or sex"

All of Israel's residents benefit from a wide range of social welfare legislation. Israel has also produced some of the most progressive court rulings and legislation in the western world involving gay and lesbian rights, discriminatory practices and sexual harassment in the workplace.

Israel's institutions and bodies are careful to defend the freedom of expression and speech for all of its citizens.

Likewise, Israel's media has absolute freedom and operates as an independent watchdog on the government. Israel also has many governmental and non-profit organizations that guard against the infringement of human rights. The enactment and resulting interpretation by the courts of the Basic Law: Human Dignity and Liberty has transformed many of Israel's accepted social policies into securely established law.

"It will guarantee freedom of religion, conscience, language, education and culture; it will safeguard the holy places of all religions"

Of the many freedoms guaranteed by the Declaration of Independence, the freedom to practice one's own religion and act according to one's own conscience are two of the most valued fundamentals of a democracy. The Jewish people, having suffered too many times at the hands of intolerant leaders in the countries in which they resided, inherently understand the importance of these individual freedoms.

The Declaration of Independence proclaims freedom of religion for all of the state's inhabitants. Accordingly, each religious community is free, by law and in practice, to exercise its faith, observe its holidays and weekly day of rest and to administer its internal affairs. Each has its own religious council and courts, recognized by law and with jurisdiction over all religious affairs and matters of personal status, such as marriage and divorce. Each has its own unique places of worship, with traditional rituals and special architectural features developed over the centuries.

The right to these freedoms is best described by Israel's Supreme Court:

"Every person in Israel enjoys freedom of conscience, of belief, of religion, and of worship. This freedom is guaranteed to every person in every enlightened, democratic regime, and therefore it is guaranteed to every person in Israel. It is one of the fundamental principles upon which the State of Israel is based. This freedom is partly based on Article 83 of the Palestine Order in Council of 1922, and partly it is one of those fundamental rights that 'are not written in the book' but derive directly from the nature of our state as a peace-loving, democratic state."¹

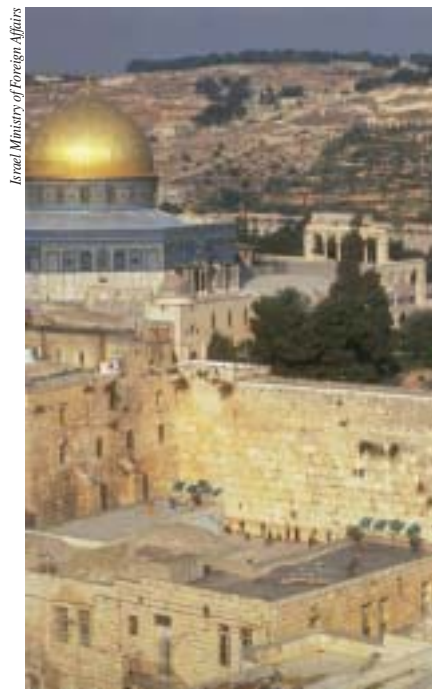
"On the basis of the rules and in accordance with the Declaration of Independence every law and every power will be interpreted as recognizing freedom of conscience, of belief, of religion, and of worship."²

Israel protects the freedom of Jews and non-Jews alike to engage in their chosen form of religious practice or worship. Likewise, in most cases, the institutions of the state recognize religious precepts, such as the prohibition of work on religious days of rest, and do not compel Jews or non-Jews to violate the doctrines of their chosen faith.

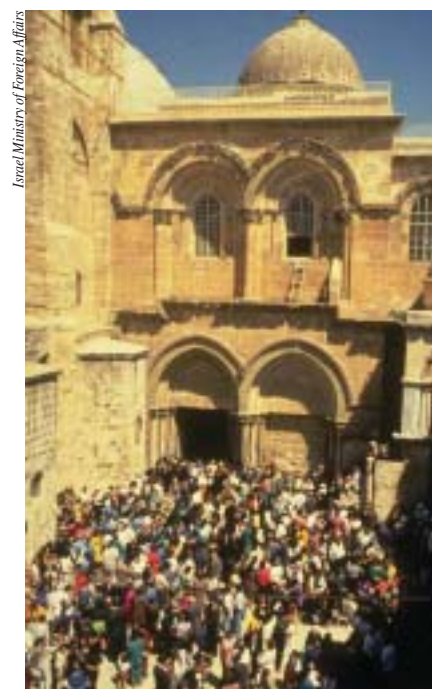
Each holy site and shrine is administered by its own religious authority, and freedom of access and worship is assured by law. For example, the Kotel, the Western Wall, which is the last remnant of the retaining wall of the Second Temple in Jerusalem, is administered by the State of Israel, while the Dome of the Rock and Al-Aksa Mosque, located directly on the Temple Mount above the Kotel, is under the authority of the Jordanian Wakf. Christian authorities administer and maintain the Via Dolorosa, Room of the Last Supper, and other churches including the Church of the Annunciation (in Nazareth). Among others, Druze, Bahai, Samaritan and Karaite holy places and shrines are protected as well.

Since Israel's stated purpose is to serve primarily as the homeland of the Jewish people, much debate has been sparked over the role religion should play in the establishment of the policies and laws of the state. Israel, as a democracy, is committed to upholding the basic liberties afforded by such a political system, but, as a state with a clear Jewish heritage, struggles to retain its unique character drawn heavily from Jewish sources.

Although Israel does not have any one recognized religion, there is no clear separation of religion and state. One of the greatest sources of friction in Israeli society is the dissension between the orthodox and secular sectors regarding the extent of imposition of religious norms and restrictions on all Jews, regardless of their level of religious observance. Issues such as the definition of a Jew entitled to citizenship



The Western Wall, one of the holiest Jewish sites below the Dome of the Rock, a site holy to Moslems



Church of the Holy Sepulchre in Jerusalem

under the Law of Return, exclusive application of religious law in personal law, and state financing of religious schools, are examples of the involvement of religion in Israel's state affairs.

Due to the particular nature of Israel's political system, no party has ever obtained the necessary majority to win a majority of Knesset seats, thereby necessitating the formation of coalition governments. As a result, the religious parties condition their inclusion in the government on all types of religious-based legislation or policy making. This type of intervention is a source of tension between the secular and religious elements of society.

The seemingly dichotomous nature of a Jewish democratic state is only gradually being resolved through interpretation by the courts of the Basic Laws, and by demands of the secular political parties to change the status quo regarding matters of religion and state that Israel had accepted in past decades.

1. Justice Landau in H.C. 243/62 *Filming Studios in Israel Ltd. v. Guery et al.*, 16 P.D. 2407.
2. Justice Zamir in H.C. 7128/96, *Movement of the Faithful of the Temple Mount et al. v. Government of Israel et al.*, 97(1) Takdin-Elyon 480.

Freedom of Expression and Freedom of the Press

Ruvik Rosenthal

Since its inception in the latter decades of the nineteenth century, the culture of journalism in Israel has heeded the basic tenets of a democratic press, namely, to provide as much accuracy as possible in reporting the news, a broad range of viewpoints and independent postures regarding political and public institutions.

The initial forms of media in Israel followed the European model of the role of the press. The European culture of partisanship affected the way the Israeli press was run, and early Israeli newspapers had clear affiliations and identifications with political parties that determined their agenda.

In the early years of the state, despite working for papers with obvious tendentious perspectives, Israeli journalists attempted to maintain accuracy in reporting and strove to cover most of the important news items of the day. However, each newspaper acted as a conduit for the dissemination of a particular political philosophy and news items were colored with each paper's unique ideology. Although the papers were perceived as ideological tools, they manifested the evolution of democracy prior to the formation of the state, by holding heated debates within each paper and among all the papers about the proposed character of the emerging country.



Two alternatives existed to this partisan press. One was the widely circulated commercial newspaper represented mainly by two national daily papers which exist to this day: "Yediot Ahronot" and "Maariv". The second was the anti-establishment paper, "Ha'olam Hazeh", edited by Uri Avneri. This paper had a dramatic affect on the role of the press in Israel in that Avneri encouraged critical review of the government, a practice that was not commonly utilized by other papers at the time.

For many years, almost all of the newspapers, with the exception of "Ha'olam Hazeh", shared a certain attitude, at times bordering on the extreme, characterized by the avoidance of any criticism of the government, in the name of what was called "the national interest". This approach reached new heights prior to the outbreak of the Yom Kippur War in 1973, when the press heeded the military's demand

not to warn their readers of the impending war. After the disastrous outcome of the war, many in the press berated themselves for being remiss in their duties and changed their attitude about their responsibility as journalists.

The 1980's were witness to an important change for the better in the role of the press in Israeli democracy. The partisan press began to change their appearance and significantly reduced their editorializing in an attempt to attract a broader audience. Accordingly, the readership of "Ha'olam Hazeh" began to wane after other national papers started to take a more aggressive and challenging stand towards the government. The emergence of free television and radio also had a great effect on the manner in which newspapers operated. This process of change culminated in 1982, during the Lebanon War, when the press felt free to criticize the government while reporting continuous and critical information about the war to the public.

An increase in circulation of the number of local newspapers, as well as the addition of a new and innovative magazine style in the press added to the growing media discourse during the 1980's. The introduction of the magazine "Monitin" helped pave the way for other types of media to adopt this type of journalism and was the model for the magazine format that became

popular on television and radio. The magazine format allowed newspapers to cover a wide range of topics (other than strict news items), such as human interest stories that held greater appeal to the broader Israeli public.

The partisan papers began to close down at the end of the 1980's as a result of economic and other reasons. Only three national daily newspapers survived this period: "Haaretz", a paper that appealed to the intellectual public; "Maariv" and "Yediot Ahronot", with more sensational and pictorial reporting, competed with each other for the same readership base. These three papers are owned by a few families, who, as a result, wield enormous power with the ability to influence the national and media agenda.

Fears that these families would use their power to dominate the media and set their own agenda, have largely proved

unfounded due to the commitment by the press, as well as the electronic media, to providing full and fair coverage of news in Israel and the world. In fact, almost all incidents involving exposure of corrupt public officials have been uncovered by members of the press. Moreover, the natural competition between the papers for readership helps to keep the papers from falling prey to the whims of their owners.

Nonetheless, this author has difficulty with the fact that there are only three national newspapers. Obviously this creates a situation where not as many voices, and as wide a range of opinions, perspectives and even information as desirable, can ideally reach the public. The reasons for the lack of more national newspapers are mainly economic and it is hard to imagine how another daily newspaper could survive in today's commercial environment in Israel.

Israeli members of the press accept and abide by the western approach to journalism and innately act according to a code of ethics that includes critical analysis and reliable information as its creed. For the most part, the members of the Israeli press are educated and knowledgeable. Very few instances have been uncovered where these principles have been compromised or where facts have been distorted intentionally by a delinquent journalist or reporter.

Israel is also a very political society. Every political decision and process can and often does directly impact on the lives of the Israeli populace. The model of "tabloid journalism" which is popular in many other countries, is therefore not as readily tolerated in Israel, whose population reads its papers avidly to obtain accurate facts and news. Consequently, the daily newspapers and other forms of Israeli media deal with fundamental issues of the day, monitor the government and provide comprehensive political information to their readers and audience.

Israelis are known for their appreciation of lively discourse and the press obliges by filling its role as a forum for polemics and debate. One of the more popular television programs in Israel is the roundtable discussion, featuring various public and private individuals vigorously expressing a spectrum of viewpoints on many issues.

The dissemination of reliable information, respect for a variety of opinions, and encouragement of active criticism of the



government, are indicative of the conduct of the press in Israel's democratic society.

Recently, as in the rest of the world, a new player has entered the field, in the form of the Internet. The activity in this field is wide ranging and extensive, and enables many entities and private individuals to join in the public discourse. Israel is home to thousands of portals and sites, and all of the newspapers have online versions, containing lively discussions, some of which deal with political and

public issues. The chat and talkback format provides a forum for thousands of people who, until the Internet, were unable to express themselves publicly. Overall, Israelis, who never shy away from debate, are taking good advantage of the Internet.

Israel is still a young, developing democracy. Although some members of the public question the motives of the press in criticizing the state during wartime, in general, Israeli society comprehends that a free, robust press is crucial to the existence of a strong democracy and a value worth fighting for. Instilling recognition of the dangers of trying to place restrictions on the press, and an understanding by the public of the role played by the Israeli media even under trying conditions, are part of Israel's challenge in meeting its vision to become a true democratic nation.

In general, Israeli society comprehends that a free, robust press is crucial to the existence of a strong democracy and a value worth fighting for

Ruvik Rosenthal served as Editor of the op-ed section of the "Maariv" newspaper from 1997-2002, and is an award winning and highly recognized journalist who writes about the cultural and political aspects of language. He is the 2004 recipient of Israel's highest journalistic award, the Sokolov Prize in Journalism for his work in this field.



Gender Equality in a Jewish State

Frances Raday

There is a dichotomy in Israeli law between religious and secular values with respect to gender issues. This dichotomy pervades the legal system at all levels. At the constitutional level, religious values have preempted the introduction of an explicit right to equality for women. However, this limit has been largely circumvented by the constitutional right to human dignity and by Supreme Court jurisprudence, which has established the right to equality as a fundamental right. In other areas of law, not directly related to religious values and norms, a strong concept of gender equality has been developed both in legislation and in the courts. Thus, in these areas, the legal system combines social accommodation for maternity and parenthood; equal opportunity guarantees for women's participation in the labor force and the military; and affirmative action in the public sector.

and Liberty does not expressly include the right to equality, some of the judges in the Israeli courts have regarded gender equality as falling within the rubric of the right to human dignity.

As regards working women, the founding premises of socialist Zionism made it natural to provide accommodation for women's needs, especially of working mothers. Thus, from the 1950s onward, women were entitled to maternity leave allowance paid by the National Insurance Institute, protection against dismissal during pregnancy and affordable childcare facilities, all of which combined to allow women to continue gainful employment and family life. It took time before the stereotype of the working mother was perceived as a barrier to women's advancement. Furthermore, there was a preconceived notion of gender equality from the early years of the state deriving from the participation of women in the pioneer organizations, in military service, in politics and in the professions.

The notion that Israeli women already had equality was deconstructed in the 1970's and 1980's when it became apparent that presence was not power and that women were subject to disadvantage in Israel as elsewhere. This new awareness produced feminist legislation, initiated by feminist organizations, female members of the Knesset and civil servants. Starting in 1987, a series of laws was passed: the **Equal Retirement Age Law**, reversed the Labor Court's upholding mandatory early retirement for women; the **Equal Employment Opportunity Law**, provided remedies for employment discrimination and the conversion of childcare rights from maternal to parental rights; the **Amendment to the Equal Pay Law** of 1964, imposes an obligation to pay equal pay for work of equal value; laws requiring affirmative action for directors of government companies and for civil service employees; the **Amendment to the Tax Ordinance**, gave women equal status in income tax reporting; the **Law Prohibiting Sexual Harassment**, covered the workplace and other dependent relationships, such as education, healthcare and the military, as well as non-dependent relationships where there are repeated acts of harassment; the **Amendment to the Defence Law**, secures women the right to serve in any capacity in the military, provided they have the capacity to do

Israel Ministry of Foreign Affairs



Israel's Declaration of Independence was one of the earliest state constitutive documents to guarantee social and political equality without discrimination based on sex. In 1951, the Knesset passed the **Women's Equal Rights Law**, which, although not bestowing constitutional authority on the courts to annul legislation, was used as an interpretative tool by the Supreme Court in its

role as the High Court of Justice to introduce an impressive range of equality rights for women. Alongside the equality guarantees for women's rights, the Knesset, adopting the millet system from the time of the Ottoman Empire and the British Mandate, delegated questions of personal law to the exclusive jurisdiction of the religious courts of the various religious communities: the Jewish rabbinical courts, the Moslem Sharia courts, and the canonical courts of the various Christian denominations. This resulted in the relegation of the law on marriage and divorce to patriarchal religious systems. The resulting inequality for women was expressly sanctioned by the Knesset in the Women's Equal Rights Law, which excluded license and prohibition in marriage and divorce from the reach of its equality guarantees.

Later attempts to include an unrestricted constitutional equality clause in proposals to legislate a bill of human rights were constantly thwarted by the opposition of the religious parties. In 1992, the Knesset circumvented this opposition by introducing a partial constitutional bill of rights, the Basic Law: Human Dignity and Liberty, which guaranteed, among others, the right to human dignity. Although the 1992 Basic Law: Human Dignity

so; and, finally, the **Amendment to the Women's Equal Rights Law** in 2000 consolidates the principles of equality opportunity, affirmative action and accommodation, previously recognised in case law and specific statutes, as basic principles of the legal system.

Since the 1980's, measures were taken to improve legal prohibitions and preventive measures in the sphere of violence against women. The **Prevention of Violence in the Family Law** was passed, conferring jurisdiction on the courts to issue protective orders that remove the violent person from the family home. Additionally, the definition of rape was broadened and the prohibition of marital rape, which had already been established by the Supreme Court in accordance with Jewish law principles, was given statutory force. Amendments were made to the law of rape, which improved the trial situation of rape victims, abolishing the requirement of corroborative evidence of rape and disallowing examination of the rape victim's past sexual experience. Additionally, the Supreme Court analyzed the need to prevent violence against women in the context of women's human rights to human dignity and equality.

Statutory regulation of reproductive freedoms has been partially influenced by pressures of the religious parties. Abortion is legal on certain approved grounds: age (under sixteen or over forty); a prohibited or extramarital relationship or incest; a physical or mental defect of the fetus; danger to the woman's life or to her physical or mental health. Under Jewish law abortion is permissible only where the continuation of the pregnancy threatens the mother, and in the late 1970's the religious parties successfully lobbied to repeal socio-economic circumstances as grounds for abortion, which had allowed abortion because of difficult family or social circumstances. A law was passed allowing surrogacy agreements. Legality was, however, effectively restricted to surrogacy by unmarried women in order to avoid the possibility that the child would be the product of the adulterous pregnancy of a married woman.

The development of a judicial principle of equality for women in the High Court of Justice has had to contend with the patriarchal religious personal law. The clash between the two has had a differing impact in the private (namely, family) sphere, and the public arena, (namely, economic and public life). Whereas in family law, religious values exercise a significant restraint over the development of gender equality jurisprudence, the inhibiting impact of religious norms in the public sphere is far more limited and an impressive body of gender equality jurisprudence has been developed.

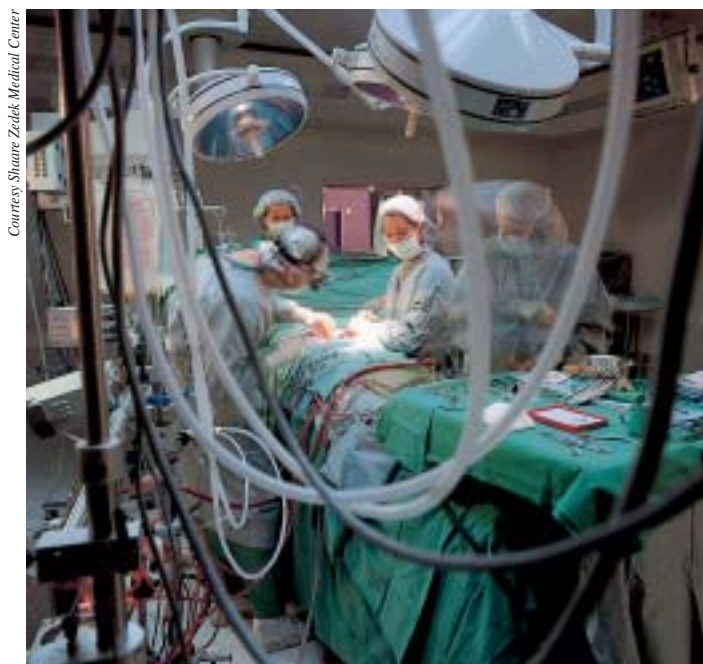
In the private sphere, Israeli courts have not interfered with

the statutory delegation of license and prohibition in marriage and divorce to the religious courts. Beyond this statutory limit, however, the principle of equality has been applied by the Supreme Court in a number of cases, as for instance regarding property ownership and domicile rights. In 1994, the High Court of Justice imposed on the rabbinical courts the obligation to abide by the principle of equality in the division of matrimonial property, irrespective of the Jewish law principle of separation of matrimonial property.¹

In the public arena (politics, economic life and the military) the High Court of Justice, untrammelled by religious norms and sensitivities, introduced radical principles of equality for women. Thus, in 1990, in the context of the issue of equal retirement age for women, the Supreme Court required the courts to exercise strict scrutiny in examining claims of group discrimination against women. In a series of rulings, the Court transformed the principle of equality for women in Israel into a progressive and powerful one. Justice Michael Cheshin of the Supreme Court, described the principle of equality as:

"The king of principles - the most elevated of principles above all others. So it is in public law and so it is in each and every aspect of our lives in society. The principle of equality infiltrates every plant of the legal garden and constitutes an unseverable part of the genetic make-up of all the legal rules, each and every one. The principle of equality is, in theory and practice, a parent-principle or should we say a mother-principle."

In the last decade of the twentieth century the court broke away from the restraints of formal equality and introduced



Courtesy: Shaare Zedek Medical Center

concepts of affirmative action and accommodation. Affirmative action was sanctioned by the courts in a number of cases. The courts recognized that the idea of affirmative action is derived from the principle of equality and its essence is in the engineering of legal policy tools for the implementation of equality as an effective social norm (equality in the result).

The principle of accommodation as the model of equality for women to be adopted by the Court was introduced by Justice Dalia Dorner:

"The interest in guaranteeing the dignity and status of women, on one hand, and the continuation of society's existence and the rearing of children, on the other, demands - as far as possible - that women should not be prevented from realizing their potential simply because of natural functions which are special to them, and thus be discriminated against vis-a-vis men. The social regulations - including the legal regulations-must be adapted to their needs."¹²

The Israeli legal system is marked by a deep dichotomy between traditionalist preservation of patriarchy in matters

related to religion, on the one hand, and progressive and even radical legislative and judicial policy on matters of gender equality not related to religious norms, on the other. This dichotomy is also apparent in the gap between the high level of women's education and their high level of representation in professional life, especially in the legal system itself as lawyers and judges, and the comparatively low level of women's political representation, as ministers in the government or members of Knesset.

1. H.C. 1000/92 *Bavli v. Rabbinical Court of Appeals*, 48(ii) P.D. 221
2. H.C. 4541/94 *Miller v. Minister of Defence*, 49(iv) P.D. 94, 142.

Frances Raday holds the Elias Lieberman Chair of Labor Law at the Hebrew University and is a professor at the College of Management - Academic Studies. She served as an Expert Member of the UN Committee for the Elimination of Discrimination Against Women from 2000-2003, and was the Founding Chair of the Israel Women's Network Legal Center. She currently chairs the Israeli Association of Feminist and Gender Studies. Frances Raday has written extensively on labor, human rights and gender equality issues and is a strong advocate of women's rights in Israel.

Leading Women in Israel's Democratic State Institutions

Israel Government Press Office / Cohen Fritz



Former Prime Minister Golda Meir

Israel Government Press Office / Yaacov Saar



Former State Comptroller and Ombudsman Miriam Porat

Israel Supreme Court



Supreme Court Justice Dorit Beinish

Israel Ministry of Education and Culture



Minister Limor Livnat

Israel Ministry of Justice



Minister Tzipi Livni

Israel Government Press Office / Yaacov Saar



Minister Dalia Itzik

The Status of the Arab Sector in Israel

Ilan Jonas

How a society treats its minorities is another reflection of its democratic values. Committed to providing equality for every citizen is an integral part of Israel's principles and the country strives hard to meet the tough standards that it has set for itself in this regard. Although forced into a constant state of conflict with the Palestinians and much of the Arab world, Israel remains committed to its original promise in the Declaration of Independence that the state would "have equal social and political rights for all of its citizens without differentiating between religion, race and gender."

and be elected, every person has the right, by law, to follow and maintain his own religion, culture and language and each person is free to live his life as his conscience so directs him.

Israel, as envisioned by the founder of modern political Zionism, Theodore Herzl, was established as a homeland for the Jewish people, and Jews do in fact make up the majority of the population. Nevertheless, Israeli society consists of a multiplicity of cultures, nationalities and religions. Upon its establishment in 1948, Israel, in recognition of this reality, declared its aspiration to be a free and equal society and formally extended a hand in peace to the minorities found within its borders, as well as to its Arab neighbors.

The nascent state also adopted a democratic way of life from the onset and chose to define itself not just as a Jewish state, but as a "Jewish and democratic state". Thus, while dedicated to the implementation of the objective endorsed by the United Nations, to provide a national homeland for the Jewish people, Israel is just as committed to the fulfillment of its other adopted goal, to serve as a progressive democracy with full equality for all of its citizens.

Arabs constitute approximately 20% of Israel's population. In recognition of the fact that its land would be shared by many different inhabitants, Israel, on its first day of independence, proclaimed that:

"(The State of Israel), will ensure complete equality of social and political rights to all its inhabitants irrespective of religion, race or sex; it will guarantee freedom of religion, conscience, language, education and culture; it will safeguard the Holy Places of all religions; and it will be faithful to the principles of the Charter of the United Nations." (From Israel's Declaration of Independence)

The founders of the state, despite the war initiated against them, called out to the Arabs in Israel: "We appeal, in the very midst of the onslaught launched against us now for months - to the Arab inhabitants of the State of Israel to preserve peace and participate in the building of the State on the basis of full and equal citizenship and due representation in all its provisional and permanent institutions." (From the Declaration of Independence)

By sending this message to its Arab inhabitants, Israel made a deliberate choice to uphold the principles of equality and the protection of the rights of all individuals within its borders. Accordingly, every citizen of Israel is entitled by law to vote

The majority of Israel's Arab population live in self-contained towns and villages in the Galilee and the Negev, and in mixed urban centers. Israel's Arab community constitutes mainly a working-class sector in a middle-class society, and an Arabic-speaking minority alongside a Hebrew-speaking majority. Essentially non-assimilating, the community's separate existence is facilitated through the use of Arabic, Israel's second official language; a separate Arab school system; Arabic mass media, literature and theater; and maintenance of independent Muslim, Druze and Christian denominational courts that adjudicate matters of personal status.



Israeli Arab village of Furadis



Housing in the Israeli Arab village of Ara

While customs of the past are still part of daily life, a gradual weakening of tribal and patriarchal authority, the effects of compulsory education and participation in Israel's democratic process are rapidly affecting traditional outlooks and lifestyles. Concurrently, the status of Israeli Arab women has been significantly liberalized by legislation stipulating equal rights for women and prohibition of polygamy and child marriage.

The political involvement of the Arab sector is manifested in national and municipal elections. Arab citizens run the political and administrative affairs of their own municipalities and represent Arab interests through their elected representatives in the Knesset, who operate in the political arena to promote the status of minority groups and their share of national benefits.

Israel Supreme Court



Supreme Court Justice Salim Joubran

The Arab sector has become more politically prominent in recent years. For the first time, an Arab Justice was appointed to the Supreme Court and Arab deputy ministers have served in Israel's Government. Arab citizens serve in Israel's foreign service as diplomats and ambassadors on behalf of the country.

As in the country's other ethnic sectors, Arab cultural activities and preservation of the Arab cultural heritage are encouraged by various government and voluntary agencies that offer assistance, ranging from grants to writers and artists to providing support for museums and cultural centers.

Nonetheless, considering the basic rights of equality guaranteed to all of its citizens under the law and pursuant to the principles set out by the Declaration of Independence, there is recognition of the need to overcome disparities in various aspects of society. Arab and Jewish organizations and activists meet weekly to address issues of inequality. The judiciary also plays an important role in promoting equality in Israeli society. The courts accept applications and cases from all petitioners, independent of the petitioner's nationality, religion or race. Any perception of discrimination or wrongful conduct in this area is also carefully investigated by the relevant Israeli bodies and care is taken not to repeat any mistakes that may have been made.

In the findings of a commission established to investigate the deaths of a number of Arab citizens during violent

disturbances that occurred in the Arab sector in October 2000, it was noted that:

"The treatment of the Arab population is a very important and sensitive internal issue high on the state's agenda... It requires immediate, interim and long term attention. A principal goal of the state must be to attain true equality for the Arab citizens of the state. The rights of Arab citizens to equality derive from the democratic nature of the State of Israel, and equality is one of the basic rights accorded every citizen of the state. Discrimination contradicts the basic right to equality which is embedded, in the opinion of many, in the right of all persons to human dignity. This is all the more important when faced with discrimination on the basis of race or nationality. Therefore, it is in the interest of the state to act to erase the blemish of discrimination of its Arab citizens in all forms and expressions." (Orr Commission, September 2003)

Former Justice Minister Yosef Lapid, the chairman of the ministerial committee set up as a result of the Orr Commission, upon presenting the findings of the committee, declared that:

"The government of Israel is obligated to effect a normative change in the mutual relationship between Arabs and Jews, by recognizing the right of all sectors to be different from each other. This means that Arab citizens cannot be prevented from expressing their culture and identity. The polity of the government is to reach true equality in the rights and duties of the citizens of the State, Jews and Arabs alike, in as quick a manner as possible."

The ministerial committee resolved, inter alia, to set up a governmental authority for the advancement of minorities in Israel, to prepare a master plan for the Arab population and to prepare building planning schemes for Arab communities.

Israel Ministry of Foreign Affairs



Senior diplomat Ali Yahya, the first Israeli Arab ambassador

Moreover, it recommended the observance of an annual "day of tolerance" which would give expression to the many faceted cultures of Israeli society.

Amar Abu El-Haija



Mohammed Abu El Haija

Mohammed Abu El Haija is an activist and resident of Ein Hod, an Arab village located in the Carmel region. In 1982, together with Arab and Jewish members, he formed the "Association of Forty", an organization dedicated to peaceful co-existence between Jews and Arabs, the advancement of equality for all sectors of Israeli society, and the achievement of official recognition of unrecognized Arab villages. Mohammed currently serves as the head of the village of Ein Hod and is a member of the Carmel Regional Council.

For many years, Mohammed fought for official state recognition of the village of Ein Hod and in 1992, the Israeli government granted Ein Hod official status. As a result, the lives of its villagers are now undergoing a radical change for the better. Previously living in poor conditions under fear of eviction, they are now part of a village being transformed into a modern town like all other towns in Israel. Recently, a city planning scheme was approved for the village which has since joined the Carmel Regional Council as a regular member. When asked his opinion of the existence of equality in Israel and what he thinks of the future in this respect, Mohammed responded as follows:

"After struggling for recognition for so long, I now recognize, how a group of people, a village, can finally obtain official status of their home, recognition of their right to live lawfully

in their own village after so many years. It is true that many years have gone by, but this is a great achievement for everyone, a big step forward. The State of Israel has finally applied a policy of equality to us and I am hopeful that this will prove to be the case for other villages that are in similar situations as well. This step shows that there is hope for additional changes for the better as well. It helps to convince me that equality is attainable, no matter how difficult it may seem."

In order to achieve equality in a dynamic country, a strong foundation must first be laid to ensure the stability of the structure after its completion. The State of Israel is a young country still under construction. The foundations that have been laid help build an equal and progressive society despite all of the difficulties that are involved. Most importantly, these strong foundations guarantee that despite any difficulty, the structure will not collapse on its inhabitants and Israeli society will continue to advance in its commitment to full equality.

Israel made a deliberate choice to uphold the principles of equality and the protection of the rights of all individuals within its borders

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Children's Rights in Israel - the Full Half of the Cup

Yitzhak Kadman and Vered Windman

Introduction

The sentiment that children should be recognized as persons in their own right was captured by the words of Janusz Korczak, when he wrote "*children are people - not people to be, not people of tomorrow, but people now, right now - today*".¹

Israel's approximately 2.2 million children comprise 33% of the population. Although the country's birth rate has seen a decline over the past 30 years, Israel still remains a child centric society. As a result, the government and non-governmental organizations provide many services focused on the needs of the child.

Israeli child advocacy organizations generally tend to focus on the many problems that need to be solved in society and view the cup of children's rights as half empty and in need of improvement. Nonetheless, the other half of the cup should be recognized, and the innovations, progress and hopeful steps towards change deserve to be noted. Below is a brief survey of some notable achievements in the legislative, judicial and service sectors.

Avi Hirschfeld



Legislation

A survey of child-related laws in Israel serves as a good barometer of the country's attitude towards children's rights. While it is not possible to enumerate every one of the hundreds of laws that Israel has enacted in this field, some of the more important pieces of legislation deserve mention.

Compulsory Education Law, 1949 determines the obligation and right of the minor to education (from age 5 to 16).

Age of Marriage Law, 1950 limits the age of marriage in order to protect minors from compulsory marriage and the marriage of immature children.

Youth Labor Law, 1953 was enacted to prevent child labor and financial manipulation of children that might damage a child's health, education or normal development. This law is consistent with the Convention on the Rights of the Child, and the more specific conventions of the International Employment Organization.

Laws of Evidence - Protection of Children, 1955 is a unique and progressive law even by international standards. Enacted to alleviate the trauma of undergoing police investigations and testifying in court, the law permits a child investigator (not a police officer) to testify in place of the child. Further, a child's competency to testify in court will be determined by the best interests of the child and not always the best interest of the investigation.

Along with the aforementioned legislation, the 1950's also saw the codification of Israel's commitment towards its children in the form of child allowances, maternity allowances, and childbirth grants. Since 1959, families receive monthly allowances depending on the number of children in the family.

Treatment and Supervision of Youth Law, 1960, creates a special mechanism for protecting children through juvenile courts and child protection officers.

Adjudication, Punishment and Treatment of Youth Law, 1971 establishes a separate court system, special probation officers and rehabilitation institutions designated to handle juvenile delinquents.

Prevention of Abuse of Minors and the Helpless Law, 1989 makes it mandatory to report any suspected abuse by a parent or other responsible party to the authorities. This law also aggravates the punishment of a child abuser who is the child's guardian or a family member.

In August 1991, the State of Israel became one of the first countries to ratify the Convention on the Rights of the Child. A few years later, a public committee was formed by the Minister of Justice to examine Israel's legislation for conformity with the provisions of the Convention. This committee is instrumental in promoting the issue of children's rights in Israel.

In recent years, Israeli legislation has begun to recognize that children have rights and are not just objects of protection. For example, the right of a child to voice his opinion and participate in proceedings that significantly affect his life is established in an **Amendment to the Youth Labor Law**, in respect to work in advertising and modeling. In this field

there is an obligation to consider the position of the minor as part of any decision concerning his or her well-being. Similarly, in a 1995 **Amendment to the Treatment and Supervision Youth Law**, minors were given the right to oppose forced hospitalization for mental illness and the right to be represented by a lawyer.

Basic Law: Human Dignity and Liberty, 1992, also has had important implications on children's rights by recognizing that the law protects an individual's dignity regardless of whether he is an adult or a minor. As interpreted by Aharon Barak, President of the Israeli Supreme Court, these rights are given to both an adult person and a person who is a minor.²

Students Rights Law, 2000, states that "(i)t is every student's right that discipline in the educational institution be applied in a dignified manner, including the right that no corporal or degrading means of punishment will be used against him."

Children who are accused or suspected of committing offenses are also protected by legislation. The law prohibits publication and disclosure of names and identifying details of minors who have been accused of crimes. The law also entitles minors who have been arrested or indicted to an attorney.

The courts assist the legislator in protecting the rights of children. At times the courts themselves establish the desirable norms of conduct towards children.

The Judiciary

The courts have also encouraged a change in attitude towards children. If, in the past, court decisions related to children merely as the objects of defense, today, the courts see children as autonomous entities with their own rights. Some of the more progressive rulings are as follows.

Negation of Corporal Punishment as an Educational Tool

In a precedent-setting verdict, the Supreme Court has ruled that corporal punishment, even if seemingly used for educational purposes, is an illegitimate and unsound method

of punishment.³ Judge Dorit Beinish, in a majority decision, stated that:

*"The child is not his parents' property; he may not serve as a punching bag even if the parent honestly believes that he is implementing his obligation and right to educate his child. The child depends on his parent, needs his love, his protection and his soft touch. Using punishment that causes pain and degradation violates his rights as a human. It violates his body, his feelings, his dignity and his normal course of development."*⁴

The Child's Right to Separate Representation in Family Court

The courts have also held that under certain circumstances, where parents are apparently acting according to their own interests, a child is entitled to separate representation. If the child is under 15 years old, the child has a right to appoint a guardian ad-litem for the purpose of representing his best interests before the courts. From age 15, he has the right to separate legal representation by a lawyer, who will represent the child's own position and wishes.

Thus, the court recognizes the interests and independent rights of children, separate from those of his parents.

The Right to Parental Care

The Supreme Court has also ruled that parents' obligations towards their children are not only financial, but also include the obligation to provide support and parental care. In this case, an absentee parent who ignored his children from a first marriage was held liable for emotional damages incurred by his children.⁵ This was the first such ruling of its kind in Israel and, possibly, the world.

The rights and well-being of children in Israel are also evident from the system of special services geared towards children, particularly in the fields of health, education, and welfare.

Children's Services

Israel maintains a highly developed system of health and medical services for children. All hospitals maintain top-level children's wards, and there are a number of hospitals specializing in pediatrics. The government also runs mother



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and well-baby clinics (Tipat Halav). These clinics operate in every area of the country as part of the public health services, and provide health services throughout the mother's pregnancy and later, for her baby. The success of this program is evident by the fact that 91% - 96% of all sectors of the population are inoculated.⁶

Additionally, children are entitled to free medical care from birth. The mortality rate of infants in Israel is lower than or equal to that of other developed countries (such as Britain and Australia).⁷ The success of the Israeli health system in decreasing infant and child mortality rates is directly connected to its system of public health services. While a disparity exists between different population sectors in the rate of infant mortality, that rate is relatively low and has been declining consistently over the years.

Israel's diverse educational system is also notable as it provides free public education for children aged 5 to 18. Additionally, each municipality operates its own welfare department, with special child protection units employing social workers specially licensed for child protection.

Important developments have also occurred over the past decade in the treatment of high-risk children, such as the creation of emergency shelters for children at high risk.

Notable for their pioneering contribution in caring for child abuse victims are voluntary organizations such as ELI (The Organization for the Protection of the Child) and MEITAL (The Israeli Center for the Treatment of Sexually Abused Children and Youth).

Conclusion

Despite constant threats of terrorist activity, disparities between different sectors of the child population, many children living below the poverty line, budgetary cuts in health, education and welfare services, a rise of violence amongst Israeli youngsters and the difficult situation faced by Palestinian children, children in Israel have witnessed many achievements in the recognition of their rights and protection of their welfare in the short period of Israel's existence.

Israel is a young state still facing existential crises on both the security and economic fronts. Furthermore, it is a multicultural society which continues to absorb immigrants from around the world. All these factors contribute to the difficult challenge of promoting children's rights. While there is still much work that remains in order to meet this challenge and to be deserving of our children, the foundations have been laid and much has been accomplished for Israel's children and their rights.

1. Janusz Korczak (Poland 1878-1942), was known as one of the 20th century's greatest educators and an early advocate of children's rights. The unforgettable image of this great pedagogue marching alongside the children of his orphanage as they were herded onto cattle cars to be carried to their death at the Treblinka death camps is one of the more haunting images of the Holocaust. He refused sanctuary offered to him and insisted on accompanying his young charges to the death camps where he is presumed to have subsequently perished.
2. Aharon Barak, **Interpretations of Constitutionality** at p. 435 (Volume 3, Nevo Press).
3. Criminal Case 511/95 *State of Israel v. Jane Doe*, 97 (3) Takdin-District Ct. 1898
4. Id. at section 29 of the verdict.
5. Civil Appeal 2034/98 *Amin vs. Amin*, 56 Supreme Court (Dinim Elyon) 961.
6. "Children in Israel" (Published by the Council for the Child 2003), Table 8.7
7. Id. at Table 15C.

Enterprises and Innovations among NGOs Regarding Children

In Israel, dozens of volunteer organizations deal with various aspects of children's rights. Such organizations are, by nature, more creative, innovative and more flexible in their methods of action, and respond more quickly to changing reality. Many of these provide therapy, health, education and welfare services to children in general, and particularly to ill-treated children. These organizations play a most important and sometimes the only role in protecting children's rights in Israel.

The oldest and largest non-governmental organization in Israel is the **National Council for the Child (NCC)** which acts on behalf of all children in Israel, without geographic, religious or economic boundaries.

The NCC serves as an advocacy organization and provides educational, informational, and legal services in all areas concerning child welfare. The NCC also initiates innovative projects, operates a special center for public education and a research center for the collection and dissemination of information and data, and formulation of policy. Moreover, the NCC operates a legal center, which concentrates on initiating and promoting legislation regarding children, and provides legal counsel and guidance to children, professionals and lay people. The NCC acts for the improvement of children's status in Israel in general, and particularly for high-risk children, promoting their welfare and protecting their rights.

Among the many innovative and unique programs that the NCC operates is the **Ombudsman for Children and Youth**, an independent body, among the first of its kind worldwide when established in 1990. It receives approximately ten thousand complaints and requests for assistance annually from the general public, including children. The Ombudsman provides special services for specific populations such as Arab and immigrant children, in their own language.

The State of the Child in Israel Annual Statistical Abstract, published by the Council, contains thousands of statistics and is the most comprehensive publication of its kind. The NCC also operates the Child Victim Assistance Program. Child victims of crimes, particularly violent and sexual offenses, are assisted in coping with the trepidation of dealing with the legal system by a companion who accompanies the child and family through the process.

Children's Rights Mobile Unit is an educational program that uses experiential activities to teach tens of thousands of elementary school children annually about their rights, responsibilities and methods for coping with an infringement of their rights.

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Welfare and Socio-Economic Rights in Israel

Yoram Rabin

The pioneers of the State of Israel in the beginning of the 1920's took their cues from the 1917 Russian revolution and viewed the world through the prism of a socio-nationalistic (or socio-Zionistic) perspective. The hero of this pioneer movement was the figure of the new "Jewish worker", who immigrated to Israel in order to work the land and live a free, proud life founded on principles of Jewish labor, freedom, equality and mutual cooperation. Consequently, the workers' parties, who governed the Jewish settlement prior and subsequent to the establishment of the state, founded and supported various socialist enterprises such as kibbutzim (workers communes), cooperative settlements, and workers unions.

Israel Government Press Office / Mithra Moshe



The culture of working and building also existed with respect to the building of the cities (such as Tel-Aviv, which was founded in 1909), and the establishment and development of industry. However, in these areas a strong democratic-liberal philosophy was also visible.

Consistent with this practical vision, in the years immediately following its independence, Israel held fast to what were, for the most part, socialist values. The newly formed Knesset enacted various social legislation such as the **Compulsory Education Law, 1949** which guaranteed all citizens and residents of Israel the right to a free education until twelfth grade, and compulsory education until tenth grade within the public school system.

The first Minister of Education, Mr. Zalman Shazar, who later became the third President of Israel, eloquently addressed the Knesset upon the enactment of the law:

"In reality, the Government is introducing a law, which is, in principle, already in effect in Israel. The majority of the Jewish localities in Israel are already accustomed to compulsory education, notwithstanding the absence of any laws on the subject. We have not yet begun to consider how the state could begin to solve our existential issues, and already statistics indicate that 90% of our children attend schools. I believe that such a situation is extremely rare, namely, that a nation can say about itself that 90% of its sons and daughters are enrolled in schools without any compulsory education laws compelling them to be there."

Other legislation enacted during this period included:

Hours of Work and Rest Law, 1951 establishes the maximum hours and days of a work week, as well as the right to overtime pay and authorized breaks during the day; **Annual Leave Law, 1951** guarantees workers paid vacation; **Employment of Women Law, 1954** guarantees fair and equal treatment of women in the workplace, including pregnancy and maternity rights and benefits; **National Insurance Law, 1953** provides for a standardized basket of health services, including hospitalization for all residents of Israel.

Israel's initial welfare legislation was followed by a second wave of social legislation in the 1980's, despite the fact that the model of the socialist welfare state was being challenged in Israel and around the world. Among the enacted statutes are:

An amendment to the National Insurance Law, commonly known as the **Nursing Care Law, 1986** provides long-term care, either in their own homes or in the community, for all elderly persons who have become dependent on the help of others for the performance of daily activities, thus obviating the need for residential care;

Special Education Law, 1988 entitles children who have special learning needs to free education between the ages of three and twenty one;

Senior Citizens Law, 1989 gives senior citizens many benefits and rights;

Extended School Day Law, 1990 replaced by the **Extended School Day and Enrichment Studies Law, 1997** grants a longer school day than the standard five or six hours per day; **National Health Insurance Law, 1994** considered to be the "jewel in the crown" of welfare reform, provides for free medical care according to a defined "health basket";

Equal Rights for Handicapped Persons Law, 1998 protects the dignity and liberty of physically or mentally handicapped individuals, and ensures their equal and active participation in all areas of life, including work;

Public Housing Law (Purchase Rights), 1998 grants tenants of public housing the right to purchase their apartments at subsidized prices;

Rights of Tenants in Public Housing Law, 1998 recognizes the rights of a tenant to reasonable maintenance of his property and continuation of his tenancy by family members in the case of death or hospitalization of the original tenant.

In recent years, a number of new social laws were enacted, such as:

Children at High Risk Law (Right to Day Care), 2000 and **Free Education for Sick Children Law, 2001**.

As witnessed by the breadth of social legislation enacted, Israel has not neglected the Judeo-Zionistic vision of a

modern welfare state despite more pressing budgetary concerns (such as security) and ideological detachment from the original socialist ethos of its founders. Due to the recent global recession, felt in Israel as well, social legislation has had to compete with government objectives to reduce the state budget and minimize government intrusion into the free market. Understandably, maintenance of a modern welfare state places a considerable strain on Israel's economy.

The proposed constitution submitted to the first Government one year after the establishment of the state, contained a comprehensive list of social rights. However, in 1950, the Knesset elected to defer the adoption of a formal constitution and agreed to the gradual enactment of a number of Basic Laws which would one day be incorporated into a final constitution.

The first basic laws to establish individual rights were adopted in 1992, in the form of **Basic Law: Human Dignity and Liberty**, and **Basic Law: Freedom of Occupation** which were hailed as a "constitutional revolution" by the President of the Supreme Court, Aharon Barak. Human rights were thus established by supreme law (which supercedes regular legislation), and Knesset legislation became subject to judicial review.

These Basic Laws gave voice to the classic line of rights such as the right to dignity, the right to liberty, the right to privacy, the right to property, the right to exit the country and the right to freely pursue one's trade and occupation. Although lacking a Basic Law dealing expressly with the issue of socio-economic rights, the Supreme Court has held that "the right to a minimal standard of living" is derived from the right to human dignity. As the President of the Supreme Court stated:

*"Human dignity inherently contains... a guarantee of a minimal standard of living. A person who lives in the streets and is homeless, is a person whose dignity has been eroded; a person who is hungry, is one whose dignity has been lost; a person who has no access to elementary medical care, is one whose dignity has been harmed; a person who is forced to live under severely humiliating conditions, is one whose dignity has been assaulted"*¹.

Some of the Basic Laws are still in the formative stages and the laws pertaining to education, health and housing rights are to be embedded in **Basic Law: Social Rights** which is under review in the legislative chambers of the Knesset.

Until the **Basic Law: Social Rights** is passed, the Supreme Court has assumed the duty of protecting these rights and several Supreme Court cases have in fact bolstered these protections. For instance, in a well publicized case, Justice

Dalia Dorner held that there is a basic right to education in Israel.² This judgment is based on a number of sources: the diverse legislation on education; the focus on education in Israeli and Jewish tradition; international law which secures the rights to education and other social rights (under the 1966 United Nations Convention on Economic, Social and Cultural Rights, which Israel ratified in 1991).

Despite the delay in the adoption of a constitution, and the existence of opposing interests, the Supreme Court has made great efforts to protect the poor. As Justice Yitzhak Zamir stated:

*"One should not declare that the role of government is to protect human rights. Period. Indeed, this is a supreme role. However, it is merely one of the roles. One must also declare, in the same breath, that an additional role is to promote the human welfare of all human beings. Another role is to create social justice. Justice for all. Human rights should not overshadow human welfare and social justice. Human rights cannot only serve the satiated man. Every man ought to be satiated so that he can enjoy, in practice, not only nominally, human rights."*³

1. *Gamzu v. Yeshayahu*, 55(3) P.D. 360.

2. *Yated-Children with Downs Syndrome v. Ministry of Education*, 56(v) P.D. 843.

3. *Contram v. the Finance Ministry, Customs and VAT*. 52(i) P.D. 289.



Premature babies ward at Wolfson Hospital in Holon



Women at the Day Center for Senior Citizens in the town of Shlomi

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The Democracy Index

Asher Arian

Israel's standing as a democracy among other western countries is subject to much scrutiny in light of the unique and trying conditions under which it exists. Much of this scrutiny comes from Israel itself, which is committed to maintaining the highest international standards set by other democratic systems. Two of the greatest challenges to its commitment to adhere to these standards are its security concerns and the multifaceted nature of its society. Israel is one of the very few recognized democracies that faces constant challenge by nationalist minorities, ethnic groups and various religious factions.

checks and balances and accountability. Israel receives high marks in the area of representation and ranks sixth out of the 35 countries in regard to its system of checks and balances. In spite of the decrease in voting participation over recent years, Israelis still turn out to participate in the electoral



Israel's standing in social rights and equality is similar to that of the United States and England

Many of Israel's citizens emigrated from or have personal links with democratic countries. While Israel's immediate neighbors are authoritarian or totalitarian regimes, most Israelis identify with the culture and norms of the West. Israel's achievements in the fields of science, technology, sports, and others are clear demonstrations of the fact that Israel ranks high alongside the more well established, stable and progressive democratic states in the world. Whether Israel manages to successfully uphold fundamental democratic ideals in its surrounding environment, and whether its public believes that these ideals are being fairly achieved, is the subject of the "Democracy Index", a comparative survey initiated by the Guttman Center in the Israel Democracy Institute.

process in fairly high numbers as compared to other democratic countries.

Affected by its security concerns and the unique challenge it faces in that regard, Israel ranks in the middle third of countries in terms of social rights and equality (together with such countries as the United States and England) and in issues relating to the integration of military activity and politics. In areas unrelated to social composition or security, such as economic and gender freedoms, Israel is ranked in the top third (for example, Israel ranks alongside England, Spain, Argentina, Ireland and the United States in the area of gender empowerment). In the categories of human rights, equal rights of minorities, and freedom of the press, Israel

Israel ranks in the top third among other western countries in areas of gender empowerment and economic freedom

The Index measures various democratic components in Israel against a number of internationally accepted principal indicators that characterize a democracy in terms of its representational aspect and by the norms and values that accompany this type of political system. The Index ranks Israel's democratic features against those of 35 other established democracies, as well as its standing among its own public.

In the survey, Israel fared favorably on the institutional aspects of democracy, where it ranks among such countries as Denmark, Holland and Finland. These aspects include representation, participation, amount of perceived corruption,

does not rank as high. In these categories, Israel is within the range of other democracies in its protection of these values, but falls short of reaching the high standard that it has set for itself. The Index also noted a higher turnover rate in the Israeli government than in other democratic systems.

On the other hand, Israel has proved adept in preserving its democratic character while under fire. As a result of living under almost constant duress, fear and continuous threats and acts of violence, Israeli democracy has evolved in a manner that enables it to remain intact under almost impossible conditions. Notwithstanding the physical and other assaults on the state that test its democratic nature,

Israel ranks 6th out of the 35 democratic countries measured in the Index in regard to its system of checks and balances

Israel remains committed to achieving the highest standard of democratic involvement. Israel's success is based on the commitment of its leaders and citizens to preserving a democratic way of life and its striving to adhere to those values and ideas that characterize life in a democratic society.

The Index also measures Israeli perception of and satisfaction with the democratic makeup of the state. The fact that the latest survey noted a decrease in satisfaction in this area can be viewed as a positive indication of the public's desire to strive for a more fully developed and progressive democracy. In this respect, Israel's rating in terms of public satisfaction with its quality of democracy stands alongside Spain, Sweden, Bulgaria and Poland.

An increased sensitivity by Israeli society to substantive aspects of democracy such as equality and social justice, individual freedoms, human rights and freedom of expression, can be taken as a sign that the Israeli attitude towards these liberties is becoming more finely honed and is helping to shape how society perceives the level of democracy in the country. This trend can be seen from the growing awareness and concern expressed by the public about the status of minorities, particularly the Arab sector, and the weaker elements of society. Those surveyed expressed greater concern than in a previous survey, not only vis-a-vis the status of the Arab minority, but also about the social and economic disparity between various groups and classes in the general population as well.

A public opinion survey was also conducted among the younger population, in part, to gain a sense of what can be expected from the next generation. Encouragingly, the survey found that Israeli youth are likely to be more satisfied than the adult population with the nation's political institutions and the function of democracy in Israel. The younger generation also displays greater awareness of liberties and anti-democratic tendencies, such as restrictions on the freedom of expression. Accordingly, democracy appears to be increasingly viewed as an intrinsic and valued way of life for Israel, and therefore likely to be safeguarded in the future.



Israel Ministry of Foreign Affairs

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The Israel Democracy Institute is an independent non-partisan research institute that was established for the purpose of assisting in strengthening Israel's democratic institutions and shaping its values, which are still in a formative stage.

Israel's Democracy during Wartime

Yuval Karniel

"In times of change and danger when there is a quicksand of fear under men's reasoning, a sense of continuity with generations gone before can stretch like a lifeline across the scary present."

John Dos Passos

"Democratic nations should conduct the struggle against terrorism with a proper balance between two conflicting values and principles. On one hand, we must consider the values and principles relating to the security of the state and its citizens. Human rights are not a stage for national destruction; they cannot justify undermining national security in every case and in all circumstances. Similarly, a constitution is not a prescription for national suicide. But on the other hand, we must consider the values and principles relating to human dignity and freedom. National security cannot justify undermining human rights in every case and under all circumstances. National security does not grant an unlimited license to harm the individual."¹

Justice Aharon Barak, President of the Supreme Court of Israel.

Traditional wartime protocol is not always effective in combating terrorism. Today's democratic societies are challenged by threats of terrorist warfare which aim to strike at democracy itself. Dealing with this type of activity in a swift and resolute manner without causing damage to their democratic values is a formidable task faced by these nations.

individual freedoms and human dignity, Israel is impelled to respond to the constant onslaught of terrorist activity, violence and propaganda against it in a manner that complies with the rule of democratic law. The Supreme Court of Israel has played an integral role in the fight to maintain the nation's democratic principles. In the words of the President of the Supreme Court, Justice Barak, *"(T)he struggle against terror - is to occur 'inside' the law, and through the tools that are lawfully approved as appropriate for a democratic state."*

Many times the Court defends positions that are contrary to opinions held by some public and political figures in Israel.

Due to Israel's singular position as a true democracy in the Middle East and the fact that the continuance of the wave of terrorism against the state threatens Israel's very existence, swift and resolute measures must be taken by its security agencies to protect the Israeli public and prevent further attacks. Sometimes, the means of protection come into direct conflict with the individual rights of those engaged in terrorism.

Justice Barak recognized this issue and stated, *"While terrorism poses difficult questions for every country, it poses especially challenging questions for democratic countries, because not every effective means is a legal means."* About this dilemma, Justice Barak noted that, *"one pillar of democracy - the rule of the people through its elected representatives - may encourage taking all steps effective in fighting terrorism, even if they are harmful to human rights... (t)he other pillar - human rights - may encourage protecting the rights of every individual, including the terrorists, even at the cost of undermining the fight against terrorism."*

Since the start of the intifada terror campaign in October 2000, Israel has confronted not only terrorist activity in the form of physical violence against its citizens, but has also contended with a media war being fought for the minds of the public in both the national and international arena. Both these forms of attack pose a great challenge to Israel as a state committed to protecting individual democratic values and liberties.

Nonetheless, Israel's resolve to adhere to democratic principles can be seen in its response to attempts made to restrict one of the basic tenets of a democracy, freedom of expression. In this area, Israel has established a method by which a democracy can meet the challenge of a national conflict while concurrently defending the traditions



Scene of a terrorist attack on a city bus

Each country struggles within its own cultural and political identity to find its own just solution to this issue. Israel is no stranger to this dilemma.

As a state committed to the protection of the values of

of democracy, in general, and freedom of speech, in particular.

Freedom of expression is one of the most valued principles of Israeli democracy. In 1953, the Israeli Supreme Court, notwithstanding the lack of a formal, written constitution, recognized that freedom of expression was a "supreme right" that derived from the existence of the State of Israel as a democratic entity.

The belief in the paramount nature of freedom of expression in Israel has always been anchored to the recognition that freedom of speech is a necessary and essential tool for the existence of a democracy, and important for the investigation and clarification of the truth through a "marketplace of free ideas." However, balanced against this right is the right of the state to protect its citizenry. Like other democratic nations, when faced with a confrontation between these two rights, the right to free expression must be carefully balanced against the nation's security concerns. In 1953, just a few years after the State of Israel had ended fighting its War of Independence against an Arab invasion, the Supreme Court issued an important ruling, holding that the government may not shut down an Arab newspaper that criticized the state's actions, even if such criticism was deemed to be harmful. The Court, basing itself in part on American jurisprudence, held that freedom of expression must be respected under all circumstances with the exception of a number of situations in which there is an accumulative danger of near certainty of serious harm to the security of the nation or public order. In the absence of such a "clear and present danger", freedom of expression cannot be restricted.²

The intifada terror campaign, since late 2000, characterized by suicide bombings against Israeli civilians, created a situation where Israel's commitment to providing a free atmosphere of expression was challenged by security concerns.

For example, documentary director, Mohammed Bakri,

interviewed Palestinians in the Jenin refugee camp about the fighting that had taken place in April, 2002, during which 23 Israeli soldiers and 52 Palestinians were killed. The film only portrayed the Palestinian version of events and did not offer a corresponding view by Israelis who were present as well.

The film was submitted for approval to the Israel Film Censorship Board as required by the 1927 Cinematographic Films Ordinance. The Board, in a rare majority decision of 8 to 3, banned the screening of the film by claiming that it distorted the events that had occurred, constituted propaganda against the state, bordered on incitement, and would destroy Israel's democratic nature. An appeal was filed before the Supreme Court in its role as the High Court of Justice.

The High Court of Justice granted the appeal and overturned the decision of the Film Censorship Board. While the High Court of Justice agreed that the film hurt the sensitivities of many of the Israeli public, especially the soldiers who fought in the battle and the bereaved families of those who fell, it found that harm to

sensitivities, notwithstanding the extent of the harm, is a price that Israeli society must bear for the right of free expression.³

In January 2003, Israel held national elections for seats in the Knesset. Arab parties, composed of Israeli citizens, campaigned for Knesset seats as well. As part of their campaign, two of the Arab parties displayed the Palestinian flag, a symbol of identification with the Palestinian Liberation Organization (PLO), during their election broadcasts. The Chairman of the 16th Central Knesset Election Board, and a Justice of the Supreme Court, Michael Cheshin, censured the broadcasts, arguing that the elections were held for the Israeli Parliament and that Israel was "embroiled in a bitter and ugly war" with the PLO.

An appeal was lodged with the High Court of Justice by the



Justices of the Supreme Court in session

Flash 90

Association of Citizens Rights in Israel (ACRI). The Court confirmed the importance of freedom of expression during election broadcasts as an integral part of the democratic process which consists of the right to elect and be elected to parliament. The Court then granted the appeal and held that the broadcasts must be shown in their entirety.⁴

In both of the above cases, as in other similar instances, the Israel Supreme Court rose to the challenge of protecting the democratic principle of freedom of expression, while simultaneously maintaining the trust of the people in the law. The Court's rulings reflect its belief that the paramount right to freedom of expression supercedes perceived threats to the feelings of the public and potential danger to its security. It should be noted that this protection is much broader than that offered by other democratic nations who face similar situations.

As Professor Alan Dershowitz noted in his book "The Case for Israel" (2003): "Israel is a small democracy surrounded by hostile enemies and battling for its very survival. It is fighting a many-pronged war against enemies both within its borders and outside them, as well as against hostile nations and groups seeking to delegitimize it within the international community. Its actions in defense of its citizens and its nationhood have been far from perfect over the years... (t)he same, and worse, can be said of most other democracies."

The extent to which Israel strives to protect individual liberties even in times of war, when it has an inalienable right to defend itself and its citizens from attack, demonstrates its commitment to maintaining a democratic system of law. Israel deals with this balancing act on a daily basis. Issues such as the demolition of the homes of terrorists, administrative detention, and even the interrogation of suspected terrorists are not free of the restrictions and constraints of the law.

Accordingly, upon being petitioned on the legality of the route of a security fence that would reduce the risk of terrorists entering into Israel to conduct deadly attacks, but would cut

through the fields and villages of many Palestinians, the Supreme Court, in accordance with international and Israeli law, ruled that construction of the fence was security-related and not politically motivated. However, at the same time, the Court emphasized that the routing must also take into account humanitarian considerations and a balance must be created between these two issues.⁵

Israel is navigating its way through a reality foreign to most democratic nations

Israel is navigating its way through a reality foreign to most democratic nations. The struggle to be a **democracy under constant attack and in a hostile neighborhood** has taken its toll on the tolerance level of the Israeli public. That it has succeeded in preserving

its democratic nature throughout this journey is a testament to Israel's strong commitment to doing so.

"Any balance that is struck between security and freedom will impose certain limitations on both. A proper balance will not be achieved when human rights are fully protected, as if there were no terrorism. Similarly, a proper balance will not be achieved when national security is afforded full protection as if there were no human rights. The balance and compromise are the price of democracy. Only a strong, safe, and stable democracy may afford and protect human rights and only a democracy built on the foundations of human rights can have security." Justice Aharon Barak.

1. Quotes by the President of the Supreme Court, Aharon Barak, are taken from his article: *The Supreme Court 2001 Term: Foreword: A Judge on Judging: The Role of a Supreme Court in a Democracy*, 116(1) **Harvard Law Review** 16 (2002).
2. H.C. 73/53 *Kol Haam Ltd. v. Minister of the Interior*, 7 P.D. 871.
3. H.C. 316/03 *Mohammed Bakri v. The Film Censorship Board*, 58(i) P.D. 249.
4. H.C. 651/03 *Citizens Rights Association of Israel v. Chairman of the Central Board of Elections for the Sixteenth Knesset*, 57(ii) P.D. 62.
5. H.C. 2056/04 *Beit Sourik Village Council v. The Government of Israel, et al* (June 30, 2004).



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Israel - Democracy in the Middle East

"Israel has become - through hard work, ingenuity, and most of all, dedication to freedom and the rule of law - a flourishing and diverse democracy with a bustling economy, a vibrant and critical media, a creative artistic culture, and a commitment to equality based on gender, sexual orientation, and race. Other countries in the region, which have more natural resources and comparable amounts of foreign aid, have failed to translate these assets into benefits to their people." Alan Dershowitz in **The Case For Israel** (Wiley, 2003)

For most of the 56 years since its establishment, the State of Israel has remained an oasis of democracy and pluralism in a region noted for its authoritarian regimes. Although some of these regimes offer varying degrees of rights to their citizens, none come close to the western democratic values and liberties which characterize Israeli society. Some states in the Middle East, such as Syria and Iran, are strict dictatorships notorious for both their suppression at home and their support for terrorism abroad.

In several Arab countries and Iran, minorities are suppressed. In stark contrast, minorities in Israel are entitled to equal rights under the law and have judicial recourse to addressing their grievances when problems arise. These same minorities are represented in the Israeli Knesset.

In several of the Arab regimes, women are forbidden to hold political or public office; they cannot vote and in many other spheres of activity they are strictly curtailed. In Israel, the opposite is true; women play key roles in all aspects of Israeli life.

The notion of a free press, free expression of one's views and dissemination of a variety of ideas and opinions, are sadly lacking in almost all Arab countries, as well as in Iran. Although some of the Arab nations do grant their citizens a limited right of free expression, news editors and journalists are routinely jailed or punished for publishing their opinions or unflattering facts about the particular regime. In contrast, Israel provides an open and vibrant environment in which its media flourishes.

Recently, winds of change have begun to blow in the Middle East. Countries such as Afghanistan and Iraq, formerly infamous as bastions of totalitarianism, are now beginning to show signs of becoming fledgling democracies, thanks to the efforts of the United States and other western countries. The elections held by the Palestinian Authority are hopefully an encouraging sign of a move towards the emergence of a moderate leadership that will end terrorism and incitement, as well as undertake essential reform of the current system of Palestinian administration.

Although many Arab countries remain hostile to the notion of a Jewish nation in their midst, most Arab countries are gradually moving toward acceptance of Israel as a true polity, and not merely an aberrant and transient country. The attitude of the Arab nations towards Israel has improved over the years. In spite of initially refusing to acknowledge Israel's lawful existence, two of Israel's neighbors, Egypt and Jordan, have signed peace treaties with Israel, and relations have developed.

A Middle East devoid of cultural tension and economic barriers could gradually become a realistic goal of the region as democratic values become increasingly prevalent in formerly closed societies. Israel has learned how to adapt the democratic ideal to its own unique society and remains optimistic that the gradual movement towards more tolerance by Middle Eastern nations will enable democracies to emerge throughout the Middle East, with the hope that those countries will join the society of nations that place the interests and rights of their citizens high on the scale of national values. This will serve the cause of peace as well.



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