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ISRAEL'S DEMOCRACY AND COMPARATIVE POLITICS

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This paper indicates how fruitful the integration of Israeli politics into comparative politics may be both for the study of Israeli politics and for theory-building in comparative politics. Special characteristics of the Israeli polity — constitutional government without a constitution, the religion-state relationship, the control system of the Arab minority, the political role of the "non-political" army, the consociationalism between Orthodox and secular elites, and the impact of the occupied territories on Israel's democracy — can be better understood in comparative perspective. In the same way comparative political studies in areas such as the rise and fall of dominant parties, the mode of operation of grand coalitions, the role of the military-industrial complex in a liberal democracy, the problem of "new" minorities, the influence of diasporas, and the constitutional dilemmas involved in constitutional engineering in deeply divided societies could very well benefit from a closer study of the Israeli polity.

Basically there are two ways to integrate Israeli politics into the field of comparative politics — to deal with Israeli politics from a heavily comparative perspective or to utilize Israel as one of the case studies in comparative politics. Comparative politics can contribute much to a better understanding of Israeli politics and it is relatively easy to provide a comparative perspective for the analysis of Israeli politics. The more challenging task is to utilize Israeli politics in comparative politics — both in theory-building and in dealing with the Israeli polity as a case study. The aim of this paper is to indicate areas of fruitful research in both Israeli and comparative politics.

One question which has to be dealt with in this context is the question of Israel's "uniqueness" or "normalcy." If Israel is totally unique it has very little to offer, since comparative politics assumes a certain balance between similarities and differentiating characteristics of political systems. Leonard Fein in his *Politics in Israel* related to the question of uniqueness by saying:

> All countries are unique, set apart by some special blend of geography, tradition, economic and political organization, ethnic composition and culture. But some are more unique than others and it is among these that Israel must be numbered.[1]

Israeli political scientist Gabriel Ben-Dor, writing on army and politics in Israel, also stressed the "unique" dimension of Israeli politics:

> Israel is unusual among nations of its type to the point that it constitutes a buffer against generalizations deriving from comparative research.[2]

In many respects the Israeli polity is indeed unique. One component of Israel's uniqueness is Israel's Jewishness. Israel is not only the one and only Jewish state, but it also perceives itself as the state of the Jewish people and not just as a state for the Jews who reside in Israel. In 1985 an amendment to the Knesset Basic Law was even enacted denying the right to participate in elections to any party which rejects Israel's character as a state of the Jewish people. The role of the Jewish Agency, which fulfills certain governmental functions, also attests to the role of world Jewry in the affairs of the State of Israel.

There are other unique features of Israel's democratic polity. Israel is a country under almost permanent siege. It may be regarded as the only real "garrison democracy." It is certainly the only country under siege which is, at the same time, a country of immigration. Israel is also different from most democracies in the sense that it does not strictly belong to the "Western" developed group of states. As a matter of fact, only 20-30 years ago Israel was considered a developing country. Israel is also the only democracy which has no written constitution because of a deep dissensus on key issues.

The association of Israel's socio-economic establishment with the Labor left makes it very different from all other Western democracies. Usually the established forces in society — the aristocracy, the wealthy, industry, the Church, and large segments of the middle class and the professions — are inclined to the right. The peasantry, too, tends to vote conservative in most Western countries. The Israeli situation is very different and creates unique voting patterns — the agricultural sector and large sections of the well-to-do vote for the left and the young and disgruntled vote for the right.[3]

However, Israel's uniqueness should not be overstated. Fein, who stressed Israel's uniqueness, did understand that Israel is not so unique as to make it irrelevant to comparative politics:

> Emphasis on Israel's uniqueness may, however, be overstated. Were Israel so idiosyncratic that no useful patterns might be drawn in either direction between it and other countries, one could hardly justify the effort required to explore its political system. But the bits and pieces which, combined in a specific way, define Israel and no other country, themselves have precedents and analogs. Moreover some facets of the Israeli experience are prototypical and may offer

useful insight into political change and development in other states. Thus to argue that Israel's total experience is more unique than others is not to contend that students of comparative politics have nothing to learn from it, nor anything to contribute to its understanding.[4]

Israel is unique but so are other states. No other state is completely or even largely similar to Great Britain, or to the U.S., China, Japan, India or Iceland. Each of these countries can and is used as a case study in comparative politics theory. The same applies to Israel. Even those aspects of Israel's political system which are unique can be perceived as unique only by comparison.

A good example is Israel's constitutional system. The constitutional problem is not merely formal — technical but of real importance: Israel possesses no formal constitution nor regular laws that would limit government and protect basic rights and freedoms. Israel's constitutional system is based on Basic Laws and rulings of the High Court of Justice which sometimes refer to the principles embodied in the Israeli Declaration of Independence. Nevertheless, there is no Basic Law which deals with the basic democratic freedoms and the Declaration of Independence, the High Court of Justice rulings, and the existing Basic Laws can easily be overruled by new legislation passed by simple majorities.

The legal system itself even contains laws which could make it possible to introduce a dictatorial government, and only the democratic restraints of the Knesset majority, combined with a liberal High Court of Justice, have prevented the misuse of these draconian laws. Examples are the Defense Regulations of 1945 and the Press Order of 1933 which make the limitation of freedom of the press and the imposition of censorship possible.[5] Both are legacies of the Mandate period but — as any other pre-1948 laws which were not abolished — both are an integral part of Israeli law.

Comparative politics may help us understand the special situation of the Israeli polity with regard to its legal-constitutional framework. Almost all other democracies possess written constitutions which form legal barriers against political encroachment by the government on the freedom of its citizens. Only Britain has no such formal constitution, but it definitely has other legal barriers against authoritarian tendencies.

The state-religion issue is a good example, that unique aspects of the state-religion relationship in Israel can only be fully understood by employing the comparative politics approach. Charles Liebman and Eliezer Don-Yehiya have dealt with this problem by comparing state-religion relations in Israel with four distinct models — the state religion model (e.g., Saudi Arabia), the Established Church system (e.g., Great Britain), the Western European approach which regards the

provision of religious services as the state's duty (e.g., West Germany), and the separation of church and state model (e.g., the U.S.).[6] Even though Israel does *not* fit any of the four models, one can understand the "unique" Israeli way of tackling the religion-state issue only by comparing Israel with these models.

The constitution and the religious issues illustrate that the comparative approach makes it easier for us to perceive the unique characteristics of the Israeli polity. Other features of the Israeli political system are far from being unique. The majority-minority relations between Jews and Arabs, for instance, can be analyzed by utilizing the "control model" which is also applicable in other cases (e.g., Northern Ireland, Ethiopia, Sudan, Malaysia). Sammy Smooha and Ian Lustick's research provided a breakthrough in the study of the Arab minority in Israel because it employed comparative-analytical tools and did not stick to the orthodox, orientalist and historical orientation of earlier studies.[7]

A major problem of Israel's democracy concerns the occupied territories. This paper will not deal with the historic, religious, demographic and strategic dimensions of the border issue, but with the impact of the territories on Israel's liberal democratic quality.

The territories are under military administration which by definition can hardly be democratic. Nevertheless, one cannot disregard the connection of the issue of the territories with the democratic issue. Large sections of the Israeli public and the Israeli political establishment do not regard the status quo as temporary. One can also not ignore the fact that, in addition to a legitimate (from a democratic point of view) territorial distinction between "Israel proper" (which is a full-fledged democracy) and the West Bank and Gaza, there is a further distinction in the occupied territories of two different populations — Israeli Jews who enjoy all democratic rights and non-Israeli Arabs who do not enjoy these rights.[8] The third point worth mentioning in this context is whether more than twenty years of schizophrenia — being democratic at home and non-democratic in another territory so close to home (and which many regard as part and parcel of the one and only home) — will not erode democracy within the Green Line. A comparative perspective could be very helpful in analyzing the problem of "schizophrenia" — of a democracy ruling another territory in a non-democratic way. Israeli rule in the territories could be compared for this purpose with British rule in Kenya, the French government in Algeria, or Dutch colonialism in Indonesia.

The "consociational model" developed by Arend Lijphart in the late 1960s is another example of the relevance of comparative politics in the research of the Israeli polity.[9] The almost permanent coalition between the Orthodox and non-Orthodox camps in Israel (the "historical alliance" between Labor and the Zionist Orthodox from the

early 1930s to 1977, the Likud-Orthodox coalition between 1977 and 1984, and the role of the Orthodox parties in the national unity government between 1984 and 1988) is a good example of consociationalism between the Orthodox and the non-Orthodox elites on the state-religion issue.[10]

Another example of the relevance of comparative politics to a good understanding of Israeli politics is the issue of civilian-military relations in Israel. The measure of interpenetration between the military and political elites in Israel is quite distinct from the Western model of strict separatism between civilian and military organization, leadership and decision-making.[11] From a comparative perspective, Israel may perhaps be seen as a democratic variation of the civilian-military pattern current in Communist states.

Let us now turn to a different task: away from analyzing the utilization of comparative politics theory to the understanding of Israeli politics and towards using the Israeli case to improve existing theories and develop new models in comparative politics.

The early comparative politics models which dealt with democratic governments and were developed in the 1950s and 1960s were based on comparative empirical studies of a few large and important states — the U.S., Great Britain, France, Germany and Italy. Generalizations were based on this relatively small sample of democratic polities.[12] In the late 1960s and 1970s criticism of those early models focused on their neglect of the smaller democracies of northwestern Europe (e.g., Belgium, the Netherlands, Sweden, Norway, Denmark and Switzerland). Lijphart's consociational model, for instance, was based on his study of these smaller democracies.[13] Adequate theories in democratic politics have to be devised by comparative research including all the existing democracies. The time has to come to deal with the Mediterranean democracies (Spain, Portugal, Malta, Cyprus, Greece and Turkey) and the democracies of Asia (India, Japan, Sri Lanka, Singapore), Africa (Mauritius, Botswana, Gambia), Latin America (Costa Rica, Argentina, Brazil, Columbia) and the Caribbean.

Israeli democracy was also almost completely neglected in the comparative politics literature. In their classic *Comparative Politics*, Almond and Powell briefly mention the ancient kingdom of Israel while ignoring modern Israel.[14] In Lijphart's more recent book *Democracies*, Israel is dealt with briefly and superficially.[15]

The study of the Israeli polity may well contribute to theory-building in those areas of comparative politics where Israel shares common characteristics with a selected group of states large enough to justify comparisons, generalizations, and theory-building.

The rise and fall and the mode of operation of dominant parties is one example. Since World War II we have seen dominant party systems operating in Italy, India, Japan, Malaysia, Sweden and Israel. Any

effort to build a comparative theory will have to include the Israeli case of Labor's dominance between 1933 and 1977.[16]

The Israeli experience of grand coalitions (in the years 1967-1970 and 1984-1988), together with the examples of Austria, Switzerland, Belgium, Western Germany and Great Britain during World War II, is vital for the development of a meaningful theory regarding grand coalitions, their role in democratic systems, and their mode of operation. So is the relationship between diasporas and mother countries — a theme which calls for comparative research focusing on Ireland, India, China, Lebanon, Greece, Italy and Israel.[17]

The answer to the question whether a democracy needs a democratic consensus of the whole population, of the "political stratum," or whether consensus is not at all a *conditio sine qua non* of democratic government, would benefit greatly from empirical findings pertaining to Israel.[18] Similarly, a comparative analysis of the role of the military-industrial complex in a liberal democracy should not disregard Israel, with its large military industries, defense budgets, and "security establishment."[19]

Research on Israel could make a major contribution to comparative politics by focusing on the connection between the constitutional framework and the depth of cleavages in the society. The question is what should be done in a situation of high tension and polarization. Should an effort be made to solve the internal conflict by a clear-cut constitutional decision in the form of a formal constitution? In postwar Italy and in the French Fifth Republic this approach has been successful, but in Cyprus and Lebanon it has failed completely. The Cypriot Constitution of 1960 and the Lebanese Pact of 1943 were constitutionally inflexible and aggravated societal conflicts by preventing the adaptation of the political system to new circumstances. Israel has chosen a wholly different path by indefinitely postponing the enactment of a constitution in order to avoid further polarization and constitutional rigidity in a situation of rapid change and continuing conflict. The price Israel has paid for this approach is to leave the Israeli polity legally vulnerable to authoritarian currents. Israel is certainly a fascinating case study for the constitutional dilemmas facing deeply divided societies.

The "deviation" of Israeli democracy from the liberal democratic model on the state-religion issue is highly interesting for comparative research. The liberal democratic state has to provide freedom of religion and freedom from religion.[20] Freedom of religion or freedom of worship for all faiths is guaranteed by Israeli law and practice, but freedom from religion, the freedom to enjoy all basic rights without being forced to accept religious authorities, laws and procedures, does not exist in Israel. In matters of marriage and divorce, for example, all

Israeli citizens are by law subject to the jurisdiction of religious laws and authorities.

On the religion-state issue the current theories are deficient because they are based on a few known Western cases while disregarding the wealth of cases in Southern Europe, the Middle East, Asia and Latin America. Comparative research on this issue, which does not disregard Spain and Greece, Turkey and Sri Lanka, India and Japan, Brazil and Costa Rica, would be highly illuminating. The saliency of the religious issue in Israel makes the Jewish state one of the most interesting cases for comparative research.

Another problem area of Israel's democracy which should be of interest to scholars of comparative politics concerns the status of the Arab minority in Israel. From a superficial and formal point of view, the Israeli Arabs enjoy full equality: they are citizens, vote for the Knesset, and have the right to be elected to any office — from the presidency of the state down to municipalities. Nevertheless, Arabs in Israel also face institutional discrimination which constitutes a serious deviation from the liberal democratic model. One aspect of discrimination has to do with the transfer of typical governmental functions (e.g., the establishment of agricultural settlements and the rehabilitation of slum areas) to the Jewish Agency which caters only to the needs of the Jewish population. The fact that Arab villages and towns are not designated as development areas and towns and are denied grants, loans, tax exemptions and other privileges to which they are entitled according to objective socio-economic criteria constitutes a further example of discrimination. A third example would be the practice of granting child allowances not only to veterans but aiso to Jews who did not serve in the army, while denying the same allowances to Arab non-veterans.

A comparative study of the Arabs in Israel with other minorities around the globe could be very illuminating. The Israeli Arab minority constitutes an important case study in the comparative research of "new" minorities which were only recently majorities in a different polity (Hindus in Pakistan, Catholics in Ulster, Lithuanians in the Soviet Union) or of minorities in a nation-state which are, in fact, majorities in the wider region (Malays in Singapore, Tamils in Sri Lanka, Sunnis in Lebanon, Africans in the Sudan).

The purpose of this short paper was to indicate how fruitful the integration of Israeli politics into comparative politics may be both for the study of Israeli politics and for theory-building in comparative politics. Special characteristics of the Israeli polity — constitutional government without a constitution, the religion-state relationship, the control system of the Arab minority, the political role of the "non-political" army, the consociationalism between Orthodox and secular

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Notes

1. L. Fein, *Politics in Israel* (Boston: Little, Brown, 1967), p. 1.

2. G. Ben-Dor, "Politics and the Military in Israel: The 1973 Election Campaign and its Aftermath," in A. Arian (ed.), *The Elections in Israel – 1973* (Jerusalem: Jerusalem Academic Press, 1975), p. 119.

3. On Israeli electoral behavior, see the volumes edited by A. Arian on the elections of 1969, 1973, 1977, 1981 and 1984.

4. L. Fein, p. 3.

5. On the legal situation, see M. Negbi, *Above the Law — the Constitutional Crisis in Israel* (Tel Aviv: Am Oved, 1987), (Hebrew).

6. C. Liebman and E. Don-Yehiya, "Separation of Religion and State in Israel: A Program or a Slogan?" in C. Liebman and E. Don-Yehiya, *Religion and Politics in Israel* (Bloomington, Indiana University Press, 1984), pp. 15-30.

7. I. Lustick, *Arabs in the Jewish State — Israel's Control of a National Minority* (Austin: University of Texas Press, 1980); and S. Smooha, *The Orientation and Politicization of the Arab Minority in Israel* (Haifa: Institute of Middle Eastern Studies at the University of Haifa, 1983).

8. See B. Neuberger, "Greater Israel and Liberal Democracy," *Israeli Democracy*, Vol. 1, No. 4 (Tel Aviv: Israel-Diaspora Institute at Tel Aviv University):30-35.

9. On the consociational model, see K. McRae (ed.), *Consociational Democracy — Political Accommodation in Segmented Societies* (Toronto: McClelland and Stewart, 1974).

10. See E. Gutmann, "Parties and Camps — Stability and Change," in E. Gutmann and M. Lissak (eds.), *The Israeli Political System* (Tel Aviv: Am Oved, 1977), p. 170 (Hebrew).

11. See D. Horowitz and M. Lissak, "Democracy and National Security: An Ongoing Confrontation," *Yahadut Zemanenu* (Contemporary Jewry), Vol. 4, (1987):27-66 (Hebrew).

12. See, for an example, G. Almond and S. Verba, *The Civic Culture* (Boston: Little, Brown, 1965).

13. A. Lijphart, "Typologies of Democratic Systems," *Comparative Politics*, Vol. 1, (1968), pp. 17-35.

14. G. Almond and B. Powell, *Comparative Politics* (Boston: Little, Brown, 1966), p. 132.

15. A. Lijphart, *Democracies — Patterns of Majoritarian and Consensus Government in Twenty-One Countries* (New Haven: Yale University Press, 1984).

16. For an early attempt to compare, see A. Arian and S. Barnes, "The Dominant Party System: A Neglected Model of Democratic Stability," *Journal of Politics*, Vol. 36, (1974):592-614.

17. G. Sheffer (ed.), *Modern Diasporas in International Politics* (London: Croom Helm, 1985).

18. On the connection between consensus and democracy, see H.A. McClosky, "Consensus and Ideology in American Politics," *American Political Science Review*, Vol. 58, (1964):361-382.

19. For a first comparison, see A. Mintz, "The Military Industrial Complex: The American Conception and Israeli Reality," *State, Government and International Relations*, No. 26, (1987):16-32 (Hebrew).

20. On freedom of religion and freedom from religion, see A. Rubinstein, *The Constitutional Law of the State of Israel* (Tel Aviv: Schocken, 1980), p. 134 (Hebrew).