DIOGENES

Diogenes 215: 39–58
ISSN 0392-1921

Multiculture Me No More! On Multicultural Qualifications and the Palestinian-Arab Minority of Israel

Michael Mousa Karayanni

Introduction

Multiculturalism has become a central theme in many academic disciplines from philosophy to education, social work and psychology, ultimately reaching political science and law. However, it should be added at once that the study of diverse societies has existed throughout history, for there is really nothing new in the phenomenon of having different sets of people live in one sovereign unit.

Nevertheless, what seems to be unique in current studies on multiculturalism is not merely the observation and presentation of societies that happen to be diverse in terms of the religious, cultural, national and ethnic affiliation of their members, rather, it is the central argument that such divergence is legitimate and should be accommodated. Instead of diversity being the cause of animosity and hate, as was the case in many countries in the past, it is seen today as a reason for tolerance and acceptance. Indeed, some have also come to realize that diversity could also be in itself a value to cherish, given the inter-group dialogue and the exchange of ideas it manages to generate. Multiculturalism has also had an influence that far exceeds the confines of this or that academic discipline. The high moral ground now belongs to those who accept and support multiculturalism as an ethical standard. Accepting other groups in society and the legitimacy of accommodating them has become a virtue of tolerance.

Despite the sweeping influence of multiculturalism, however, the movement has not been as successful in composing a comprehensive scheme of rules and standards that are attuned to the needs and concerns of different countries. Though many governments would like to accommodate different members of society based on their group membership (group differentiated rights), there is still much discussion as to the form of such accommodations: should they be molded into exemptions

Copyright © UNESCO 2007
SAGE: Los Angeles, London, New Delhi and Singapore, http://dio.sagepub.com
DOI: 10.1177/0392192107080715

https://doi.org/10.1177/0392192107080715 Published online by Cambridge University Press

from laws that penalize or burden cultural practices, should they guarantee certain quotas of representation of minority groups in different government bodies; or maybe even reach the level of granting groups some powers of self-government?[1] Some forceful arguments claim that accommodating particular groups might resolve one set of problems, but at the same time create another set no less acute. One disturbing reality is that the accommodation granted to one group is seen to be at the expense of other groups, promoting inter-group tensions rather than tolerance. In due course this tension could lead to demands for secession from the original sovereign unit. Another dilemma is concerned with relative values: what if the group accommodation enables the group to apply norms that go against universal notions of liberal thought, e.g. when a religious group is accommodated making it possible for its institutions to apply norms that overtly discriminate against women?

Concerns and dilemmas of this sort have led some to question the desirability of having group accommodations in the first place. Whatever multiculturalism seeks to promote in terms of accommodating different groups can be sought through the regular guarantees of a democratic society that build on safeguarding individual rights.[2] Individuals who want to nourish their group identity can do so by associating, as they are free to do under the basic guarantee of the freedom of association. Multicultural theorists have argued in return that such associations, especially when initiated by minority groups, will not get far if not assisted by additional guarantees. As a result, serious efforts were made to find answers to the concerns and dilemmas by modifying the theory of multicultural accommodations.

This article does not take issue with those who support group accommodations in multicultural societies or with those who oppose them, at least not directly. Rather, it argues that we must first look into multicultural theory itself to discover what can be called 'multicultural qualifications'. These are in essence pre-conditions without the presence of which group accommodations, even if granted based on group membership, should not be considered as multicultural in nature. In other words, for a multicultural accommodation to be considered as such it is not enough for it to be accorded on a group basis in favour of a minority, but must itself be capable, together with the legal and political environment it inhabits, of conforming to the proprieties of multicultural qualifications.

With multicultural theory as a backdrop, the first part of this article intends to identify such multicultural qualifications. In an effort to facilitate the discussion further I have chosen the Palestinian-Arab minority in Israel in its constellation as both a national minority group and as a religiously diverse group as an object for testing the application of the identified multicultural qualifications. This move is motivated by two principal reasons. The first is personal. This is the community I happen to belong to, and so I am naturally closely acquainted with its characteristics, aspirations, problems and dilemmas. Second, this community is situated in a state that has traditionally ascribed a number of accommodations based on group membership, although usually to the Jewish majority, primarily in its immigration laws, national symbols and its de facto policies in terms of settlement and land development.[3] The Palestinian-Arab minority has been largely excluded from equivalent accommodations. Instead this minority has been granted certain group accommodations, such as the recognition of Arabic as an official language, having a

https://doi.org/10.1177/0392192107080715 Published online by Cambridge University Press

separate public school system and an exemption from army conscription. However, it is questionable whether these so-called accommodations can be regarded as multicultural. The status of Arabic is diminished, far overshadowed by English, which has no official standing; the schools are under-funded, with minimal infrastructure and mostly a low academic level; and the exemption from army service is at times a liability when seeking employment, housing and education benefits. Obviously, such group accommodations can hardly be considered multicultural, especially given the kind and substance of the group accommodations accorded to the Jewish majority.

In terms of religion, large portions of the Ottoman millet system are still part of the local legal corpus. Today, there exist 12 different Palestinian-Arab religious communities: 10 Christian communities, the Muslim community, and the Druze. Such communities are granted exclusive jurisdiction to adjudicate in their own religious courts and under their own religious norms matters of marriage and divorce for their members. Moreover, the religious courts of these communities are competent to adjudicate other matters of personal status, such as custody of children, maintenance and inheritance, as long as certain pre-conditions are met, the principal condition being that of consent of all concerned parties. As a result, such religious accommodations have also been regarded as a sort of autonomy granted by the State of Israel to the different Palestinian-Arab religious communities as groups.[4] But yet again, can such group accommodations qualify as multicultural accommodations given the fact that certain religious norms applied by the different religious communities overtly discriminate against women; given the fact that Israel has not adopted a civil institute of marriage and divorce that one can opt out to, and given the fact that individual members of the different religious communities were not asked to comment on the form or structure of the granted religious jurisdiction?

These relations between the state of Israel and the Palestinian-Arab minority are of particular relevance to the current debate in Israel that has also specifically implicated multiculturalism as a framework for conflict management.[5] However, multiculturalism in Israel is really a misnomer: Israel has many cultures, but to my mind is not truly multicultural. My discussion, therefore, will also consider the normative side of multiculturalism, i.e. the standards for determining what is right and what is wrong in terms of group accommodations, rather than referring to the factual reality of diverse forms of group accommodations as necessarily multicultural.

Multiculturalism: theory and dilemmas

On multicultural qualifications

In the second half of the 20th century, particularly after the end of the Cold War, a number of countries witnessed clashes between minorities and majorities over such issues as ethnic and cultural autonomy, religious freedom, national symbols (e.g. national anthem, public holidays) and more.[6] This phenomenon is widespread and ubiquitous.[7] It has been noted that in the almost 200 states that exist today there are

https://doi.org/10.1177/0392192107080715 Published online by Cambridge University Press

more than 5000 different ethnic groups.[8] It also seems that the era of globalization, with its advanced means of transportation and communications, has not promoted the envisioned understanding among the different groups, but might have even worked to aggravate ethnic conflicts.[9] One substantial effort aimed at easing ethnic, religious and cultural conflicts among different groups was the intellectual interest of political scientists, sociologists, philosophers and legal scholars, whose intention was to create a theoretical framework capable of accommodating both the needs of one sovereign entity to stay as such, on the one hand, and needs of the different ethnic and religious groups that want to retain and foster their group identity, on the other hand.[10] One theoretical course in this effort was the neo-liberal argument stressing the need of a state to keep a neutral preference when it comes to the ethnic and religious identity of its citizenry (an approach commonly termed 'blindness to difference'). According to this approach, no ethnic or religious group deserves any preferential treatment by state authorities. Critics of minority rights have argued that to ascribe rights or benefits on the basis of membership of a particular group is an arbitrary and inherently discriminatory act that will eventually lead to a ranking of first- and second-class citizens.[11] The sole entity that is entitled to rights and protections from this point of view is the individual, and from the point of view of liberalism all individuals are to be treated equally, especially on the normative level, i.e. when state institutions come to prescribe norms of conduct. Under this conception, individuals of course have a right to join in with different societies as they see fit, but have no right to ask the state for preferable treatment. Among the notable adherents of this line of argument is Brian Barry. In his view, 'there should be only one status of citizens … so that everybody enjoys the same legal and political rights. These rights should be assigned to individual citizens, with no special rights (or disabilities) accorded to some and not others on the basis of group membership.'[12]

The first to challenge such strict notions of liberalism as a basis for political theory were those adhering to communitarian thought. Communitarians first took issue with the liberal paradigm that citizens, as rational autonomous agents, are imagined to make choices on the basis of values and commitments they have judged to be valid, independent of any external factor, such as their society, history or culture. Communitarians have argued that individual ties to society, history and culture are contingent aspects of identity and part of one's being. Moreover, it has been argued that people, in an ontological sense, must be understood as 'constituted' by relations with others without which they will cease to be who they are.[13] So according to 'the communitarian view, individuals engage even in thinking and acting not in a detached reflective mode but as fully embedded personalities defined and shaped by a social milieu'.[14]

The above notions of strict liberalism have also been refuted by what came to be called the multicultural movement. Societies composed of a majority group and minorities cannot be neutral among all of their members even if they adopt the most liberal framework of administration.[15] Government in all of its branches will be more closely connected to the interests of the majority group than to the interests of the minorities. This is an inevitable reality in democratic societies as well, since the majoritarian mode of government guarantees the majority group the greater share in government administration.[16] This point has long been acknowledged by research in

https://doi.org/10.1177/0392192107080715 Published online by Cambridge University Press

the social sciences. In what came to be known as May's theorem, it was proven that if all persons are permitted to participate in all decisions under conditions that ensure that one person's identity or preferred outcomes have special status but that each person has an equal chance to cast the decisive vote, then the decision will inevitably give preference to majority interests.[17] Therefore, one way of protecting minority groups is by empowering them in relation to the majority through a number of multicultural accommodations intended to reinforce their group identity and political strength. Without such protection the minority group could be assimilated, thereby endangering its very nomos[18] – aside from the dangers of excluding the minority group from the political process. Therefore, it was argued that states should work to grant minority groups preferable treatment both for the sake of empowering the minority group in its relations with the majority group and for the sake of enabling the minority group to preserve its distinctive features, which may be national, ethnic, religious or cultural.[19]

Other multiculturalists have advocated the need for group rights from a purely liberal point of view.[20] Individuals need to belong to a group as a matter of self-fulfillment. It has been argued that a person's autonomy of choice and judgment, cornerstones of liberal thought, are intrinsically tied to the community from which that person comes. People grow up in households and communities that tend to shape their virtues and qualities as individuals, and therefore have a personal need to continue to belong to their group as a form of individual realization. Liberalism as such demands that groups, particularly minority groups, be accommodated, for in preserving the group identity individuals in the group can operate to their full capacity.[21]

But as soon as this multicultural argument crystallized, those advocating the need for group rights were faced with two major issues. The first was the possible conflict between norms of minority communities and the individual rights of members of such communities.[22] For instance, how should the multiculturalism movement deal with minority ethnic or religious groups that have a strong patriarchal structure or even outright norms that discriminate against women?[23] Can liberal thought possibly advocate at the same time two opposing measures, on the one hand promoting group rights for the sake of certain individuals, and on the other hand making it possible for groups to mistreat other individuals belonging to it? Scholars who side with multiculturalism offer a number of devices that have the potential of lessening the tension between the right of a group and the right of an individual. Will Kymlicka, a prominent political philosopher who has worked extensively on multiculturalism, offers a basic distinction between group rights in the form of 'external protections' and group rights in the form of 'internal restrictions'. In his view the legitimate claim of group rights is present only when it includes schemes intended to offer groups external protections that are group accommodations intended to guard the minority group from majority domination. In this category one can include the protection of minority language, adequate representation in public institutions by guaranteeing a certain quota of representatives from members of minority groups, designating areas for the housing of certain minority groups, and so forth. However, liberal multiculturalism does not justify granting group rights in the form of internal restrictions under which, for example, a minority group is

https://doi.org/10.1177/0392192107080715 Published online by Cambridge University Press

granted the right to apply norms that discriminate against or hinder the well-being of certain members of the group, such as women and children.

Although the distinction offered by Kymlicka has a sound theoretical basis, in the opinion of other multiculturalists its practical utility is questionable. In many cases of group rights, especially with respect to traditional patriarchal societies or religious communities, the mere existence of the community itself, even when supported by external protections alone, will mean the undermining of certain individual liberties. This is mainly so since the external protections will inevitably reinforce the power hierarchies within the group which in turn will work to the detriment of vulnerable individuals within groups with a patriarchal structure, e.g. women.[24] One way of dealing with this is to accept that any sort of multicultural accommodation will necessarily sacrifice certain individual liberties in the group's interest. Liberal justification for such a sacrifice is found by the possibility of 'opting out' or 'exit' by individual members of such groups – an option that will make it possible for such members to receive the neutral parcel of rights and liberties provided to all citizens.[25]

Of course, the right of exit from a community may not be possible for a number of reasons.[26] First, the very decision to leave a group may prove impractical for children and women in a traditional society.[27] Additionally, group identity may mean that a person is unable to function or will be at a severe disadvantage – culturally, religiously, economically – alone and outside the group.[28] This would empty multiculturalism of all the meaning that essentially builds on the well-being of individuals.

The preceding discussion underlines the importance of finding a way to ease the tension between group norms and individual liberties, since the multiculturalism that advocates the need for group rights has not abandoned the rights of individuals.

This leads me to the second major problem multiculturalism faces. If a state is willing to grant minority groups the ability to organize separately and to grant territorial autonomy, this may lead to growing demands on behalf of that group for secession and independence. Underlying this forecast is the assumption that groups, like individuals, work to maximize their interests, which entails the desire on the part of minority groups of becoming a majority in a territory of their own. But even if this does not happen, whether because the type of group right granted is not in the form of territorial autonomy, or because the group is tied by other means to the majority, still, granting groups the ability to advance their group identity could lead, at the very least, to tensions among the different groups.

To ease this inter-group tension a series of techniques have been proposed. One such technique advocates inter-group dialogue. Ways and modes of tolerance and respect among the different groups should be advanced with the encouragement and backing of state authorities in order that groups, through their members, come to realize that sharing cultures can also be a self-fulfilling experience. The objectives of such dialogue-facilitating institutions is by no means intended to assimilate the different groups into one, but builds on the intention of those members of society that want to take part in dialogue activities to be able to do so without abandoning their own culture. Activities that can materially benefit such inter-group dialogue can range from the creation of joint townships, joint schools, joint educational activities, the promotion of tolerance and respect towards the other in school curric-

https://doi.org/10.1177/0392192107080715 Published online by Cambridge University Press

ula and the public media, joint cultural centers, etc. In order for such results to emerge, the government must be actively involved by giving such activities preference in terms of budgets and other forms of state support.

Bhikhu Parekh, a spokesperson for dialogue among the different groups, captures precisely the value of diversity.[29]

> [C]ultural diversity enriches and vitalizes collective life, and is desirable not only for minority communities but also for the society as a whole. It adds a valuable aesthetic dimension to society, widens the range of moral sympathy and imagination, and encourages critical self-reflection. Since no culture realizes all that is valuable in human life, each needs others to correct its inescapable biases, to appreciate its specificity, to help it arrest its tendency to absolutize itself, and to deepen its appreciation of the nature and possibilities of human existence. Furthermore, every culture fosters specific traits of temperament, psychological and moral dispositions, a particular kind of imagination, and needs constructive interactions with others to revitalize, regenerate and enrich itself. In short cultural diversity, being both a vital component of human freedom and well-being and a necessary condition of human progress, is a valuable social asset.[30]

The experience of dialogue in a multicultural society is thus not only a device for easing the tension among the different groups but a positive ideal for all members of society, who in turn might even strive for a pluralistic society.[31]

Recent writings on multiculturalism have also come to appreciate more than before the need for what might be called a shared concept of citizenship in a multicultural society.[32] This concept comes to compensate for the fractious implications of the multicultural discourse in an effort to lessen the prospect of inter-group conflicts. Functionally, the shared concept of citizenship stresses the fact that a modern democracy depends not only on the justice of its institutions towards minority groups but also on the qualities and attitudes of its citizens – e.g. their sense of identity, their view with respect to conflicts, their ability to tolerate and work together with members of other groups, their readiness to participate in the political process in order to promote the public good, their willingness to show self-restraint, and their sense of justice and commitment to a fair distribution of resources. The articulation of a sphere of shared citizenship in a multicultural society will serve as a ground for promoting inter-group cooperation and serve the objective of creating a sense of solidarity among the different members.[33] Without a sense of common citizenship 'there is little hope for the sort of mutual understanding, deliberation, trust and solidarity required by a flourishing democracy'.[34] This is why governments with a multicultural body of citizenry have worked lately to promote citizenship as a civil institution.[35] If the debate were to concentrate on minority rights only, what might emerge is a politicization of ethnicity, which might create a spirit of competition, mistrust and antagonism between ethnic groups.[36]

This concept of a shared citizenship is necessarily of a limited and relative meaning. Evidently it cannot demand that all citizens should share the same virtues and identify equally with the same values. The differential treatment of citizens is after all a basic impetus of multiculturalism. This is why when speaking about the concept of 'multicultural citizenship' authorities make it clear that it is essentially synonymous with 'differentiated citizenship rights' or 'differentiated citizenship'.[37]

https://doi.org/10.1177/0392192107080715 Published online by Cambridge University Press

On the other hand, this shared concept of citizenship cannot be restricted in a multicultural society only to the most basic attributes of citizenship, such as the carrying of one's passport and having the right to vote. It should include a civic base which all citizens can identify with, feel a sense of belonging to, care for and be equally sensitive to its diminishment. This sphere is the 'common culture' that Joseph Raz has emphasized in his writings.[38]

This sphere of common citizenship has an important utility in a multicultural society other than saving the general framework from dismantlement. It serves as a basis for legitimizing the intervention of state institutions in the internal affairs of the different groups when the individual liberty of a group member has been severely infringed. Moreover, even when such an intervention is deemed inappropriate one can build on this basic bond with the different group members to create a parallel course of regulation that competes with regulation offered by the group. Stressing the basic bond with its citizens, the state can justifiably work in areas regulated by the group, but in a direction that will maximize the interests of individual citizens. Eventually, such a course of parallel regulation will offer a path of 'exit' for group members, and maybe even a 'race to the top' mode of regulation on the part of the group and the state, if each genuinely strives to draw the individual to its side on the specific issue of regulation.[39] This sphere of a common citizenship could also serve as a basis for the insertion of inter-group mechanisms that can work to promote mutual activities among group members with the intention of producing a tolerant atmosphere. Be that as it may, I think a multicultural regime, in order to qualify as such, must offer all citizens a sphere of common citizenship in lieu of the bond each member has with his or her group.

To conclude this section, it appears that multiculturalism as it has now developed has not only worked to justify why certain groups are entitled to specific rights and for the sake of their group identity, but has also identified the basic tensions such accommodating rights might produce. In an effort to deal with such tensions, the multicultural movement has proposed a number of ideas aimed at easing the level of conflict generated by multicultural accommodations. On the intra-group level the multicultural movement has stressed the fact that in order to lessen the conflict between group-practiced norms and individual rights, individuals should be offered an exit route which would enable them to do away with groups and their imposed restrictions. Moreover, it has also been suggested that when affording minority groups certain accommodations, one should try to limit such accommodations to what can be defined as those of the 'external protections' type that are supposed to be different from those affording the authority to impose internal restrictions. On the inter-group level the fear is that inter-group tensions might turn into inter-group violence. In this respect it becomes extremely important to provide certain channels of dialogue between the different groups, whether by guaranteeing that the composition of different official institutions, such as courts, have members representing the different communities, or by setting up schools, townships and other frameworks where all group members can have the opportunity to meet and become more tolerant of each other. And finally, on the group–state level there should be established some form of a 'common bond' or a 'common sphere of citizenship' in order to prevent the state from falling apart. A sense of mutual interest and an individual-

https://doi.org/10.1177/0392192107080715 Published online by Cambridge University Press

ly felt obligation towards shared ideals could work to strengthen the general civic identity of all citizens, thereby creating a balancing effect between group identity and civic identity. Moreover, this concept of a common bond could also work to justify government initiatives designed to promote inter-group dialogue, giving the state additional legitimacy to interfere, and advocate the dialogue channels. Similarly, the concept would give legitimacy for the state to intervene on behalf of individual group members and offer them alternative normative schemes that respect their individual liberal rights in lieu of the schemes offered by their groups. So this concept of a common bond can serve as a basis for lessening not only the tension on the group–state level, but on the other two levels as well.

Two multicultural caveats

The preceding discussion on multiculturalism has set out the background for justifying why group accommodations are essential to a society with a majority–minority situation. However, the discussion has been based on assumptions implicit in the legal cultures from which the multicultural movement has evolved, namely western democracies such as Australia, Canada, Great Britain and the United States. For instance, the discussion with respect to the right of exit has been preoccupied with the difficulty of practicing the right itself in light of individual constraints. The assumption was that societies in the aforementioned countries do provide a sphere to which one could exit if one chooses to exercise his or her right to do so. But in many other countries it is doubtful whether there is any sphere at all to which one could exit. In other words, exiting can fail not only because of a lack of capacity of certain individuals to exit but also because of the lack of a sphere that can host the individual if and when he or she eventually decides to exit.[40]

One other observation concerns the 'voice' of community members. In any discussion of multicultural accommodations of minority groups it seems taken for granted that a group accommodation comports with the will of the group, or at least with the will of the majority of the group. But there is no real discussion, in the literature dealing with multiculturalism, of how to guarantee that a group accommodation will actually suit the interests of the minority group. It seems essential in my view that for a multicultural accommodation to be regarded as such it should also accord with the basic notion of justice, that everyone who is required to follow the accommodation 'must in principle have an effective voice in its consideration and to be able to agree to it without coercion'.[41] I will relate to this point in more detail below, when discussing the nature and practice of religious jurisdiction among the Palestinian-Arab religious communities in matters of personal status. As I argue there, this practice cannot be regarded as a derivative of multiculturalism, inter alia because of the fact that the nature of the jurisdiction accorded to a number of Palestinian-Arab religious communities does not comport with the will of those communities.

https://doi.org/10.1177/0392192107080715 Published online by Cambridge University Press

Applications: the case of the Palestinian-Arab minority of Israel

Almost one-fifth of the approximately seven million citizens of the State of Israel are non-Jewish. The non-Jewish population is overwhelmingly Palestinian-Arab, who are also an indigenous minority. In the lexicon of the Arab world this minority is known as the '1948 Arabs', to reflect the fact that the population is that portion of the Palestinian-Arabs who stayed in what came to be Israel after the 1948 war. In terms of its religious composition, the Palestinian-Arab community is formed mainly of Muslims, with communities of Christians and Druze. The Christian community is further subdivided into 10 recognized religious communities.

The existence of different national and religious groups in Israel has been a constant cause of tension. Underlying this Jewish–Arab tension is of course the Israeli–Palestinian conflict, with the Palestinian narrative stressing the tragic outcome by which the majority of the Palestinian people were deprived of a homeland, and the Jewish (Zionist) national movement stressing the emancipation of the Jewish people by becoming sovereigns in a state of their own. But the reality of relations between Arabs and Jews in Israel goes well beyond the question of competing narratives. Israel as a state has assumed a Jewish character. This is evident first and foremost in the commitment of Israel to Jewish immigration, Jewish heritage and Jewish settlement. Moreover, state symbols such as the flag, the national anthem and the state emblem are all Jewish in character. This has taken its toll on the Palestinian-Arab minority of Israel. Given the background of the conflict, this community has traditionally been seen as a security threat, thus bringing it under different policies of control.[42] The most notable schemes of control were military government, which administered the affairs of the Palestinian-Arab minority for 18 long years (1948–66), massive expropriation of land and property, and the application of different policies of fragmentation. Topping all of this was widespread discrimination, principally in budget allocations, planning and zoning, and job opportunities.

The Israeli legal system, it is true, has worked relentlessly and forcefully to adopt basic guarantees of human rights characteristic of many democracies.[43] A principal player in this move was the Israel Supreme Court. Sitting in its capacity as High Court of Justice the court oversees the legality and reasonableness of the acts of government which impact on citizens, and can overrule such acts if it finds them in conflict with basic notions of justice. In addition, as a result of the enactment of two major Basic Laws in 1992 – Basic Law: Human Dignity and Liberty; and Basic Law: Freedom of Occupation – courts in Israel have been accorded some measure of judicial review over legislation of the Knesset, the Israeli parliament. Utilizing such capacities, the Israeli judiciary worked to adopt a whole list of civil liberties concerned with individual civil rights, such as freedom of expression, freedom of association, freedom of worship, freedom of movement, equal treatment and due process when faced by actions of state authorities. Such guarantees proved to be instrumental for the Palestinian-Arab minority in the sense that they offered its members a cause for action before the courts in their endeavors to bring remedy and change. Indeed, over the years, major decisions were handed down by Israeli courts bringing some relief in respect of the petitions filed before them.

The synthesis of the Jewish character of the State of Israel and the basic commit-

https://doi.org/10.1177/0392192107080715 Published online by Cambridge University Press

ment to civil liberties had two major consequences in respect of the collective rights of its national and religious groups. As a Jewish state, Israel's primary commitment is to maintain its Jewish majority in terms of accommodations fostering this group's ideals, heritage, culture and collective memory. As indicated above, Israel's immigration policy and the nature of its public sphere bear witness to this. The Palestinian-Arab community as a national group has largely remained 'outside of the collectivity's boundaries as nonmembers of "Israel"'.[44] This minority's national character, traditions, cultures and heritage have not received a fair share of what the State of Israel proclaims in terms of its common good and national ideals. This Israeli dilemma is quite clear:

> If Arabs are to be truly integrated, if they are to be truly equal, then how will Israel remain a Jewish state? But if Israel is not to be a Jewish state, then what have the Jews been fighting for, what has all their effort been about, what have they died for? And if the Arabs are not integrated, do they not pose a continuing threat to Israel's security?[45]

The Palestinian-Arab minority has been given a variety of designations that refer to this exclusion, such as the 'the most remote, excluded community from the state's meta-narratives',[46] 'the invisible man',[47] or the 'odd man out',[48] whose status is that of 'second'-,[49] or even 'third'-class[50] citizen. Palestinian-Arab citizens of Israel do enjoy civil rights, as recognized for all Israelis, Jewish and non-Jewish alike. But still the principal beneficiary of these rights is considered to be the individual citizen instead of the group as such. The outcome of this reality was a schism in the notion and contents of Israeli citizenship.[51] In respect of the Jewish majority, citizenship has strong republican underpinnings embodying a shared national purpose and a shared common good. On the other hand, the contents of citizenship in respect of the Palestinian-Arab citizen is confined to individual liberties as guaranteed by the Israeli legal system.[52]

Such characteristics reveal at least two major impediments in having Israel qualify as a multicultural state. First, in light of the fact that what determine the collective common good are the collective ideals and the national aspirations of the Jewish majority, little basis is left for legitimizing the grant of group rights to the Palestinian-Arab community to begin with. Interestingly, a number of Israeli scholars have argued that because of Israel's Jewish nature and the definition of its common good, the case of group rights for its Palestinian-Arab minority becomes especially strong.[53] For this minority happens to be not only a minority that is subject to the dominance of a Jewish majority but is also subject to the dominance of the whole Israeli establishment, which is overtly dedicated to the common good and national aspirations of its Jewish majority. Thus in terms of multicultural theory itself, the empowerment justification for having group rights for the Palestinian-Arab minority becomes particularly strong. Theory and legitimacy aside, in practice there has been only very little acceptance of the claim for according the Palestinian-Arab minority national group rights. In fact the more pervasive view in Israel today is that the grant of group-differentiated rights to the Palestinian-Arab minority might carry with it a security risk. Another popular argument in this respect is that collective accommodations of the Palestinian-Arabs are to be realized in the

https://doi.org/10.1177/0392192107080715 Published online by Cambridge University Press

Palestinian State that is yet to be established beside the State of Israel. It is no wonder that what can be identified as group rights at present and the kind of group rights proposed in existing constitutional drafts are few and far between when compared to the kind of group rights accorded to the Jewish majority. To get a sense of these arguments, I would like to refer to what are generally regarded as a number of group accommodations made by the State of Israel to the Palestinian-Arab minority and demonstrate how slim such accommodations are both in substance and in volume.

In respect of the group-differentiated rights actually granted to the Palestinian-Arab minority in Israel, four accommodations stand out. One is the recognition of Arabic as an official language; the second is the existence of a separate education system for the Palestinian-Arab community; the third is the jurisdiction granted to the Palestinian-Arab religious communities in matters of personal status; and the fourth is the exemption granted to a large portion of Palestinian-Arab members from military service.[54] But a look into the actual realization of such accommodations reveals their flimsiness and marginality. In respect of language, the Israel Supreme Court was prepared to recognize the official status of the Arabic language only insofar as such recognition does not threaten the status of Hebrew, notwithstanding the fact that under black-letter law Arabic is as official as Hebrew.[55] In practice, all this means is the addition of Arabic inscriptions to roadsigns posted on Israeli highways and in some mixed Jewish–Arab cities, but not much more. Laws, court decisions and other public records are usually not published in Arabic, nor is the language widely spoken or understood by Jewish citizens of Israel. As to the education system, there are a number of studies showing how in fact this system was regulated by different government agencies in an effort to better control the minority at large. Appointments of teachers and other executives in the Palestinian-Arab school system often involve the approval of the internal security authorities. In addition, at different periods throughout Israel's history, the school curriculum for the Palestinian-Arab schools was devised more to satisfy the interests of the government than the needs of the minority group itself.[56] In terms of exemption from military service, insofar as this exemption was made in an effort to save the Palestinian-Arab citizens of Israel from bearing arms against members of their own people, this accommodation seems to be considerate of the group identity of this minority. But still, such an accommodation only just manages to sustain the kind of virtue multicultural accommodations seek to actualize, whether in terms of guarding the personal autonomy of the individual members and empowering the minority in its dealings with the majority. And the exemption from military service, instead of strengthening inter-group understanding, has the opposite effect, for it tends to support the stereotype of the minority's untrustworthiness in the eyes of the majority. As to accommodations made in respect of the Palestinian-Arab religious communities, I will seek to demonstrate in the next section that though such accommodations may be group based, they still do not qualify to be of a multicultural nature.

The second impediment that arises from the fact that the Israeli public sphere is largely committed to the common good of its Jewish majority, while the Palestinian-Arab community is supposed to enjoy individual guarantees of basic human rights,

https://doi.org/10.1177/0392192107080715 Published online by Cambridge University Press

is the reality this schism has brought about in terms of a sense of common bond and a shared sense of Israeli citizenship. Probably the most telling piece of evidence for this is the fact that there exists no one single official holiday that is celebrated jointly by Arabs and Jews in Israel – all official holidays and days of rest are Jewish centered. Moreover, there is an inherent impediment to Palestinian-Arab citizens of Israel even relating to the state flag, official emblem and national anthem – for once again such symbols are centered on Jewish national symbols.

A third impediment, which in a sense is external to the schism in citizenship but still very much connected to it, concerns the current state of Jewish–Arab dialogue and coexistence. Indeed, as far as both the Jewish and the Arab communities are concerned assimilation has never been a common goal. Each side would prefer to keep its identity instead of being assimilated into a joint identity. As a result, both communities live in a willing state of segregation from one another in almost every sphere of social life. Villages and towns in Israel are almost entirely either Arab or Jewish, except for a number of cities that were mixed historically. The school system is also divided into Arab and Jewish 'sectors', and mixed marriages are rare.

Over the years, Arab and Jewish individuals have worked against such barriers to create a number of Jewish–Arab schools. At the moment there are four such schools – in Jerusalem, in the Galilee (Misgav), in the northern Triangle (Kuffer Karea') and in Neveh-Shalom–Wahat El Salam. In addition, Neveh-Shalom–Wahat El Salam was established as a joint Jewish–Arab township from the start. What characterizes these initiatives is that they all began as private initiatives of a group of Jewish–Arab individuals who sought a joint framework – none was initiated by the government. For example, the Ministry of Education has not yet developed a proper curriculum for the joint Jewish–Arab schools, despite the fact that it eventually certified and accredited them.

Domination of the public sphere by the Jewish character of the State of Israel has also been substantial in terms of religion and religious accommodations. Though some studies claim that Israel is not considered to have an established religion and do not consider Judaism to be its official religion, Jewish religious institutions have received wide statutory recognition and substantial state budgets unparalleled by any other religious community.[57] This state of affairs has also been attributed to the Jewish nature of the State of Israel, for Judaism entails not only a nationality but a religion as well.[58] The conflict inherent in the mixing of state and religion is seen in the recognition of Jewish religious institutions and the type of norms such institutions are supposed to apply. These have been major political issues within Israel, and have often been the central issue in government coalition agreements. Arguments over reform always stress the risk such change might bring about in terms of Jewish unity. In addition, the preservation of Jewish traditions is taken to be a central role of the State of Israel given the tragic past of the Jewish people, especially the Holocaust during which many centers of Jewish learning were destroyed.[59] But religion and state within the Jewish community in Israel has had one additional component: ever since the establishment of the State of Israel there has been a struggle on behalf of a large section within the Jewish community against what was deemed to be religious coercion. The fact that the secular Jewish community in Israel has had to conform to the governing authority of religious norms in matters of marriage and

https://doi.org/10.1177/0392192107080715 Published online by Cambridge University Press

divorce, with restrictions on public transport and the opening of shops on Jewish religious holidays, brought to the surface much resentment among secular Jews against Jewish religious norms and institutions. Other intra-group tensions abound, as between the orthodox religious camp and the Reform and Conservative streams. As a result, a strong move in favor of liberal and secular norms has been felt within the Jewish community. Jewish political parties have argued for more secular norms and the Israel Supreme Court, using concepts of human rights, has also taken an active role in promoting secularism. This religious coercion of the Jewish community has brought legal scholars to admit that whatever the justification for having religious accommodations for the Jewish community, it is hard to consider them a form of multicultural accommodation. Rather they have been characterized as anti-multicultural[60] and a blot on Israel's democracy.[61]

The kind of justifications and political forces that stand behind the religious accommodations granted to the Palestinian-Arab religious communities are different.[62] In general, the Palestinian-Arab religious communities were accommodated more as a matter of preserving the religious autonomy granted to these communities under the Ottoman millet system.[63] The religious affairs of such communities do not give rise to government coalitions, nor do worries about their disunity concern Israel's political agenda. Another important ingredient is the fact that the political and religious leadership of the Palestinian-Arab community itself has accepted this basic perception of religious accommodation to the different religious communities being a form of autonomy that accommodates the group as such.[64] Moreover, there is no real secular reform movement within the Palestinian-Arab community, at least not in the form of political organs that actively solicit change in religious law and religious jurisdiction. Thus, unlike the schism that took place on the national level in terms of groups and individuals, where the Palestinian-Arab citizens are seen only in their individual capacity, in matters of religion it is the Palestinian-Arab religious community that takes center stage.[65]

But can the religious accommodations granted to the Palestinian-Arab religious communities be regarded as multicultural? I think not. In this respect I would like to point to three different reasons why they cannot count as such.

First, the religious jurisdiction accorded to the different Palestinian-Arab religious communities embodies a number of rather extreme forms of internal restrictions, especially in respect of gender inequality. Take for example the divorce norms applied by some of these communities. Under Islam and Druze family law the husband can unilaterally dissolve the marriage without the need to state any cause for his action while the wife cannot.[66] Another example can be found in the Code of Family Law of the Greek Orthodox community, which is essentially a code compiled in the 14th century in the Byzantine Empire.[67] The Code allows for only a limited number of causes for divorce that are asymmetric in terms of gender. Thus, for example, under the Code the husband can petition the Greek Orthodox court for divorce if his wife slept away from their home without his permission. However, such a cause does not apply when the husband chooses to do the same without his wife's consent. Most revealing are two causes for which divorce is not to be granted: a wife cannot petition for divorce in cases where she was whipped by her husband with a lash or hit by him with a stick.

https://doi.org/10.1177/0392192107080715 Published online by Cambridge University Press

Second, there exists in Israel no right to exit mainly because there is no civil regulatory-scheme of marriage and divorce that can offer a sphere to which one can exit, assuming that Arab individuals, especially women, are willing and able to exit.[68]

Third, if we were to look into the history of the internal organization of the Palestinian-Arab religious communities it is not at all clear whether such an organization accords with the will and voice of community members. Take for example the Greek Orthodox community. This community is controlled by a group of foreign clergy from Greece, who can barely speak the mother tongue of the local Palestinian-Arab Greek Orthodox community – Arabic. The judges appointed to the Greek Orthodox ecclesiastical courts are appointed at the sole discretion of the Church's administration without any input or supervision from either state authorities or community members. This reality existed in the past in a number of other Middle Eastern countries, such as Egypt, but was changed through a reform that abolished foreign control of local churches. However, calls for change from the local Palestinian-Arab community have not been successful, neither before nor after the establishment of the State of Israel.[69] Thus, serious questions arise as to whether the existing accommodation granted to this community is really autonomous or multicultural given the fact that its form and practice run against the wishes of the constituency. Take also the Muslim community: although their community affairs have been handled over the years by qadis and imams coming from the ranks of the community itself, state authorities have applied different control policies over the handling of community affairs. This policy was evident in the appointment process of such religious figures to their posts, always conducted under the close supervision of government authorities. A request made by Muslim leaders 'to have a Muslim as head of Muslim affairs in what was the Ministry of Religious Affairs was denied'.[70] But more importantly, the community's control over its own affairs was curtailed by the handling of Muslim religious endowments (waqf property) by state authorities. Through legal constructs, much of such property was characterized as absentee property, given the fact that various members of the Supreme Muslim Council, the body that administered such property in Mandatory Palestine, had left the country.[71] In turn this made it possible for the State of Israel, through the authority granted to a governmental organ, the Custodian of Absentee Property, to take over such property. Thus, it is once again questionable whether the jurisdiction and authority granted to the Muslim community in Israel is autonomous or multicultural in nature, even leaving aside the question of internal restrictions and the option to exit.

Conclusion

In its normative form, multiculturalism is intended to make it possible for different groups of people to live together in one sovereign unit but yet apart within their own groups. In addition, the movement seeks to fulfill these objectives while also trying to satisfy universal notions of human rights. It is no wonder that much effort has been made to find a state of equilibrium between all of these considerations. This article, however, sought to achieve something different. Essentially, I tried to extract

https://doi.org/10.1177/0392192107080715 Published online by Cambridge University Press

from the already held discussion the kind and type of qualifications that make it possible for us to regard group accommodations as multicultural. This task was carried out from a legal point of view in respect of the Palestinian-Arab community in Israel. It is my hope that such a discussion can also trigger similar discussions in other countries, where groups are accommodated because of their identity, but where questions still arise as to whether such accommodations are truly multicultural. This is offered also as a caveat to countries that do not accommodate groups because of their group identity: if they seek to do so, they need to do so while also making guarantees in the legal culture that surrounds the group; for as I have also tried to emphasize here, multiculturalism is not just about living apart but also about living together.

Michael Mousa Karayanni
Hebrew University of Jerusalem

Notes

1. See Jacob T. Levy in Shapiro and Kymlicka (1997: 22).
2. See Brian Barry (2001).
3. See, for example, Henry Rosenfeld (1978: 374) and Elia Zuriek (1979).
4. Jacob M. Landau (1993: 24); David Kretzmer (1990: 163–8); Ilan Saban (2004: 885, 942–6, 954–60); Itzhak Zamir (2005: 11, 26, 30) [in Hebrew]; Amnon Rubinstein and Barak Medina (2005: 429–35) [in Hebrew].
5. Menachem Mautner, Avi Sagi and Ronen Shamir, eds (1998); Adam D. Danél (2003); Ohad Nachtomy, ed. (2005); Yossi Yonnah (2005) [all four in Hebrew].
6. Will Kymlicka, 'Introduction', in Kymlicka, ed. (1995a).
7. *See* Paul Kelly, in Kelly, ed. (2002: 1): 'All modern states face the *problems* of multiculturalism even if they are far from endorsing multiculturalism as a policy agenda or official ideology.'
8. Will Kymlicka (1995b: 1).
9. See Amy Chua (2004).
10. Jacob T. Levy (2000).
11. Will Kymlicka and Wayne Norman, in Kymlicka and Norman, eds (2000: 1, 3).
12. See again Barry (2001: 7).
13. Michael J. Sandel (1982: 62).
14. John Christman (2002: 131).
15. Ayelet Shachar (2001a: 22–3), indicating that '[a]t the heart of many contemporary justifications for multicultural citizenship lies a deep concern about power, particularly about the power of the state and dominant social groups to erode minority cultures'.
16. See again Kymlicka and Norman, eds (2000: 3–4).
17. Jerry L. Mashaw (1981: 885, 899–900).
18. Referring to the culture distinctions of groups in terms of *nomos* was introduced by Robert M. Cover (in Cover, 1981). The use of the term dates back to ancient Greek philosophy whereby a distinction was made between a universal and divine law (*logos*) and the law expressed in relation to human life as created in the polis, the city-state, which was referred to as the *nomos*.
19. See Iris Marion Young in Young (1989: 250; 1990).
20. See Joseph Raz (1994: 67; 1998: 11).
21. See again Kymlicka (1995b: 1) and Kymlicka (1989).
22. See Avigail Eisenberg and Jeff Spinner-Halev, eds (2005); and Leslie Green (1995: 257, 258).
23. Susan Moller Okin (1999: 9–24).
24. See again Ayelet Shachar (2001a: 17).

https://doi.org/10.1177/0392192107080715 Published online by Cambridge University Press

25. Chandran Kukathas (1992: 105).
26. Will Kymlicka (1992: 140).
27. See Wisconsin v. Yoder, 406 U.S. 205 (1972).
28. See again Leslie Green (1995: 266).
29. Bhikhu Parekh (2000).
30. Ibid., and Bhikhu Parekh, *A Commitment to Cultural Pluralism* [http://www.krachtvancultuur.nl/uk/archive/commentary/parekh.html]
31. Ayelet Shachar (2001b: 253, 261).
32. See again Will Kymlicka and Wayne Norman (2000: 1).
33. Kymlicka and Norman (2000: 10).
34. Kymlicka and Norman (2000: 35).
35. Kymlicka and Norman (2000: 6).
36. Kymlicka and Norman (2000: 10).
37. See again Will Kymlicka (1995b: 26); Iris Marion Young (1989: 258); and Ayelet Shachar (2000: 385, 387).
38. See again Joseph Raz (1994: 202).
39. See again Shachar (2001a).
40. Oanagh Reitman, in Avigail Eisenberg and Jeff Spinner-Halevi, eds (2005: 189, 191).
41. See again Young (1989: 34).
42. Ian Lustick (1980).
43. Allen Zysblat, in Ishak Zamir and Allen Zysblat, eds (see Zysblat, 1996: 47). See also Amos Shapira (1974: 497). This statement is made concerning guarantees of human rights in respect of Israel within the 1967 borders without the West Bank and Gaza Strip. On this latter issue see David Kretzmer (2002).
44. Baruch Kimmerling (1992: 446, 450).
45. Charles S. Liebman and Eliezer Don-Yehiya (1983: 162).
46. Gad Barzilai (2003: 7, 42).
47. Sammy Smooha and Don Peretz (1982: 451).
48. Joel S. Migdal and Baruch Kimmerling (2001: 173).
49. Ahmad H. Saidi (2000: 25).
50. Gershon Shafir and Yoav Peled (2002: 110).
51. Nadim N. Rouhana (1997).
52. Yoav Peled (1992: 432).
53. Claude Klein (1987); Avishai Margalit and Moshe Halbertal (1994: 491); Sammy Smooha (1996).
54. See again Saban (2004: *supra* note 4; Rubinstein and Medina, 2005: 429–35) [both in Hebrew].
55. H.C.J. 4112/99.Adalah, The Legal Center for Arab Minority Rights in Israel v. The Municipality of Tel-Aviv–Jaffa, 56 (v) P.D. 393 (2002).
56. See Sami Khalil Mari (1978); Majid Al Haj (1995); Yousef T. Jabareen (2006: 1052).
57. Martin Edelman (1994: 48–99); Amnon Rubinstein (1967a: 380, 400; 1967b: 107, 116).
58. Asher Maoz (1996: 349).
59. See again Maoz (1996: 369).
60. See Ruth Halperin-Kaddari (2000: 339, 343). Margit Cohn (2004: 57, 58) characterizes the problem of institutionalizing religion in respect of the Jewish community as an infringement on the rights of a liberal majority instead of the right of a religious majority to express their beliefs. See also Edelman (1994: 60–1) who notes the troublesome fact that Rabbinical courts in Israel decide matters of personal status on the basis of *halachic* norms to which the majority of the Jewish community do not subscribe.
61. Haim Cohn (2005: 242).
62. Izhak Englard (1987: 185, 189–90).
63. See again the authors cited in note 4.
64. Michael Mousa Karayanni (2006).
65. Mark A. Tessler (1978: 359, 360) noting the fact that the Arabs in Israel are viewed as a religious

https://doi.org/10.1177/0392192107080715 Published online by Cambridge University Press

minority. See also Barzilai (2003: 107): 'State law has mainly defined Arabs residing in Israel in terms of religious groups'.

66. It should be noted that a unilateral act of divorce is considered to be a criminal offence in Israel, its religious validity notwithstanding. Moreover, such an act can serve the divorced wife as a civil cause of action against the husband.
67. See F.M. Goadby (1926: 134–5).
68. See Catherine A. MacKinnon (2006: 181, 198–202) arguing that women in India are capable of opting out from their group in family disputes, despite all difficulties.
69. See Daphne Tsimhoni (1982: 281). Indeed it is because of this distance between the local Greek Orthodox community and the Greek clergy that associations and clubs, governed by community members, developed among the Greek Orthodox community. See also Daphne Tsimhoni (1986: 398).
70. Mark A. Tessler (1981: 245, 265).
71. See again David Kretzmer (1990: 167–8). See also Alisa Rubin-Peled (2001).

References

Al Haj, Majid (1995) *Education, Empowerment and Control: The Case of Arabs in Israel*. Albany: State University of New York Press.

Barry, Brian (2001) *Culture and Equality, An Egalitarian Critique of Multiculturalism*. Cambridge, MA: Harvard University Press.

Barzilai, Gad (2003) *Communities and the Law, Politics and Cultures of Legal Identities*. Ann Arbor: University of Michigan Press.

Christman, John (2002) *Social and Political Philosophy: A Contemporary Introduction*. London: Routledge.

Chua, Amy (2004) *World on Fire: How Exporting Free Market Democracy Breeds Ethnic Violence and Global Instability*. New York: Anchor Books.

Cohn, Haim (2005) *Personal Introduction – Autobiography*. Jerusalem: Zmora Bitan-Dvir.

Cohn, Margit (2004) 'Women, Religious Law and Religious Courts in Israel', *Retfaerd: Scandinavian Journal of Social Science* 27: 57–76.

Cover, Robert M. (1981) 'The Supreme Court 1982 Term, Foreword: "Nomos and Narrative"', *Harvard Law Review* 97(4): 4–68.

Danél, Adam D. (2003) *A Jewish and Democratic State, A Multiculturalist View*. Jerusalem: Israel Democracy Institute [in Hebrew].

Edelman, Martin (1994) *Courts, Politics, and Culture in Israel*. Charlottesville: University Press of Virginia.

Eisenberg, Avigail and Spinner-Halev, Jeff, eds (2005) *Minorities within Minorities: Equality, Rights and Diversity*. Cambridge: Cambridge University Press.

Englard, Izhak (1987) 'Law and Religion in Israel', *American Journal of Comparative Law* 35: 185–208.

Goadby, F. M. (1926) *International and Inter-Religious Private Law in Palestine*. Jerusalem: Hamadpis Press.

Green, Leslie (1995) 'Internal Minorities and Their Rights', in Will Kymlicka (ed.), *The Rights of Minority Cultures*, pp. 256–74. Oxford: Oxford University Press.

Halperin-Kaddari, Ruth (2000) 'Women, Religion and Multiculturalism in Israel', *UCLA Journal of International Law and Foreign Affairs* 5: 339–66.

Jabareen, Yousef T. (2006) 'Law and Education, Critical Perspective on Arab Palestinian Education in Israel', *American Behavioral Scientist* 49: 1052–74.

Karayanni, Michael Mousa (2006) 'Separate and Different: Religious Accommodations for the Palestinian-Arab Minority in Israel', *Northwestern University Journal of International Human Rights* 5: 41–71.

Kelly, Paul (2002) 'Introduction: Between Culture and Equality', in Paul Kelly (ed.), *Multiculturalism Reconsidered*, pp. 1–17. London: Polity Press.

Kimmerling, Baruch (1992) 'Sociology, Ideology, and Nation-Building: The Palestinians and Their Meaning in Israeli Sociology', *American Sociology Review* 57: 446–60.

Klein, Claude (1987) *Israel as a Nation-State and the Problem of the Arab Minority: In Search of a Status*. Tel Aviv: International Center for Peace in the Middle East.

https://doi.org/10.1177/0392192107080715 Published online by Cambridge University Press

Kretzmer, David (1990) *The Legal Status of Arabs in Israel*. Boulder, CO: Westview Press.
Kretzmer, David (2002) *The Occupation of Justice, The Supreme Court of Israel and the Occupied Territories*. Albany: State University of New York Press.
Kukathas, Chandran (1992) 'Are There Any Cultural Rights?', *Political Theory* 20: 105–39.
Kymlicka, Will (1989) *Liberalism, Community and Culture*. Oxford: Oxford University Press.
Kymlicka, Will (1992) 'The Rights of Minority Cultures: Reply to Kukathas', *Political Theory* 20: 140–46.
Kymlicka, Will (1995a) 'Introduction', in Will Kymlicka (ed.), *The Rights of Minority Cultures*. Oxford: Oxford University Press.
Kymlicka, Will (1995b) *Multicultural Citizenship: A Liberal Theory of Minority Rights*. Oxford: Clarendon Press.
Kymlicka, Will and Norman, Wayne (2000) 'Citizenship in Culturally Diverse Societies: Issues, Contexts, Concepts', in Will Kymlicka and Wayne Norman (eds), *Citizenship in Diverse Societies*, pp. 1–43. Oxford: Oxford University Press.
Landau, Jacob M. (1993) *The Arab Minority in Israel, 1967–1991: Political Aspects*. Oxford: Clarendon Press.
Levy, Jacob T. (1997) 'Classifying Cultural Rights', in Ian Shapiro and Will Kymlicka (eds), *Nomos XXXIX: Ethnicity and Group Rights*, pp. 22–66. New York and London: New York University Press.
Levy, Jacob T. (2000) *The Multiculturalism of Fear*. Oxford: Oxford University Press.
Liebman, Charles S. and Don-Yehiya, Eliezer (1983) *Civil Religion in Israel: Traditional Judaism and Political Culture in the Jewish State*. Berkeley: University of California Press.
Lustick, Ian (1980) *Arabs in the Jewish State – Israel's Control of a National Minority*. Austin: University of Texas Press.
MacKinnon, Catherine A. (2006) 'Sex Equality under the Constitution of India: Problems, Prospects, and 'Personal Laws', *ICON: Int'l J. Const.* 4: 181–202.
Maoz, Asher (1996) 'Religious Human Rights in the State of Israel', in John D. van der Vyver and John Witt Jr (eds), *Religious Human Rights in Global Perspective, Legal Perspectives*, pp. 349–89. The Hague: Kluwer.
Margalit, Avishai and Halbertal, Moshe (1994) 'Liberalism and the Right to Culture', *Social Research* 61: 491–510.
Mari, Sami Khalil (1978) *Arab Education in Israel*. Syracuse, NY: Syracuse University Press.
Mashaw, Jerry L. (1981) 'Administrative Due Process: The Quest for a Dignity Theory', *Boston University Law Review* 61: 855–931.
Mautner, Menachem, Sagi, Avi and Shamir, Ronen, eds (1998) *Multiculturalism in a Democratic and Jewish State*, *The Ariel Rosen-Zvi Memorial Book*. Tel-Aviv, Ramot: Tel-Aviv University. [in Hebrew]
Migdal, Joel S. and Kimmerling, Baruch (2001) 'The Odd Man Out, Arabs in Israel', in Joel S. Migdal (ed.), *Through the Lens of Israel: Explorations in State and Society*, pp. 173–94. Albany: State University of New York Press.
Nachtomy, Ohad, ed. (2005) *Multiculturalism in the Israeli Context*. Jerusalem: The Hebrew University Magnes Press. [in Hebrew]
Okin, Susan Moller (1999) *Is Multiculturalism Bad for Women?* Cambridge: Cambridge University Press.
Parekh, Bhikhu (2000) *Rethinking Multiculturalism – Cultural Diversity and Political Theory*. New York: Palgrave.
Parekh, Bhikhu *A Commitment to Cultural Pluralism* [http://www.krachtvancultuur.nl/uk/archive/commentary/parekh.html]
Peled, Yoav (1992) 'Ethnic Democracy and the Legal Construction of Citizenship: Arab Citizens of the Jewish State', *American Political Science Rev*iew 86: 432–43.
Raz, Joseph (1994) 'Multiculturalism: A Liberal Perspective', *Dissent* 41: 67–79.
Raz, Joseph (1998) 'Multiculturalism', *Ratio Juris* 11: 193–205.
Reitman, Oanagh (2005) 'On Exit', in Avigail Eisenberg and Jeff Spinner-Halevi (eds), *Minorities within Minorities, Equality, Rights and Diversity*. Cambridge: Cambridge University Press.
Rosenfeld, Henry (1978) 'The Class Situation of the Arab National Minority in Israel', *Comparative Studies in Society and History* 20: 374–407.
Rouhana, Nadim N. (1997) *Palestinian Citizens in an Ethnic Jewish State: Identities in Conflict*. New Haven, CT: Yale University Press.

https://doi.org/10.1177/0392192107080715 Published online by Cambridge University Press

Rubin-Peled, Alisa (2001) *Debating Islam in the Jewish State: The Development of Policy Toward Islamic Institutions in Israel*. Albany: State University of New York Press.

Rubinstein, Amnon (1967a) 'Law and Religion in Israel', *Israel Law Review* 2: 380–414.

Rubinstein, Amnon (1967b) 'State and Religion in Israel', *Journal of Contemporary History* 2: 107–121.

Rubinstein, Amnon and Medina, Barak (2005) *The Constitutional Law of the State of Israel: Basic Principles* (6th edn). Jerusalem and Tel Aviv: Schoken [in Hebrew].

Saban, Ilan (2004) 'Minority Rights in Deeply Divided Societies: A Framework for Analysis and the Case of the Arab-Palestinian Minority in Israel', *NYU Journal of International Law and Politics* 36: 885–1003.

Saidi, Ahmad H. (2000) 'Israel as Ethnic Democracy: What are the Implications for the Palestinian Minority?', *Arab Studies Quarterly* 22: 25–37.

Sandel, Michael J. (1982) *Liberalism and the Limits of Justice*. Cambridge: Cambridge University Press.

Shachar, Ayelet (2000) 'The Puzzle of Interlocking Power Hierarchies: Sharing the Pieces of Jurisdictional Authority', *Harvard Civil Rights and Civil Liberties Review* 35: 385–426.

Shachar, Ayelet (2001a) *Multicultural Jurisdictions, Cultural Differences and Women's Rights*. Cambridge: Cambridge University Press.

Shachar, Ayelet (2001b) 'Two Critiques of Multiculturalism', *Cardozo Law Review* 23: 253–97.

Shafir, Gershon and Peled, Yoav (2002) *Being Israeli: The Dynamics of Multiple Citizenship*. Cambridge: Cambridge University Press.

Shapira, Amos (1974) 'The Status of Fundamental Individual Rights in the Absence of a Written Constitution', *Israel Law Review* 9: 497–511.

Smooha, Sammy (1996) *Autonomy for Arabs in Israel?* Raananah: The Institute for Israeli Arab Studies.

Smooha, Sammy and Peretz, Don (1982) 'The Arabs in Israel', *Journal of Conflict Resolution* 26: 451.

Tessler, Mark A. (1978) 'The Identity of Religious Minorities in Non-Secular States: Jews in Tunisia and Morocco and Arabs in Israel', *Comparative Studies in Society and History* 20: 359–73.

Tessler, Mark A. (1981) 'The Protection of Minorities in the Middle East', in Robert G. Wirsing (ed.), *Protection of Ethnic Minorities,* pp. 359–73. New York: Pergamon Press.

Tsimhoni, Daphne (1982) 'The Greek Orthodox Community in Jerusalem and the West bank, 1948–1978: A Profile of a Religious Minority in a National State', *Orient* 23: 281–98.

Tsimhoni, Daphne (1986) 'Continuity and Change in Communal Autonomy: The Christian Communal Organizations in Jerusalem 1948–80', *Middle Eastern Studies* 22: 390–417.

Yonnah, Yossi (2005) *In Virtue of Difference: The Multicultural Project in Israel*. Tel-Aviv: The Van Leer Jerusalem Institute – Hakibutz Hameuchad. [in Hebrew]

Young, Iris Marion (1989) 'Polity and Group Difference: A Critique of the Ideal of Universal Citizenship', *Ethics* 99: 250–74.

Young, Iris Marion (1990) *Justice and the Politics of Difference*. Princeton, NJ: Princeton University Press.

Zamir, Itzhak (2005) 'Equality of Rights for Arabs in Israel', *Mishpat Umimshal* 9: 11–37 [in Hebrew].

Zuriek, Elia (1979) *The Palestinians in Israel: A Study in Internal Colonialism*. London: Routledge and Kegan Paul.

Zysblat, Allen (1996) 'Protecting Fundamental Rights in Israel without a Written Constitution', in Itzhak Zamir and Allen Zysblat (eds), *Public Law in Israel*. Oxford: Oxford University Press.

https://doi.org/10.1177/0392192107080715 Published online by Cambridge University Press