Chapter-III

DEMOCRACY AND MINORITIES IN ISRAEL
Chapter-III

DEMOCRACY AND MINORITIES IN ISRAEL

Cultural pluralism is not a modern phenomenon and there are many examples in humanity where different communities and cultures lived peacefully within the same society. Cultural diversity was a notable feature of the ancient empires like Egypt, Rome and Persia. Though Ottoman Empire affirmed Islam as the official religion, it formally recognised other religious communities like orthodox Christian Greeks, Jews and orthodox Armenian Christians (Mahajan, 2002: 11). Such examples prove that the cohabitation of different communities within same society is not new and cultural plurality has been present in many societies. Main features of pluralism are the existence of cultural variations and right of minorities to preserve their distinctive identities (Levison and Ember, 1996: 940-943). Pluralism does not just indicate the presence of differences but marks a departure from policies aimed at destroying the other. However, it remains silent about the public status of minorities. In plural societies, dominant community tries to assert its supremacy by stamping its presence in public places by capturing and gaining exclusive control over public spaces that the dominant community creates structures of inequality.

The theory of pluralism has been developed in the works of Pierre Vanden Berghe, R A Schermerhorn and Leo Kuper (Ram, 1995: 103). This theory deals with societies characterised by persistent cleavages between various sections of the populations. These cleavages may be based on race, ethnicity or religion. Decolonisation, changed structure of international relation and the greater militancy of deprived minorities have given salience to racial, ethnic and religious differences. The present chapter endeavours to discuss important issues like, what kind of pluralism is present in Israel. Who are the
minorities in Israeli society? Why multicultural theory favours preservation of minority identity? What are the rights, which multicultural theorists have propounded to be given to minorities? When did the Israel start adopting the multicultural approach? Are there any group rights for non-Jewish minorities? Does multiculturalism curtail internal dissent among minorities? Can status of women be improved if multicultural approach is adopted? In the name of group rights, are there any possibility of non-Jewish minority curtailing the freedom of women? What is the present status of non-Jewish women? How multicultural theorists responded to problem of internal dissent particularly in the case of women?

**Pluralism in Israel**

Israel is one of the democratic states where society is plural (Hirsch, 1999: 122). Religious-secular differences and ethnic differences make Israel a plural society. There is not only the Jewish and non-Jewish distinction but also intra-Jewish distinction (Lissak, 1983: 20-37). There are groups of religious, ultra-orthodox and secular Jews apart from distinct Ashkenazi and Shepherdi communities (Liebman, 1997: 37-55, and Liebman, 1975: 17-27). Another distinction in the Israeli society is between Jews and non-Jews. Non-Jews make up about 20 percent of Israel's population, therefore Israel is not a melting pot society, but is a mosaic made up of different groups.

Sammy Smooha's contribution to the theory of pluralism with his study of Israeli society is significant and groundbreaking. In his work he highlighted a complex web of inter group relations in the Israeli society in the 1970s. He used cultural yardsticks for the identification of groups and the delineation of their boundaries. It is cultural in broader sense because it includes dimensions of nationality, ethnicity and religion (Ram, 1995:105). The five major plural divisions distinguished by Smooha are (Smooha, 1978:3):

1. Palestinian Arabs in the occupied territories Vs Jews,
2. Israeli Arabs vs. Jews,
3. Druze-Christian-Moslem Israeli Arabs
4. religious vs. non-religious Jews; and
5. Oriental vs. Ashkenazi Jews

These five divisions testify the pluralistic nature of Israeli society. Since the present study mainly focuses on minorities in Israel, the discussion of the first division Palestinian Arabs in the occupied territories vs. Jews is not relevant. The second division is between the Israeli Arabs and the Jews. Arabs who remained in Israel after the 1948 war are commonly refer to as Israeli Arabs. They are religious and ethnic minority within the Jewish state.

The position of Israeli Arabs is different from the Palestinians in the occupied territories. By law, they enjoy equal civil rights and hold contacts that are more complex with the Jewish community. The third division pertains to the Israeli Arabs, which splits them into a majority group comprising Muslims and a smaller minority segment of Druze and Christians. Since this non-Jewish minority share common Arabic language and culture they (that is Muslims, Christians, Druze) are collectively known as Arab minority. But they differ as far as religion, size and level of modernisation are concerned.

The fourth division pertains to Jews and is based on the degree of religious observance. The degree of religious observance is politico-sectarian rather than ethnic (Smooha, 1978: 3). The religious Jews can be identified by their dress, distinct style and of separate educational stream. They have their own independent political parties and they try to reside and marry within the group. The fifth division is between the oriental (Shephardi) and occidental (Ashkenazi) Jews. Shephardi Jews are those Jews who came from the near East and North Africa, including descendants of Jews from Spain (Deshan, 1979: 98-110). Though Shepherd Jews are in more number than Ashkenazi, they have occupied a subordinate position. The Ashkenazi Jews are pioneer Zionists who played the crucial role in the formation of Jewish state. They established various national institutions and through them dominated society for a long time.

---

1 Religious political parties in Israel are: Shas (an ultra-orthodox shephardi party), Agudat Israel and Degel Hatorah (Ashkenazi ultra-orthodox parties) and National Religious Party.
Minorities in Israel

The *International Encyclopaedia of Social Sciences* defines a minority is “a group of people differentiated from others in the same society by race, nationality, religion or language—who both think of themselves as a differentiated group and are thought by the others as a differentiated group with negative connotations” (Sills, 1972: 365). Sociologist Louis Wirth defined a minority group as “people who are singled out for unequal treatment and who regard themselves as objects of collective discrimination” (Encyclopaedia of Nationalism, 2001: 340). According to Anthropologists Charles Wagely and Marvin Harris, five characteristics identify minority groups.

First, they are relatively powerless compared with members of the dominant group. Second, they share distinctive culture and/or physical characteristics that distinguish them from the dominant group. This fact along with their powerlessness exposes them to unequal treatment. Third, their distinctive traits cause minority groups to become self-conscious social units. Fourth, an established rule of descent exists for transmitting membership. Fifth, members of minority groups tend to marry within their groups (Margil, 1995: 834).

The term national minority is applied to such groups who are identified with particular territories because they had been present in such territories for long period and they had lost the sovereignty over these territories due to aggression or occupation by some more numerous people of different nationality (Sills, 1972: 365). Inis L. Claude defines national minority as

a national minority exists when a group of people within a state exhibits the conviction that it constitutes a nation, or part of a nation, which is distinct from the national body to which the majority of the population of that state belongs, or when the majority element of the population of a state feels that it possesses a national character in which minority groups do not and perhaps cannot, share (Claude, 1955: 2).
Ethnic minorities are groups that are defined by reference to such cultural characteristics as ethnicity, religion and language. For linguistic minorities it is principally their language that sets them apart from the majority and same is true for the religious minorities where religion distinguishes them from the majority.

In Israel, the non-Jewish minority makes up 22 percent of the population. This is ethnic, religious, linguistic as well as national. It is ethnic minority in the sense that they are set apart from the majority as far as cultural characteristics like ethnicity, religion and language are concerned. Since Jews defined themselves as nation, the non-Jewish minority in Israel is distinct minority. In terms of religion, there are Muslims, Christians and Druze. Most of the non-Jewish minority people in Israel speak Arabic so that they are collectively defined as Arab citizens of Israel.

1. Christians
The Christians minority constitutes two per cent of the total population of the State of Israel and accounts for 11.7 per cent of the Arab minority in Israel (Tsimhoni in Ma’oz and Sheffers, 2000: 124). Galilee in northern Israel is a major geographical centre of the Christians. Nazareth is the major Arab town as well as largest Christian Arab centre in Israel. However, Christians no longer constitute the majority population of this city and account for only about 40 percent of the city’s population. Christian minority lived under Muslim rule for hundreds of years and because of this, they have been socially and economically intermingled with the Muslim majority. Culturally the Muslim majority has influenced them and consequently reflected a sense of dependence and identification with Muslim Arab environment among Christians. The process of modernisation and Westernisation among the Christians can be traced in the late 19th century. This process among Christians started earlier than, among the Palestinian Muslims. The intensive activity of Christian churches in the form of establishing western style schools, hospitals, welfare institutions and social organisations led to early process of modernisation and westernisation among Christians.
The percentage of urbanised Christians was 77 by 1944, while it was just 28 percent for the Muslims (Tsimhoni in Ma’oz and Sheffers, 2000: 125). During the same period, the percentage of attendance of schools among Christian children was 90, the same percentage as Jewish children, while only 25 percent Muslims children went to school (Tsimhoni in Ma’oz and Sheffers, 2000). As far as socio-economic position, standard of education and status of women are concerned, Christians are closer to Jews than Muslims. Social factors such as higher urbanisation, higher education rate have caused more integration of Christians in Jewish neighbourhood. Other factors like western lifestyle and higher standard of public services have also been responsible for progress of Christian community.

Since the early years, the Muslims, Druze, Christians and Circassians were treated as separate and distinct group by the State of Israel. The treatment of the Christians by the government was relatively more favourable than the Muslims. The Israel followed the British Legislations enacted during the Mandate period regarding the religious and communal autonomy, which in turn was based on the Ottoman system. Under the Ottoman Empire, religious and communal autonomy was given to recognised religious minorities. Christian minorities therefore enjoyed full autonomy in affairs like the maintenance of church property, management of all communal institutions including schools, hospitals and communal associations and religious courts to deal with matters of personal status. Though the Christians churches received proper treatment, individual Christians Arab treatment was similar to Muslims on the part of Israeli authorities in matters such as confiscation of the lands and the military administration.

The gradual loss of the Christian prominence since the 1970s in Israel was due to their demographic decline and the rise of a new educated Muslims. Newly educated Muslim class enhanced economic competition with the Christians. The rise of Islamic Movement in Israel caused the sense of insecurity among the Christians. Since the 1980s, a feeling of marginalisation has occurred among the Christians and they have been put into a defensive position. The attitude of Israeli government towards Christians has also
changed when various political Zionist parties increasingly wooing the Muslim majority of the Arabs.

The ongoing dispute in Nazareth clearly exhibits partisan attitude of the government. It is related with the demand of Islamic movement for the construction of a mosque on a state land in front of the Church of the Annunciation. The Islamic Movement's struggle for construction of masque was accompanied by violence and law breaking. They built huge protest tent, obstructed the work of the development project Nazareth 2000, and were responsible for the dilution of Christian character of Nazareth. The favourable attitude of the Israeli government-both the Likud and Labour, towards the Islamic Movement shows their accommodative attitude towards Muslim Arabs. These recent developments and the changing attitude of the governments have compelled the Christians to migrate from the Galilee and particularly from Nazareth, to Jewish cities or to western countries. Those Christians who opted to live in Nazareth are aware that they have to depend on the goodwill of the Arab Muslims.

2. Druze

The Druze are the most successful minority in the Israeli society. Their transition from a traditional community to modern society was not easy. The success of Druze minority in Israel was due to internal factors such as the character of the Druze religion, as well as external factors such as military service that the Druze men perform. It is the only non-Jewish minority, which performs the compulsory military service. The Druze community was recognised as a separate religious entity in 1957 (Pinto, 2001: 45 and Sela, 1999: 211). It has its own courts with jurisdiction in matters of personal status namely marriage, divorce, maintenance inheritance and adoption. However, their culture is Arab and language is Arabic they have not opted mainstream Arab nationalism. Since 1948 they served in Israeli IDF first as volunteers and later on they were drafted into compulsory military service.

---

Druze view their religion as a new interpretation of the three monotheistic religions, namely Judaism, Christianity and Islam. For them, the biblical story of the creation is a moral and spiritual truth, which describes Adam not as the first human being, but as first person to believe in one God. Since then, the idea of monotheism has been spread by emissaries or prophets guided by mentors who represented the spirit of monotheism (Ben-Dor, 1979, 43). For Druze, mentors and prophets come from all the three religions and they are Jethro and Moses, John the Baptist and Jesus of Nazareth and the Salmon the Persian and Mohammad, all are the reincarnations of the same monotheistic idea. Apart from this Druze, respect other great people, regardless of their religion as the people who speak for the cause of justice and belief in one God. Those respected by Druze include the Egyptian Akhenaton, Greek philosophers Socrates and Plato and Aristotle and Alexander the Great.

Though all three monotheistic religions are respected and recognised by Druze, they are of the belief that rituals and ceremonies have caused Jews, Christians and Muslims to turn aside from pure faith. As far as sins and forgiveness are concerned, Druze argument is that individuals, who believe that God will forgive them if they fast and pray, will commit transgressions in the expectation of being forgiven and then repeat their sins. There is no scope for all elements of ritual and ceremony. Druze religious community does not have fixed daily liturgy, defined holidays, and pilgrimage obligations (Ben-Dor 1979). For Druze any time is well for spiritual reckoning with God and therefore there is no need of special days of fasting or atonement for them. One of the most important aspects of Druze religious philosophy is the concept of taqiyya or atonement, which calls for complete loyalty by its adherents to the government of the country in which they reside (Layish, 1985: 277).

There are number of villages in Israel, which are populated exclusively by Druze. But over the last century minority of Muslims and Christians have started residing in some of them. Druze villages are located in northern Israel mainly on hilltops. Historical reason for such location was that they were an effective defence against attacks and persecution.

---

3 The Minorities in Israel: The Druze, (note-2).
3. Muslims

The Muslim Arabs constitutes 75 per cent of the non-Jewish population in Israel. The vast majority of the Moslems in Israel are Sunnites and they enjoy extensive judicial autonomy. Community’s courts have the sole authority to decide on matters of personal status and the *Quadi*, the Moslem religious judge, has sole right to judge all types of claims involving marriage or divorce, alimony, custody, wills and various other personal matters. The 1948 war had affected the institutions of Moslem community in Israel. During this war majority of the Moslem leaders fled or were forced to flee to neighbouring countries. However, the Israel government re-established the Sharia judicial system and made special efforts to speed the training of suitable judges. It provided religious services for the Moslem community like protection of the Holy places, maintenance of mosques, etc. Thus, the institutional structure of Moslem community was gradually restored.

Within this larger Muslim community, there are other groups like the Bedouin Muslim Arabs and Circassians. Bedouins are nomadic Arabs, recognised by their distinct nomadic lifestyles, special dialect and culture. Bedouin Arabs in Israel, comprising nearly 10 per cent of the Muslim population belong to some 30 tribes, most of them scattered over a wide area. Formerly nomadic shepherds, the Bedouin are currently in transition from a tribal social framework to a permanently settled society and are gradually entering Israel’s labour force.

Bedouins organise themselves according to patrilineal corporate groups. The size of these groups depends on social context and can vary from a handful of people in a close kin to a tribe comprising several thousands. Bedouins define themselves as members of tribes and families. All tribes and families are headed by *Shaykhs* (elders). This position of *Shaykhs* is hereditary in nature, going from father to son. Recorded history of Bedouins reveals that poetry has been their cultural form of expression and their poetry represented

---

the ideal standard for other literary achievements, as well for Arabic language, in early centuries of Muslim history.

The Bedouin population in Israel currently comprises 170,000 persons living in the following regions (Ben-David, 2004).

- Around 110,000 in the Negev
- Around 10,000 in the central region
- Remaining 50,000 in the northern Israel

Since the establishment of the state, the population of the Bedouins has increased. Before the proclamation of Israel, approximately 70,000 Bedouins lived in Mandate Palestine, but most of them fled the country, leaving behind no more than 10,000, but now it numbers 170,000. This increase is due to traditional social values regarding size of family/tribe as a political advantage, and access to modern health and medical services, which reduced infant mortality and increased life expectancy.

The Bedouins of the Negev region were originally from the northern part of the Arabian Peninsula, whereas the Bedouins of the Galilee are of Syrian extraction. Prior to the 1948 Arab-Israeli war Bedouins were depending upon agriculture and livestock. Currently Bedouins in the Negev region are living in very poorest towns and some are living in unrecognised localities without basic services. Their culture and traditional livelihood were not taken into consideration in the process of sendantarisation into townships. This process has almost been forced on the Bedouins. There have been periodic tensions between the Bedouins and the state regarding land ownership (Shamir, 1996: 231).

As with other minorities, Bedouins have not only been introduced to many innovations, but also to culturally unacceptable phenomenon by the state. Emphasis on western individuality as opposed to the family unit has weakened the tribal system and its leadership. State intervention in social structure of the Bedouins has brought positive

---

effects also. It must be noted that, universal education has brought down illiteracy; educated youths no longer automatically accept their family dictates and battered women’s shelters have enabled some Bedouin women to start new lives without an abusive husband.

The Circassian community is another Muslim community in Israel. The Circassians living in the Middle East were originally from the North West Caucus (Bram, 2003: 7). When Russians invaded the Caucus in 19th Century, the Circassians emigrated or were forcefully transferred to Turkey and other parts of the Middle East (Hero, 1996: 65). Now there are around 3 to 4 million Circassians in the world. The majority of whom live in countries like Turkey, Jordan, Syria and the Caucus region and in other Middle Eastern and Western countries.

Circassians arrived the area what is presently known as Israel, in the late 1870s during the Ottoman era. This was just a few years before the first aliya. At present, there are 3000-odd Circassians in Israel and they are residing mainly in two villages namely Reihaniya and Kafr Kama. Though they are Sunni Muslims, they share neither the Arab origin nor the cultural community of the larger Islamic community. They consider themselves as a separate community and are recognised as such by the Israeli authorities (Bram, 2003: 8). The Circassian community in Israel has succeeded in preserving its culture and identity more than other Diaspora Circassian communities. The Israeli Circassians have maintained good relations with the neighbouring Jewish villages and towns as well with neighbouring Arabs. One of the special features associated with Israeli Circassian community is that, it is the only Muslim group, which does compulsory military service. Therefore, its structural position within Israel is similar to the Druze community.

Celebration of collective rituals constitutes a major part of the religious life in Circassian villages. There used to be competition between different Circassian clan in the Caucus. Following their emigration to new place, such competition was not possible among them. Now religious rituals have helped in reducing internal competition and are constituted as a cohesive element within the community. Today, these rituals are like bonds that reduce
political competition between families and clans in the local council arena, mainly during elections. Thus, rituals stress on community unity and counterbalance political tensions. According to Chen Bram -

Paradoxically, Islam serves as a binding mechanism that fosters inner cohesion in the village by emphasizing the social borders between the Circassian and the other Muslims in the Galilee, and by encouraging Circassian endogamy in marriages. Although Islam's concept of *Umma* recognises no boundaries except those of the community of believers in Allah and his prophet, for the Circassians, *Umma* refers only to the local community itself. Beyond the village level, the Circassians' identification will be on the ethno-national level (Bram, 2003: 11).

The social life of Circassians in Israel is closer to Christian Circassians elsewhere than to non-Circassian Muslims in Israel.

**Multiculturalism and Minority Rights**

One of the most pressing issues in most of liberal democracies is the politicisation of ethno-cultural diversity. Minority cultures are demanding greater public recognition of their distinctive identities, and greater freedom and opportunity to retain and develop their distinctive cultural practices (Sevensson, 1979: 421-439). Claims of the minorities like French Canadians in Canada and the Tamils in Sri Lanka have been gaining wider prominence (Kukathas, 1992: 105). In responses to these demands, new and creative mechanisms are being adopted in many countries (Fukuda-Parr, 2004: 7). In this regard, the theory of Multiculturalism has come to the theoretical realm as defender of minority rights. There is difference between multiculturalism and earlier notions of pluralism and cultural difference (Rex in Rex and Singh, 2004: 134-143). Pluralism points to the amicable co-existence of different cultures, whereas multiculturalism asserts that cultural community that are present in a society must live as equals in the public domain. Multiculturalism focuses on the equality of cultures and argues that in a democracy, all cultural communities must be entitled to equal status in the public domain. Its argument
is that fair treatment for every citizen must not be dependent upon the benevolence of the majority community.

Various patterns of cultural discrimination engendered by the nation-state have been revealed by multicultural political theory. It has successfully articulated the sentiments of the subordinated and marginalised minority communities all over the world. This theory is more radical in the sense that it has come up with distinct conception of democracy and citizenship and speaks differentiated rights (Gianni in Rudolf Wicker, 1997: 128). This idea of incorporating people not only as citizens but also members of community possessing multiple loyalties goes against the most cherished norms of liberal democracy (Ricord, 1994: 144).

During last four decades, the process of democratisation has significantly reduced the existing sources of discriminations. Though identity based discrimination has been minimised, still there are many areas in which some communities continue to be disadvantaged. Multiculturalism reveals that less attention is given to the case of oppression in the previous theories of democracy. It points out that culture-related discrimination exists even in most advanced liberal democracies of the world. Multiculturalism analyses cultural nationalism critically.

According to multiculturalism, cultural nationalism does not tolerate cultural differences in public life but rather justifies intolerance by using the language of equality (Rex, 1996: 86). Multiculturalism does not support uniformity because uniformity is a way of establishing the hegemony of the majority community within the polity. Multiculturalism takes into account the fact of formation of nation-states in Europe. During the process of formation of nation-states, majoritarian religion and language structured the norms that defined the public sphere and minorities and differences were ignored. With such historical experiences, multiculturalism emphasizes the need for heterogeneity and diversity in the public sphere.
Multiculturalism is of the view that even the western liberal democracies are not exceptions in exhibiting majoritarian cultural bias. The policies and practices in these democracies also expressed the culture of the majority. Majoritarian culture exhibited in the forms of the choice of the official language, declaration of public holidays, curriculum of educational institutions, accepted dress codes in public life, rituals of the state etc.

Theorists of multiculturalism opine that in a liberal nation-state, individual freedom and autonomy are more valued than all forms of diversity. In liberalism, celebration of diversity is only at the level of the individual. A Liberal state values differences of tastes, opinions and life styles but does not value differences of culture. Multicultural theorists view that from the 19th century onwards, the ideology of liberalism and practices of the liberal state have been largely intolerant towards cultural differences. Liberalism considered non-liberal way of life and thought as primitive so that they need to be civilised. Traditions, customs and ways of life centred on communities and that are not rooted in the individualist conception of society were considered inferior and inhuman. Thus, an ethnocentric attitude was exhibited towards non-liberal ways of life.

Liberalism has not addressed the question of cultural discrimination. In liberalism individual is seen as an autonomous person whose moral agency lies in his or her ability to make choices. This notion of autonomous self ignores the dimension of personal identity. Individual is not only a citizen but also a member of community and is different from one another. Multiculturalism gives importance to cultural community as a context of experience and it argues that community membership gives individuals a specific history. According to multiculturalism, people inhabit in two worlds; they are members of a political community as well as members of specific cultural communities. Because of this, their dual capacity needs consideration within the democratic state.
Special Rights for Minorities

Multicultural theory signals out minority communities as a special category of citizens. The reason for their differentiation from other is that they are a discriminated and marginalised people. Multicultural theory perceives that policies of the liberal nation-state create such conditions in which cultural communities are susceptible to disintegration. In this regard, multiculturalism makes an effort to promote cultural diversity. Multicultural theorists propound not just special consideration but also special rights that would enable minorities to sustain themselves and resist pressures of assimilation that come from the state and society (Mahajan, 2002: 85-122; Baubock in Joppke and Lukes, 1999: 133-157). Multiculturalism sets aside the ideal of universal citizenship with identical rights for all citizens because it propounds special rights for minorities within the framework of differentiated citizenship (Kymlicka and Norman in Kymlicka and Norman, 2000: 1-40). The main implication of the differentiated citizenship is that it considers inclusion of people not only as citizens but also as members of communities.

Multiculturalism does not neglect the contribution of the ideal of universal citizenship regarding people who were previously excluded from the public domain. But it feels this ideal has not properly realised the goal of equality. According to multiculturalism, universal citizenship has enabled people of different identities to achieve membership of the state but it has not provided equality of democratic citizenship. Universal citizenship recognises only one membership that is only of the state, it dismisses all other affiliations and loyalties. Individuals can have rights and can make claims against the state, as citizens of the state. But they cannot make similar claims as members of communities.

Therefore, according to multicultural belief individuals are required special consideration so that they are not excluded from the public culture and are not compelled to endorse the cultures of others. It firmly believes that the loss of culture can create havoc in the lives of the individuals and leave them extremely vulnerable and marginalised. Further, multiculturalism maintains that different treatment on account of cultural community membership does not mean it would pose a threat to the territorial integrity of nation-
state. Instead, multiculturalism argues that such preferential treatment builds a stronger and more integrated nation-state.

Multiculturalism propounds three categories of rights for minorities, which can be claimed within the nation-state. These rights are propounded within the framework of differentiated citizenship. Three categories of rights propounded by multiculturalism are (Kymlicka, 1995: 27) - self-government rights, poly-ethnic rights, and special representation rights.

**Self-government rights**

These rights have territorial implication and are sought by communities that are concentrated in a specific region or by those who have occupied a given territory over a long period of time. Example regarding this right is the autonomy, which has been given to French speaking people in Quebec Province of Canada. In this province, French-speaking people have extensive jurisdiction over issues that are crucial to the survival of the French culture, including over education, language, culture as well as significant input into immigration policy. Such communities generally think themselves as a distinct nation. This makes them to ask for special status within the polity.

Multicultural theorists think that self-government rights are measures necessary for protecting a culturally distinct way of life and are given to those communities, which are a minority in a given region. This is a kind of devolution of powers. With these powers, they can take decisions on key matters such as education, language, land and resource use, family law, cultural rites and administrative structure. This degree of political and territorial autonomy is in consonance with federal system and this consideration is in the belief that it would help to protect marginalised cultures and allow them to shape policies in consonance with their distinct way of life.
Poly-ethnic rights

Minorities demand cultural rights in almost every liberal democratic country. These cultural rights are sought in the form of exemptions, assistance, symbolic claims, and claims for recognition. Example regarding this right is the exemption, which has been given to Jews and Muslims in Britain. They are exempted from Sunday closing. Another example in this regard is Sikh men in Canada who are exempted from motorcycle helmet laws and from the official dress codes of police forces, so that they can wear their turbans (Kymlicka in Joppke and Lukes, 1999: 123). In western liberal democracies, which have strong homogenised nation-states, certain exemptions are sought by minority communities to bring changes in majoritarian laws. Its rationale is to provide minorities the right to live by their culturally distinct way of life.

Mere exemptions are not sufficient to overcome the disadvantage that minorities face in observing their distinct way of life. That is why minorities supplement exemption claims with those of special assistance from the state. In liberal democratic nation-state heritage of majority like its art, language, architecture, music, etc are protected. Since majority community is in dominant position, its heritage is protected in the public arena. In such nation-states, culture of the majority is secure and majority enjoys access to its culture. This situation causes feeling of vulnerability among minorities, places their culture at a disadvantages and might even threaten the very existence of cultures of minorities. To offset this marginalisation, it is essential for the state to promote minority culture and to provide some space in the public arena. Generally, financial and other forms of support are essential for sustaining minority cultural institutions such as educational institutions, museums for ethnic arts and crafts, theatres, community newspapers and cultural clubs.

Language is important component of individual identity and therefore due recognition to language and the right to use that language occupies primary position in multiculturalism. Through variety of strategies, language rights can be ensured. Such strategies propounded within the multicultural theory are: education in the language of the community, use of minority languages in state institutions, the right to address public authorities in those languages and state to undertake routine administrative and judicial work in the
languages of the minorities. Further state may either promote bi-multiplicity among its personnel or provide two-way minority language interpreters.

Multiculturalism also pays attention to symbolic claims presented by the minority communities. According to multiculturalism symbolic claims means how minority communities are represented in the public arena and in cultural symbols of state like the national anthem, declared public holidays, recognised national languages and even the name of the state. Often name of the state, national anthem, national language, public holidays tend to reflect the orientation of the majority. Minorities assert that their culture should also be represented in such cultural symbols of the state and they challenge their exclusion from the cultural expressions of the state. It is a struggle for equal status within the symbolic sphere of the nation states. Minorities’ attempt to get a space in symbolic sphere does not yield much gain but it definitely influences the perceptions of the nation-state. Multiculturalism supports such claims because it is closely associated with prestige of the minority community in the public arena.

Along with symbolic space within the democratic state, recognition for specific community practices are demanded by minority communities. Recognition for community practices does not mean merely granting the community the opportunity to continue with their customary practices, but also imply acknowledging and protecting traditional community structures and systems of authority. In short, it is continuation of the past. Such recognition is in no way an alternative system of authority. Multiculturalism tries to convince that there are certain areas of collective social life, which could be governed by multiple codes that are determined by particular communities.

There is a difference between recognition rights and self-government rights and unlike latter recognition, rights are not accompanied by claims to territory. Any cultural community claiming recognition see themselves as culturally distinct entities and they do not attempt to strengthen their identity claims with rights over territory. Communities, which are concentrated in given territory, can claim self-government rights, whereas
communities whose members are scattered in different regions of the nation-state can claim only recognition rights.

**Special representation rights**

Multiculturalism propounds special representation rights for minorities to ensure equal citizenship and genuine inclusion in the political system. This is based on the understanding that group differences should not be eliminated. Understanding of the multicultural theorists is that if diverse communities get an opportunity to set public agendas, they enrich policies by contributing their distinctive cultural perspectives and experiences. Special representation rights not only enable minority to protect their special needs and interests but also allow differences to be counted and weighed in decision-making. Perception of the theorists of multiculturalism is that people in different groups often know different institutions, events, practices and social relations, and have differing perceptions of the same institutions, relations or events. Thus, multiculturalism has conceived separate representation as a mode of enriching the public domain.

**Adaptation of the Multicultural Approach in Israel**

Adaptation of the multicultural approach to different Jewish cultures that came to live in the newly established state from all corners of world has been gradual (see Al-Haj, 2002: 169-184). In 1950s aspiration of the new state was to create an Israeli-Jewish life-style, which really meant a creation of unified western life-style (Kymlicka and Cohen Almogor in Cohen Almogor, 2000: 93). Israel’s first Prime Minister David Ben-Gurion declared, “We shall not shut ourselves up in our shell. We shall be open to take in all the culture of the world, all conquests of the spirit” (Kymlicka and Cohen Almogor in Cohen Almogor, 2000: 93). In practice, however, efforts were not made to accommodate all cultures. Some cultures were neglected during the formative years and in fact efforts were made even to curtail their legitimacy. Thus, pluralism was not encouraged and cultural pluralism was viewed as a threat by the founding leaders of the state (Cohen Almogor, 1995: 463).
The notion of ‘us’ and ‘them’ occurred among founding elites due to their ethnocentric, paternalistic, intolerant and impermeable attitude (Cohen Almogor, 1995: 463). They considered the Middle-Eastern tradition as a threat to progress, development and to the Israeli democracy itself. The Ashkenazi European elite were of the view that in due course Middle-Easterners would comprehend the western values and they would thank the European Jews for making them to adjust to the western lifestyle. European Jews were of the view that changing culture of Middle Easterners was in their favour. In this regard efforts were made to change and upgrade Shepherdi culture as they were expected to switch over to new life based on a set of values that included socialist, modern nationalistic, secular as well as democratic notions and norms. Thus, Shepherdi were expected to forget their old world and accept values that coincide with the European nation-building ideology.

Israeli leaders succeeded in making the Western culture of Ashkenazi dominant but in the process, it excluded the possibility of a cultural synthesis between East and West. In mid-1960’s, the Israeli school syllabus emphasised Ashkenazi history, with extensive courses in European history and culture. During this period, they also acknowledged and recognised the cultural heritage of the Shepherdi. Reason for this change in educational policy, according to, Harvey Goldberg was higher inflow of pupils of Middle Eastern origin into educational system. He further says,

it became clear that part of the school curriculum, based almost solely on European Jewish history and the Zionist movement as it had developed in Europe, conveyed the message to these pupils that in some sense they did not count. In response, the Ministry of Education, along with efforts to find better pedagogical methods, and the introduction of an educational reform policy which brought children from different neighbourhoods into the same schools during their junior high schools years, initiated a program whereby the heritage of the Eastern Jewish communities would become part and parcel of the curriculum throughout elementary and high school (Goldberg, 1987: 43).
Thus in mid 1960’s the Israeli government and Jewish Agency leaders dropped the idea of assimilation of the Shephardi into the European culture and decided to pursue and respect cultural pluralism. They decided that Israeli culture could no longer to be envisaged monolithically, but as the sum total of numerous subcultures.

However, the patronising attitude did not disappear. During the 1970s, many of changes were brought into the cultural sphere (see Eisenstadt, 1981: 50-58). Positive efforts were made to extend the scope of symbols and landmarks of the civil religion. Emphasis was made on ethnicity and ethnic celebrations and distinctive customs and traditions of a variety of oriental ethnic groups were legitimised and celebrated (Liebman and Yehiya, 1982: 57-69; Liebman and Yehiya, 1983: 53-66). The deprivation of Shepherdi in the cultural sphere and their institutional discrimination in the economic spheres played a significant role in formation of the government headed by the Likud party in 1977 (Kymlicka and Cohen-Almogor, 2000: 94). There was a feeling among Shepherdi that voting for the Likud could provide them dignity and pride.

Moreover, successor of Mapai, Labour did not admit that mistakes were made during the 1950s and it believed that conceding wrongs of the past was politically not wise. The Likud made much effort to raise the self-esteem of the Shepherdi and to larger extent succeeded in this direction. It gave institutional legitimisation to traditional norms and to folklorist behaviour. Earlier the people of Middle Eastern origin felt uneasiness in expressing their traditional beliefs, but after 1977, they felt a sense of pride in performing their traditions in public. Consequently, for instance, since 1977 one could witness the revival of celebration and veneration at tombs and sites consecrated to Jewish saints.

But these did not eliminate the economic differences. Some statistical data of the year 1980 show the economic differences between Shepherdi and Ashkenazi Jews (Cohen-Almgor, 1995: 478). In 1980, 35.7 percent of Israeli-born children of an immigrant father from Asia or Africa were industrial workers, whereas only 15.6 percent of the Israel-born children of an immigrant father from Europe were industrial workers. There were 59.7
percent unskilled workers from Shepherdi community. And 17.5 percent of those of Ashkenazi community and only two percent of Shepherdi had sixteen or more years of formal education respectively. There were 40.6 percent of academic, professional, scientific workers from Ashkenazi community whereas only 15 percent were from Shephardi community.

Likud tried to promote a sense of psychological equality between the two major ethnic groups in the Jewish society namely Europeans and Shepherdi. Thus, the negative attitude about multiculturalism that prevailed in the 1950s gradually withered and both western and eastern cultures have increasingly acquired legitimacy in the society. Various Israeli governments have gradually applied and adopted multicultural approach to recognise and respect cultures of various intra-Jewish groups.

At the same time Israel is not nation of Jews only but is a bi-national state, comprising of Jews and Arabs. Are the non-Jews in Israel equal in cultural sphere is one of the significant question to be answered while discussing the adoption of multicultural approach. One of the major concerns of the Israeli Jews is their security. Will Kymlicka and Raphael Cohen-Almogor argued, “Once they feel that the Israeli-Palestinians do not threaten on their very existence they would allow Palestinians to further their own conception of good” (Kymlicka and Cohen-Almogor, 2000: 91). There are a few cities in which both Jews and non-Jews live together otherwise both these two groups do not try to intermingle. They try and wish to live in their own communities.

Regarding the events of 1948 that brought about the current situation, both nations have different interpretations. Most Jews claim that formation of Jewish state in Palestine is just. Arabs complain that it was colonisation of Palestine. The feeling among Arabs is that they are discriminated and that they do not feel at home in Israel. Responding to such complains, Jews maintained that Arabs are equal citizens of Israel. Do the Arabs in Israel enjoy equal citizenship? In this context a distinction between formal and full citizenship

---

7 For example Haifa, Acre, TelAviv, Lydda, Ramlo, etc.
is necessary (Rouhana and Sultany, 2003: 5-22; Zriek, 2003: 42-54). Kymlicka and Cohen Almogor argued

The notion of citizenship is commonly perceived as an institutional status from within which a person can address governments and other citizens and make claims about human rights. All who possess the status are equal with respect to rights and duties with which the status is endowed. The Israeli Jews can be said to enjoy full citizenship i.e., they enjoy equal respects as individuals, and they are entitled to equal treatment by law and in its administration. The situation is different with regard to the Israeli-Palestinians, who constitute today some 1 per cent of the population. Although formally the Israeli-Palestinians are considered to enjoy equal liberties as the Jewish community, in practice they do not share and enjoy the same rights and duties. Moreover, they have to live with some limitations on their freedoms, which the Jewish majority does not (Kymlicka and Cohen-Almogor, 2000: 91).

Most of the Arabs in Israel demand that their community be recognised as national minority. They demand cultural autonomy or cultural self-rule for their community (Kaufman, 2003: 229-248). Though it is nation, so far it has not been recognised as national minority by the Israel. Therefore, the adoption of multicultural approach has been relatively effective vis-à-vis Shepherdi Jews than towards the Arabs.

**Group Rights for Minorities in Israel**

Israel has not recognised its Arab citizens as a national minority but at the same time approach towards them is not assimilationist. Minorities have got rights in the language, education and religious sphere. Since the establishment of the state, contrary to popular beliefs, Israel has not clarified the status of the Hebrew and Arabic languages. Article 82 of the Palestine order in council, 1922 (promulgated by British) still governs the language status in state. This article states

All ordinances, official notices and official forms of the government and all official notices of local authorities and municipalities in areas to be prescribed by
order of the High Commissioner shall be published in English, Arabic and Hebrew. The three languages may be used in debates and discussions in the legislative council, and subject to any regulations to be made from time to time, in the government offices and the law courts (Kretzmer, 1990: 165).

Though this article was not cancelled after independence, Israel repealed the law requiring English through section 15(b) of the law and Government Ordinance, 1948 (Kretzmer, 1990: 165).

In 1952, there was an attempt to make Hebrew as the official language. A private member's bill was submitted to the Knesset in this regard but was opposed by the Prime Minister and hence was defeated. Though it has not got priority over Arabic in any statute, in practice Hebrew is the main official language. As for as laws and decisions of the courts are concerned these are done in the Hebrew language. It is clearly expressed in the section 24 of the interpretation law of 1981 that the binding version of any law is the version the language in which the law was promulgated. Thus, it is clear that the binding version of laws passed by the Knesset is the Hebrew version. According to Nationality Law, 1952 one of the conditions, which must be met by a person who wishes to acquire Israeli citizenship through naturalisation, is some working knowledge of Hebrew (Kretzmer, 1990: 166). Same is the case with the chamber of Advocates Law, 1961.

While Hebrew is the main official language, Arabic still has retained its status as a second official language. According to the 1922 order, it is compulsory that all laws and regulations are translated into Arabic; but in practice this process takes some time before the translations are available (Kretzmer, 1990: 166). There is no bar on using Arabic in the Knesset, courts or in correspondence with government offices. If injustice is caused to a person because of the lack of an Arabic translation, the aggrieved person is entitled to relief. Furthermore, some statutes clearly state that certain notices should also be published in Arabic.
Freedom of Religion and Worship

The Declaration of Independence guarantees freedom of religion and conscience to all citizens and freedom of religion, worship and conscience are recognised as basic principles of Israeli law. All non-Jews have the full freedom to practise their religion but this freedom is subject only to the requirements of public order. National day of rest for Jews are Jewish Sabbath and religious festivals. Non-Jews are also entitled to rest on their days of the worship and on their religious festivals. According to section 18 of the Law of Government Ordinance, 1948, government has power to recognise festivals of the non-Jewish communities (Kretzmer, 1990: 166).

Personal Status Law

Under the period of Ottoman Empire, religious autonomy was given to non-Muslim religious communities under the millet system. Following its occupation of Palestine in 1917, Great Britain retained most aspects of the millet system. Certain modifications were introduced since 1948 but essence of the millet system has been retained. Under these arrangement religious courts of the communities, secured legal recognition and they acquired the sole jurisdiction in matters of personal status such as marriage and divorce. The religious courts of Muslim communities have somewhat wider jurisdictions than that of the other communities. Separate religious courts govern the lives of Jews, Muslims, and Druze, several Christian denominations, and these religious courts are regulated under statute. The president of Israel on the recommendation of special appointment committees appoints judges of religious courts and salaries of the judges are paid by the state.

Organizations of religious communities

British Mandatory authorities not only retained the millet system but also the principle that religious communities could be empowered to set up institutions to provide services to community members and to levy a tax on members to finance these services.

1. Muslim Community

The Supreme Council for Muslim Religious Matters was established under an order promulgated in 1921. It had the power to administer all matters concerning Muslim
community, including the administration of *waqf* property. In 1937, the jurisdiction of council to administer waqf property was taken away from it and was given to a special committee appointed by the High Commissioner under the Defence Regulations (Muslim Trusts), 1937.

When 1948 war broke out most members of the council and special committee were not in Palestine. Thus immediately after the creation of Israel, the Muslims who had remained in the Jewish state were left without organised religious institutions. The waqf property was treated as absentees' property to be administered by the Custodian of Absentee property. An amendment to the Absentees property Law passed in 1965 empowering the government to appoint trustee committees in seven towns, which had large Muslim populations. Those trustee committees got the power to administer that part of the waqf property released to them. The committee used these resources for the benefit of the Muslim community in matters of assistance to the poor, bursaries for school children, vocational training, health, religious studies, funding of religious ceremonies or customs and any other purpose approved by the government. The Absentees Property Law passed in 1965 did not legally force the custodian to release all waqf property to the trustee committees, but it clearly stated that the waqf property, which remains in the hands of the custodian, must be administered for the same purposes as the property administered by trustee committee. In 1985, an attempt was made to place all waqf properties in the hands of an elected Moslem Council and a private member bill to this effect was moved but it was defeated.

2. Christian Communities

The organisation of the non-Muslim communities during the Mandate was based on Religious Communities (Organisation) Ordinance, 1926. According to its provisions, the High Commissioner had the power to recognise communities and to promulgate regulations setting out the organisational structure of the community's institutions and empowering those institutions to levy taxes on members of the community, recoverable in the same way as municipal taxes and fees. The Jewish community was only community, which applied for getting their institutions to be recognised and for the
power of levying taxes on its members. The Christian community did not take interest in getting this power and even after independence, they did not request the Israeli government, which inherited the powers of the High Commissioner, to make them be able to use this power.

3. Druze Community

In 1957, Druze community was formally recognised as a religious community and is headed by a religious council, appointed by the Minister of Religious affairs. This council has the power to levy fees for the services it provides. Under the Druze Religious Courts Law, 1962, the separate religious courts for the Druze community were established.

Education

The compulsory Education Law, 1949 states that schooling for all children in Israel from the ages of 5-16 (or completion of 10th grade) is both compulsory and free. Education up to the 18-year age or until the 12th grade is not compulsory, but free. There are separate schools for members of the Arab community in which language of instruction is Arabic. But Arabs are not barred to registering their children in Hebrew speaking schools. The State Education Law, 1953 defined the aims of education without taking into notice of the fact that not all the children in school system are Jewish. In 1975, modified attempt was made to deal the statutory definition by defining the aims of state education in the Arab sector through an administrative policy decision. This decision reads that state education in the Arab sector in Israel will be based on the values of Arab culture, the yearning for peace between the State of Israel and its neighbours, the love of country common to all citizens of the state, loyalty to the State of Israel, while emphasising the common interests of all the citizens of the state as well as the special character of the Arabs of Israel and on the striving for a society built on freedom, equality, tolerance, mutual aid and love of one's fellow-man (Kretzmer, 1990: 169).
According to the State Education Law, 1953 the Minister of Education is empowered to -

Promulgate regulations in order to adjust all, or part, of its provisions to meet the needs of non-Jewish pupils, and to establish councils for that education.” Under the regulation issued by the Minister of Education regarding non-Jewish education is concerned “the Director General of the Ministry of Education is authorised to transfer the powers of the pedagogical Secretariat, a body appointed by the Minister to oversee educational policy, or of a regional director of the Ministry, to the director of the Ministry’s Department for Arab Education and culture (Kretzmer, 1990: 169).

The system of state education for Arabs in the country was controlled by the director of a special department for many years, but in recent years, this system is controlled by a head of Arab education within the pedagogical Secretariat. Though state education Law has recognised the special educational needs of the Arab population, it has also ensured that the central bureaucracy maintains control over the form and substance of the curriculum (Ichilov, 2005: 319). The bureaucracy has tried to cleverly plan between the general aims of education of that are defined in law and those, which are defined in the administrative decision cited above. Tone of the administrative decision on Arab education reflects the Israeli government’s reluctance to recognise the Arabs in Israel as a national minority. In this way, Palestinian Arab culture and history are ignored. Amount of time being spent on studying the Jewish and Arab history by Arab schools is same, where as, time spent in the Jewish schools on the study of Arab history is negligible (Ichilov, 2005: 319). In fact, Muslim pupils give much amount of time to study Old Testament and other Jewish texts than they do on studying their religious texts (Kretzmer, 1990: 170).

**Multiculturalism and Women’s Rights**

Many feminist scholars endorse that the unitary model of citizenship is not adequate for accommodating subordinated groups as equal citizens (Mahajan, 2002: 122; Kramarea and Spender, 2000: 1388-1390). Multicultural idea of group rights and differentiated citizenship is also not free from criticisms in feminist writings (Minow, 2000: 129). Even
though the concept of differentiated citizenship is supported, there is anxiety that women might remain unequal and subordinated even after minority communities are given group rights (Saharso in Kymlicka and Norman, 2000: 224-240). The issue of continued exclusion and marginalisation of some groups from the public domain is highlighted by both feminism and multiculturalism. Respect for difference is sought by both these theories in their own ways. They try to convince that respect for idea of difference should not be perceived as threat. Though women’s groups and analysts share commitment to the value of difference, they vocally criticise certain aspects of multicultural theory. Their anxiety is that if multicultural agenda is accepted, whatever limited advantages women have gained might be lost. Feminists perceive that women occupy a subordinate position in most minority cultures (Moghadam, 1994). According to them, granting special rights to minorities’ would mean facilitating the prevailing community practices that discriminate women. They argue that multiculturalism leaves many structures of discrimination untouched.

Feminists say that multiculturalism is adequate in addressing inter-group equality but inadequate in addressing intra-group equality. In multiculturalism, the issue of justice with reference to the inequalities that exist in the public domain is highlighted, but not the issue of discrimination that occurs in the private domain of the family (Mahajan, 1999: 56-61; Parekh, 2000: 279). Thus, the private domain of the community is almost entirely left in the hands of the community. In multiculturalism, each culture is presented as homogenous and univocal entity with clearly defined practices and norms. It does not give attention to the fact that cultural norms and community practices are the subject of continuous contestation and appropriation. Feminists argue that, if existing cultural practices get represented as a sign of community’s way of life or as traditional practices, the space for contesting the meaning of cultural practices within the community would steadily erode. In this regard, they suggest that culture should not be viewed as the realm, of shared practices, but should be considered as the domain of contested meaning and practices (Sangari, 1999: 24-30).

8 Feminist critics of multiculturalism are; Sandra Gilman, Maria Mies, Harriet T. Mill, Martha Minow, Susan Muller Okin, Anne Phillips, Katha Pollitt.
While discussing minorities claim for group rights Kymlicka and Cohen-Almogor, make a distinction between two kinds of group rights that minorities might claim (Kymlicka and Cohen-Almgor, 2000; 97; Kymlicka, 1996: 23). They say

the first involves the right of a group against its own members; the second involves the right of a group against the larger society. Both kinds of collective rights can be seen as protecting the stability of national, ethnic religious groups. However, they respond to different sources of instability. The first kind is intended to protect the group from the destabilising impact of internal dissent (for example, the decision of individual members not to follow traditional practices or customs), whereas the second is intended to protect the group from the impact of external pressures (for example, the economic or political decisions of the larger society). To distinguish these two kinds of group rights, we will call the first ‘internal restrictions’, and the second ‘external protection’ Kymlicka and Cohen-Almgor, 2000; 97.

It is a fact that all forms of government try to restrict the liberty of citizens. Even the most liberal democracies are not exceptions to this trend. They often impose restrictions upon their citizens. But some groups seek to impose much greater restrictions, not for maintaining liberal institutions, but rather to protect religious orthodoxy or cultural tradition. For example, in various parts of the world practices like female circumcision, arranged marriage, and sati still prevail. These practices in no way enrich democracy but they are considered as markers of the communities. Many groups in different societies have sought the right to legally restrict the freedom of their own members in the name of group solidarity or cultural purity (Shachara in Kymlicka and Norman, 2000: 199-223). Rituals around the world reveal that women are most discriminated against. They have been the victims of Sati (Andal N., 2000: 18-110; Sangari and Vaid, 1991: 2-8), arranged marriage, female-infanticide (Bhalla in Rao, 2004: 259-278), female circumcision (Shweder, 2000: 208-231) and murder of women in the name of family honour (Kressel, 1981: 41-580). Group rights are invoked by patriarchal cultures where women are
oppressed. Claims for group rights not only create oppression of individual but also might override law and order. In the name of preserving cultures and protecting a sense of community, minority groups might demand against society that there should not be interference in their internal matters even when the most atrocious things take place (Kymlicka and Cohen- Almogor, 2000: 98).

**Rights of Women in the non-Jewish Minorities**

The Arab women in Israel are at a transitional stage. Their social inferiority vis-à-vis man has deprived them of their rights (Sa’ar, 2001: 728; Shokeid in Azman and Israeli, 1993: 423-441). There are sufficient indications that their status has improved since 1948. Arab women are working outside their home. This is the influence of Jewish-Israeli way of life. Arab women are increasingly occupied with discovering their rights. Arab women’s education has become broader and deeper. Though not comprehensive but the compulsory education law is being implemented among the Arab women to great extent. Their enrolment in high school, colleges and various departments of universities is increasing. The marriage age of the bride has been raised. Traditional shackles are slowly being loosened and women are struggling against the dowry system. All these changes, however, are still in their infancy.

As mentioned earlier, each religious group, Jews, Muslims, Christians and Druze, have their own religious legal system, which has complete jurisdiction over its members concerning status and family laws. The Israeli Knesset has changed this mandatory law for Jewish and Druze citizens who can approach the civil courts. They can choose religious courts or civil courts to settler their issues in their private domain (Espanioly, 1997: 590). Jews and Druze can choose the religious courts or civil courts to settle their

---

9 As an example to know about how patriarchal cultures in the name of group rights discriminate women, Shah Bano case is explained in Jayal, 1999:112-143. When the Supreme Court of India ruled in favor of Shah Bano, a 65-year-old Muslim divorcee, who had appealed for child support and maintenance from her ex-husband, it came under severe criticism from the community leadership and political representatives. Shah Bano had petitioned under the Indian Criminal Procedure Code, Section 125, which deals with destitute women, yet the community asserted its right to deal with all issues pertaining to family matters. They not only defended the right of the community to preserve its own way of life, they also reiterated that gender equality is a part of Islamic Law. There were laws within the framework of sharia to protect the interests of women and no external interference was needed in this regard.
disputes in the personal realm. But this option, however, is not available for Muslims and Christians. Therefore, Muslim and Christian women have to bring their dispute only to the religious courts (Shachar, 2000: 78; Shachar in Joppke and Lukes, 1999: 87-111). Nabila Espanioly says religious courts are not best option for women because of the following reasons.

*Firstly*, these courts use religious laws, the Sharia and Bible to decide upon questions of child custody, alimony, joint property, and other personal status issues. Religious laws reflect the conservative patriarchal norms and are, from the very beginning, in favour of the men....

*Secondly*, women may not serve as judiciaries or judges in the Muslim, Christian or Druze religious courts. The whole religious legal system of power, which has the exclusive authority to decide personal status issues, does not recognise women as worthy to serve as judiciaries....

*Thirdly*, all of these religions afford women a status inferior to that of men. This patriarchal, hierarchical structure effects the discussions and the decisions of the courts in all matters (Espanioly, 1997: 591; Layish, 1975).

The methods, which are being used by religious courts, are far from being objective. Women’s needs are normally regarded as minimal by the judges in religious courts and they award unrealistically small amount of money for women in deciding upon cases of alimony. Christian religious courts do not support divorce. While some churches allow divorce, others do not. Women have to prove acceptable reasons for divorce and wife beating is not considered a good enough reason for divorce. It is very difficult for women to prove continual violent abuse by her husband because she would not get enough evidence and society also forbids possible witnesses of abuse from getting involved in the divorce proceedings. Even there is clear evidence the church cannot force the husband to divorce. To be effective the consent of husband is essential.

Still there is the practice of murder in the name of family honour among some communities, most notably Bedouin and Druze communities, some times the Christian community also resort to murder (Cohen-Almgor in Strokes and Campbell, 1996: 171-
Women perceived to be deviating from strict moral code of conduct become victims. For these communities honour is more important than life and culture is more important than law. There are reports that women who were not willing to confirm to prevailing moral codes were killed; for example violation of sexual norm by married woman. By murdering their daughters and sisters, the men belonging to these communities prove that they have control over their women. Such murders are conceived as internal matters of these communities and hence the larger society should not interfere in such matters. In some occasions, murders are disguised as suicide. Even police do not interfere in such cases, because they perceive that these are internal affairs to be resolved within the community. There are no powerful organisations in these communities to safeguard the most fundamental right, ‘the right to life’. Even a rumour would be sufficient to end the life of women suspected of indecent behaviours (Kymlicka and Cohen-Almgor, 2000: 99).

Response to critics of Multiculturalism

According to multiculturalists, “internal restrictions are always unjust. Groups are free, of course, to impose certain restrictions as conditions for membership in voluntary associations, but it is unjust to use governmental power, or the distribution of public benefits, to restrict the liberty of members” (Kymlicka and Cohen-Almgor, 2000: 99). Furthermore, they say, “members of cultural group should enjoy the liberty to leave their groups upon reaching the conclusion that they no longer wish to associate themselves with the group. People in democratic societies should be free to move in and out of their cultural communities and should not be coerced to stay in order to serve the partisan interests of others” (Kymlicka and Cohen-Almgor, 2000: 99).

As far as coercion of women by the patriarchal tradition is concerned, the contention of multiculturalists is that

some things lie beyond the ability of liberal democracies to tolerate. Democracy cannot ensure norms that deny respect to people and that are designed to harm others, although they might be dictated by some cultures. Some norms are considered by liberal standards to be intrinsically wrong, wrong by their very
nature. Such are norms, which result in physical harm to women and babies like widow burning, female infanticide, harsh norms of female circumcision and murder for family honour (Kymlicka and Cohen-Almgor, 2000: 99).

It is easy on the part of the liberal states to accommodate the demands of groups which themselves are liberal. How to accommodate those cultural and national minorities which demand the right to protect their historical customs by limiting the basic civil liberties of their members and which want to organize their society along traditional, non-liberal lines?

Regarding this, problem multiculturalists pose certain questions. If the members of a minority lose the ability to enforce religious orthodoxy or traditional gender roles, have not they lost part of the *raison d’être* for maintaining themselves as a distinct society? Is it not the insistence on respect for individual rights a new form of ethnocentrism, which sets the majority culture as the standard to which other cultures must adhere? Indeed, is it not fundamentally intolerant to force a national minority or religious sect to organize its community according to ‘our’ liberal principles? By posing all these questions, they say that identification of a defensible liberal theory of minority rights is separate from that of imposing that liberal theory. By saying that internal restrictions are inconsistent with liberal principles, it is wrong to impose liberal views on minorities, which do not accept some or all liberal principles. There is no objection to impose liberal principles in the case of immigrants who come to a country knowing its laws. Liberal states may impose liberal principles on immigrants as a term of admission to liberal polity. Generally immigrants are subjected to minimal conditions like learning the official language, and knowing something about the country’s history and political institutions (Kymlicka and Norman in Kymlicka and Norman, 2000; 21). But this is not the case for national minorities those who were involuntarily incorporated into the larger state and those who have their own formalized governments. In such cases, the legitimate scope for coercive intervention by the state may be limited (Kymlicka, 1995; 35-44; Levy in Kymlicka and Norman, 2000: 321).
Liberals can make use of several ways to promote respect for individual rights within minority. If any national minority rules in an illiberal ways and acts unjustly, liberals have right to speak out against such injustice, and it is indeed their responsibility to support any efforts that the minority group makes to liberalise their culture. Kymlicka says, “members of the more liberal majority culture will have to sit down with the members of the minority culture and find way of living together” (Kymlicka, 1992: 145).

The primary focus for liberals should be to provide support enduring forms of liberalisation that result from internal reform. Incentives can be provided, in a non-coercive way to pursue liberal reforms.

Kymlicka and Almogor recommend promotion of development of regional or international mechanisms for protecting human rights. There has been a willingness on the part of many national minorities to abide by international declarations of human rights, and they have been ready to answer international tribunals for complaints of rights violations within their community. Respect for individual rights cannot be achieved by just imposing liberal values on minorities. There are many ways to strengthen mechanisms for respecting individual rights in a consensual way. This does not mean that coercive intervention is not justified (Cohen-Almogor, 2005: 263). It is justified only in the case of gross and systematic violation of human rights, for example, slavery or murder or inflicting severe bodily harm on individuals or expulsion of people.

According to Kymlicka and Almogor number of factors which are relevant in deciding, when intervention is necessary are: severity of rights violations within minority community; extent to which formalised dispute resolution mechanisms exist within the community, and the extent to which these mechanisms are seen as legitimate by group members; ability of dissenting group members to leave the community if they so desire; and existence of historical agreements which base the national minority’s’ claim for some sort of autonomy.

History of liberal democracies shows that they have accommodated ethno-cultural differences. So is the case of Israel. Israel has accommodated different ethnic groups.
With respect to Arab minority, it has typically accorded group rights, so that it can maintain itself as culturally and linguistically distinct. Yet Israel has not conceded Arab minority as national minority.