

**CONTESTING DISCOURSE:  
CAN DELIBERATIVE DEMOCRACY MITIGATE  
PROTRACTED ETHNIC CONFLICT IN ISRAEL?**

by

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## **ABSTRACT**

This paper examines the question of whether deliberative democratic processes can be used to effectively mitigate protracted ethnic conflict in Israel. By examining peacemaking strategies used in the past, it tries to explain why peace has been elusive in Israel and what steps must be taken in order to make the regime more legitimate as well as build a lasting peace. A constructivist approach is used to demonstrate the malleability of hardened identities as well as the opportunity for deliberation. While it is not sufficient to create a lasting peace, the paper concludes that through the deliberative democratic process of contesting discourse in public spheres, citizens can engage in meaningful dialogue. Over time this dialogue can contribute to more legitimate institutions and peaceful interactions among citizens..

**Keywords: deliberative democracy, deliberation, Israel, Palestine, peacebuilding, ethnic conflict, legitimacy**

## **DEDICATION**

To my mother, father and sister: the home you created motivated, encouraged and supported me throughout this project. I could not have done it without you. I dedicate this secondly to all those who are currently struggling for justice.

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# 1 INTRODUCTION

After more than fifty years, peace is still elusive in Israel and Palestine. From the Oslo Accords to the Camp David Accords and now to Prime Minister Ariel Sharon's withdrawal from the occupied territory of Gaza, violence in the region has ebbed and flowed, but never stopped. A variety of opinion polls show that neither Palestinians nor Israelis are convinced that a peaceful settlement is near.

Terms such as 'culture of violence' or 'cycle of violence' and 'culture of hate' are constantly used in discussions surrounding this conflict. A sense of hopelessness and confusion about past events characterizes many discussions about the region. After such a long period of conflict, it is too difficult to recall how it all began.

On the ground, a peaceful and lasting solution does seem distant. Government sponsored peace agreements have failed to and are currently failing to address institutional discrimination and root causes of conflict. The Oslo Accords, for example, excluded Palestinian/Israeli citizens and ignored discriminatory Israeli state institutions/policy. Within months, Israeli troops were demolishing homes and expropriating land again. Palestinians responded with large scale strikes and protests and considered the Accords a failure. In September 2000, two months after the failed Camp David accords, Ariel Sharon, then a Member of the Knesset, visited the Haram al-Sharif compound, site of the Dome of the Rock (Al-Aqsa Mosque) in East Jerusalem. As a response to

protests and strikes, during the next two days, Israeli Defense Forces (IDF) killed and injured dozens of Palestinian worshippers throughout the Occupied Territories. That week, the second intifada or uprising began. Today, more than 2,000 Palestinians and 800 Israelis have been killed as a result of the uprising.

Since it is clear that peace is not progressing by institutional means, it is worth asking whether current tensions can allow for any significant or meaningful discussion at the level of the citizen. Could small steps be taken at the individual level to advance peaceful relations? Could Palestinians and Israelis work together to make Israeli institutions more democratically legitimate?

Discussions surrounding the controversial concept of deliberative democracy are usually limited to liberal democracies, which place great importance on individualism and individual rights. Notions of civic participation and citizenship are already an important part of the culture and while there may be questions about scale, practicality and usefulness, there is little question that a liberal democracy is more conducive to implementing deliberative procedures than its authoritarian counterparts.

The purpose of this study is to explore the possibilities for deliberative democracy in the divided society of Israel. The goal is to understand whether discussions surrounding the concept of deliberative democracy can be beneficially invoked in illiberal and divided societies such as Israel, and if so, in what form(s)? As tensions continue to rise in Israel and state action continues to mirror that of the past, it is important to investigate other, more innovative forms of dialogue and progress. Lessons learned in the case of Israel may be applied

to other protracted conflicts. The vast majority of current literature focuses on short-term, state based solutions that fail to address root causes of conflict.

To understand whether deliberative democracy can work, the nature of identity, and its role in sustaining conflict in ethnically divided societies, must first be understood. How we perceive its significance within environments with deep historically grounded ethnic conflict has a great impact on how we understand and attempt to resolve protracted conflicts that persist in part due to a hardening of identity.

## **1.1 Outline**

In part I, this paper focuses on outlining the relevance and effectiveness of adopting a constructivist approach to studying conflict. The notion of intersubjectivity will be expanded upon to emphasize the importance of understanding the relationship between norms, collective action and the construction of identity. I note how the distribution of political power and membership as well as the distribution of values and resources affects the creation and maintenance of conflict. Using a constructivist lens, I conclude that to successfully mitigate protracted conflict, peacebuilding strategies should: a) employ a constructivist approach and focus on reforming and restructuring institutional and political choices; b) identify grievances that contribute to hardened identities; and c) focus on creating institutional mechanisms that support non-violence, can successfully mitigate protracted conflict.

## 1.2 Hypothesis

My second task in this paper is to explore the possibility that grass-roots experimentation with deliberative democracy may be a way to mitigate ethnic conflict in Israel. I shall argue that informal, discourse-based deliberative democratic processes can successfully build more legitimate institutions in Israel, as well as increase constructive communication between Palestinians and Israelis. Specifically, I contend that Dryzek's (2001) notion of 'contesting discourse in public spheres' is compatible with Busumtwi-Sam's (2002) principles of peacebuilding and may provide the right tools to begin mending divided societies. It is important to note that strategies outlined relate specifically to relationships between the Arab-Israeli and Jewish population in Israel and not to the Palestinian diaspora outside the state.

In the long term, this has the potential to create more legitimate and just political institutions. I maintain, however, that formal, policy-oriented deliberative democratic processes adopted in liberal democracies are ill-equipped to deal with the certain complexities that characterize divided societies such as Israel.

My arguments in support of adopting deliberative democratic processes in Israel will be applied by outlining a case study of discourse-based deliberative democratic processes used in an Israeli school. Evidence from the case study will suggest that while an illiberal democracy may not present the most ideal conditions for deliberative processes to flourish, progress, in the form of face to face interactions and meaningful learning, can still be made.

This paper addresses fundamental questions that have been typically overlooked. It is significant because it attempts to fill a gap in political science literature in the field of conflict resolution, specifically in Israel. An understanding of identity and its relation to conflict resolution, as potentially achievable through processes of deliberative democracy, may enable theorists and engaged activists who genuinely seek peace to suggest more effective solutions than those being currently proposed. Understanding the role a citizen can play in an illiberal democracy is an innovative and original idea – current theorists have not sought to investigate this topic as much as it deserves.

### **1.3 Methodology**

This project draws on both primary and secondary sources, including several case studies set in Israel. I shall interpret the empirical data from the case studies by using distinct yet complementary and overlapping theoretical lenses. Recent work in the areas of deliberative democracy, conflict resolution and constructivism shall contribute to my understanding and framework.

## **2 THEORITICAL APPROACHES TO THE STUDY OF CONFLICT**

How we perceive the nature of international reality (ontology) and how we should go about explaining it (epistemology) has a great impact on how we understand specific conflicts and potential solutions. This paper argues that constructivism provides the most appropriate lens for studying International Relations. The following section shall outline the basic tenets of the approach as well contrast it to the interpretivist and rationalist approaches. As Adler (1997) concludes, constructivism is a middle ground and provides a useful framework for the study of conflict. To locate constructivism in the spectrum of approaches, I shall adopt Adler's method of analyzing it in contrast to other approaches in three main categories: epistemology, the individual vs. social agency and intersubjectivity.

### **2.1 Epistemology**

Woolgar (1983, quoted in Adler, p. 323) outlines three approaches to the ontological and epistemological debate about the reality of ideas – the reflective, the constitutive and the meditative. Reflectivists believe that reality is independent of cognition but can be properly and effectively represented in true descriptions. Materialists and Positivists fall into the first category and believe that social reality is not structured and constructed by ideas – they only reflect the material world and their purpose is to provide an explanation for material causes. On the opposite side of the spectrum, constitutivists believe that material

reality “cannot be understood outside human language” (Adler, p. 323).

Everything is relative and there it is only the actual organization of discourse and narratives that is relevant. Postmodernists and poststructuralists are constitutivists.

Lastly, mediativists believe that knowledge and other social factors affect reality. Social reality is the outcome of the “attachment of meaning and functions...that endow physical objects with purpose” (p.324) and therefore helps to create reality. Constructivists adopt this last position and argue that while a real world does exist, it is not determined solely by physical reality and social factors do affect outcomes. Moreover, identities, interests and social behaviour are socially constructed and are governed by collective meanings, interpretations and assumptions about the world (p.324).

The question remains, however, whether we should explain human action on the basis of individual motivation or as a function of social forces or social structure. Rationalists believe that the individual is the unit of analysis and that reality and social change arise as a result of the actions and interactions of individuals (Adler, p.325). Constructivists, however, believe that ideas, or collective knowledge, institutionalized as practices are both “the medium and propellant of social action; they define the limits of what is cognitively possible and impossible for individuals” (p.325). Practices, social change and reality are therefore a result of purposive actions guided by ideas, beliefs, judgements and interpretations. Constructivism is therefore able to provide both theoretical

explanations of social institutions and social change, with the help of the combined effect of agents and social structures” (p.325).

## **2.2 Intersubjectivity**

The notion of intersubjectivity is deeply embedded in constructivism. Put simply this is the idea that meanings exist through collective knowledge “that is shared by all who are competent to engage in or recognize the appropriate performance of a social practice or range of practices” (Cohen 1987, quoted in Adler, p.327). This knowledge exists outside the lives of individuals and is intertwined in social routines and practices as they are enacted by interpreters (individual actors) who participate in their production and workings. Adler emphasizes that intersubjective meanings have structural attributes that do not simply constrain or empower actors, but rather define their social reality. Searle (1995, p.1, quoted in Adler, p.328) notes convincingly that “there are portions of the real world, objective facts in the real world, that are only facts by human agreement”. This statement will be explored further in the section discussing identity and its impact on the Palestinian/Israeli conflict.

Put simply, constructivism is the understanding that the way the material world molds and is molded by our actions and interactions with one another is dependent on a forceful set of normative and epistemic understandings of the material world. Collective understandings shape even the most lasting institutions – even they are reified or recreated structures that were created by the human consciousness. These reifications and understandings become deeply embedded such that they are taken for granted as the truth, natural and



authoritative. Constructivists argue that International Relations is a set of social facts that only exist by virtue of human agreement and the meanings attached to those social facts (Adler, p.322).

Dryzek (2001, p. 658) uses an excellent example to illustrate the usefulness of constructivist methodologies in understanding identity, collective understandings, intersubjectivity and the possibilities of changing identity. He asks us to consider the example of criminal justice, where at least three different discourses compete for recognition. One views the individual as a rational, competent actor who weighs the consequences of his crime against the benefits. The second focuses on circumstances such as poverty that cause individuals to commit the crime. The third emphasizes the psychological aspect of deviance. Each one of these discourses is based on a different outlook about the individual and behaviour in general: "Each discourse has at its heart a different model of the (criminal) human being, his or her capacity for autonomous agency, and likely motivations. Each is also entwined with values about what constitutes normal, criminal, and deviant behavior and about what kind of punishment or treatment is desirable. Each can be backed or undermined by empirical studies that are unlikely to convince adherents of different discourses. Each is entwined with ideological positions taken by politicians" (Dryzek, 2001, p.658). His point is that the "content of public policy at any time and place depends crucially on the relative weight of these discourses" (p.658). How we understand identity, then, informs our understanding about how to deal with a collective's actions. On a larger scale, how we understand the collective identities involved in sustaining

protracted conflict has a substantial effect on how we go about addressing or resolving such conflict.

This is exactly what constructivists attempt to point out about identity, action, norms and intersubjectivity. None of the above exists alone; instead, each is part of a greater cycle that affects and effects the other. Collective identity is key to understanding protracted conflicts because it is what informs a group's understanding of the world. When identities become hardened and defined based on fighting perceived enemies, examining how these identities were created and shaped through time is key to understanding how they can be unraveled and recreated for positive and peaceful purposes. Since one of the characteristics of protracted conflict is its complex nature, constructivism's ability to both separate and fuse norms and agency make it the ideal tool to use in trying to understand identity, and the impact of hardened identities in protracted conflict. The following section shall further describe the relationship between constructivism, identity and conflict.

### **2.3 Constructivism, Identity and Conflict**

Constructivism's focus on intersubjectivity "stresses the relational, contingent and contextual nature of collective identities" (Busumtwi-Sam, 2002, p.97). Identities are not created in a bubble, but are created and recreated through past and present practices within a certain institutional framework (p.97). "Group identity, then, exhibits elements of both fluidity and fixity/continuity. Identities are fluid to the extent that they are based on existing modes of social differentiation, thus allowing a range of possible identities" (p.97). While dynamic,

identities can become hardened when existing social and socio-economic structures cause one form of social differentiation (i.e. ethnicity, religion and ideology) to become more important than the others, Gakouth (1995, quoted in Busumtwi-Sam, p.98) notes the explosive consequences of collective identity formation when ideology, nationalism and ethnicity intersect. When social, political and socio-economic structures are ripe to exploit the latter three forms of social differentiation, a hardened or fixed notion of collective identity can arise and when politically mobilized, can serve to exclude minority groups who do not possess the same attributes. The key, then, is the “significance attached to particular modes of social differentiation, the political meanings assigned to identities, and the historical and institutional contexts within which they are constructed. Who is counted as a member of a particular group, and how/why she or he is counted is highly dependent on the political context” (Busumtwi-Sam, 2002, p.98).

Moving from individual to hardened collective identities takes place when grievances such as political repression, and economic marginalization and exclusion become intertwined over time (Busumtwi-Sam, 2002, p.98). They are mobilized when only one basis of differentiation becomes the focus. Subsequent sections of this paper will illustrate how in Israel, religion has been used to link and empower the majority while separating and excluding minorities. The recollection of cultural myths also serves to reinforce hardened identities. The case study of Israel demonstrates how “myths allow a group to overlook internal

differences, exaggerate external differences with other groups, and mobilize members for collective political action” (p.99).

This paper contends, then, that protracted or extended conflicts do not simply arise, nor are they always instrumentally engineered to further a goal. They are created during a continuum, or extended time period and are prone to mutation and inertia (Busumtwi-Sam, 2002, p.94). While they may begin as a result of one particular event, new issues, participants and events serve to mutate the conflict, resulting in a complex and intertwined web of sources and consequences. Busumtwi-Sam’s conclusion that examining three sets of interrelated factors provide insight into understanding the source of conflict in Africa is also useful for the analysis of conflict in Israel: “ (1) contests over the state and the distribution of political power (2) the distribution of membership in the political community and (3) the distribution of values and resources” (p.94). When present in certain combinations, these factors serve to sustain and create conflict.

## **2.4 Creating the Conditions for Peace**

Now that it is clear what factors and conditions contribute to the hardening of collective identities and thereby create and sustain conflict, the question of how to mitigate such conflict remains. How can a society mired in conflict begin to disentangle itself from the web of mistrust, grievance and suspicion?

Busumtwi-Sam lists three necessary conditions for facilitating peace: a) Institutional reforms to structure political choices towards the pursuit of absolute

rather than relative gain b) Identifying and addressing grievances that contribute to the hardening of collective identities, and c) Institutionalizing mechanisms for non-violent political change and (re)creating boundaries on the use of force (2002, p.106). He goes on to argue that “sustaining peace requires ongoing reforms designed to *institutionalize new rules of the political game* (emphasis added). These rules reproduce and reinforce certain collective identities and interests, structure political choices towards certain behaviors, and specify acceptable ways of making decisions about the settlement of political disputes and the use of force (2002, p.92).”

In protracted conflicts, there is a fundamental dispute over what the rules governing political and social behaviour are, so I argue for an emphasis on the notion of creating new rules of the political game. Any lasting solution must make an effort to bring both sides together to *redefine* what the rules, values and goals of society are. Competing discourses, or ways of understanding the world, must be questioned, discussed and redrawn. Visions for a new, peaceful society must be arrived at together, over time. Finally, since minority groups have been disadvantaged by the state and view its practices as largely illegitimate, a strong sense of legitimacy must govern new practices.

It is here that we can begin to explore the possibilities of deliberative democracy. The following sections shall contend that deliberative democratic practices possess the flexibility, and produce a level of procedural legitimacy required to address some of the factors that sustain conflict. Specifically,

deliberative democratic processes can best deal with issues concerning the distribution of political membership and political power. I argue that it is less suited to deal with issues such as value and resource distribution. This kind of distribution takes place at a later time as a result of the change in the distribution of political power and membership.

### **3 DELIBERATIVE DEMOCRACY**

To understand whether practices of deliberative democracy may be useful in alleviating conflict in divided societies, a working definition of the term must first be given. The following section shall outline different characteristics of the model, list the parameters I find most important for a working definition of the term, and conclude by explaining how deliberative practices can directly address the problem of hardened identities.

#### **3.1 Definition**

There are many theories and accounts of deliberative democracy. Saward (2000) accurately notes that there is a great debate over how critical deliberation is with regard to democratic theory, who should participate in deliberation, the goals of deliberation and the appropriate siting of deliberative processes.

For the purposes of this paper, Goodin (1999) defines the term very effectively by outlining four general principles. Decision-making based on deliberative principles implies firstly that the process be focused and controlled. Here, democracy is characterized very strongly by a deliberative or discussion-based aspect. He notes that Oxford Dictionary's definition of the word 'deliberative' allows for a brand of democracy where reason is highly valued (p.2).. Facts, logic and sound judgment are therefore implicit to any form deliberative democracy.

Goodin also points out that deliberative also entails a 'deliberate', or calculated process of decision making (1999, p.2). There is no rush in finding an answer or trying to arrive at a certain conclusion. When discussing, time is given to hearing as many voices as possible, another key element of the process. He notes thirdly, that deliberating means considering a variety of different options and those options reflect the goals or intentions (input) of the participants involved in the discussion. Deliberation also gives rise to resolutions or decisions (output), which in turn create new intentions and goals which are acted upon.

Finally, Goodin highlights the key point that this form of discussion is democratic. Deliberators must ensure that the process gives equal respect to all participants and views represented. No group should be privileged over another (p.3). This implicitly implies, he argues, that what ever decision is made, is made collectively and fairly. There is an inter-personal component to the practice that cannot be removed.

### **3.2 Procedural vs. Substantive Deliberation**

Thus far, the working definition has explained the operative criteria for deliberative democracy, but it cannot by itself address some very important questions. What happens when deliberation follows all the procedural rules but the decision made is unjust?

This question outlines a crucial division between deliberative democrats and democratic theorists in general: the question of proceduralism vs. substantivism. Pure proceduralism maintains that the principles of theory "should apply only to the process of making political decisions in government or civil



society” (Gutmann and Thompson, 2004, p.23). These principles should therefore not fix the substance of laws, but only the procedures (p.23). While proceduralists do not deny substantive principles such as justice, they believe such principles should not interfere with democratic theory.

Deliberative theorists who support a more substantive view of democracy argue that proceduralism is not sufficient. They note that procedures such as majority rule (p.24) can create discriminatory and unjust outcomes. Unjust outcomes, they point out, are not acceptable in any theory of democracy. One of the main points of deliberative democracy is “to offer reasons that can be accepted by free and equal persons seeking fair terms of cooperation. Such reasons could rarely justify unjust outcomes” (p.24). The notion of justice as entailing substantive freedom and equality is meaningless if the outcome denies these principles. This discussion is one that is far greater than the realm of deliberative democracy. In fact, it extends as far as the concept of liberalism itself, which will be discussed in the section detailing deliberative democracy in Israel.

For my purposes, I employ both a substantive or ‘thick’ definition of both deliberation and democracy as well as ‘thin’ or procedural one. If there is no focus on the outcome of the procedure and concepts such as justice are not intricately woven into the fabric of deliberative criteria and practices; that is no guidelines would be in place to ensure that voice and respect for the minority voices that the process seeks to empower. The following section shall therefore

outline substantive components that I believe are key to a meaningful definition of deliberative democracy.

### **3.3 Reciprocity**

Gutmann and Thompson (2002) contend that reciprocity suggests that citizens owe one another justifications for the decisions they arrive at (p.2). While the authors recognize that reciprocity is key to liberal, constitutional and procedural variations of democracy, they argue that it plays the most important role in the deliberative variation (p.1).

Moreover, since the principle of reciprocity is based on social cooperation, with the goal of reaching political agreement, this process should take place in the public, rather than private sphere (Gutmann & Thompson, 2002, p.3). Ideally, then, the process would not take place to make citizens *feel* as if they are part of the political process, but to ensure that they *are* and that the laws that are enacted as a result, were reached in a *fair and just* process.

Another outcome of deliberation involves the way it makes participants treat each other. "Citizens show respect to one another by recognizing their obligation to justify to one another (in terms that permit reasonable disagreement) the laws and policies that govern their public life" (Gutmann & Thompson, 2004, p.134). Adversaries are no longer nameless or faceless objects; rather, they are humanized through the process of deliberation. As a result, decisions are likely to be morally-justifiable and legitimate if they must be justified and acceptable to everyone involved.

It can be argued that the focus of deliberative democracy is still only procedural - the very word 'deliberative' is in fact process-oriented. The difference between deliberative democracy and other forms of democracy, however, is that in the variety of deliberative democracy that I support (and will outline in subsequent sections), the process itself incorporates key substantive elements. By making notions of justice and fairness integral to the process, we are in fact focusing on the outcome as well. For example, if a policy forum were to be held and half the participants had been systematically disadvantaged over time prior to the meeting, deliberative democratic principles would hold that such disadvantage was recognized and addressed appropriately. How? The process would not reflect prior processes where power imbalances defined who could speak and the content of speech. As a result, the composition of the group might be the first focus: ensuring that each group is properly represented (either proportionally, equally or another way to ensure that minority voices are heard) becomes important. Anyone who would like to speak could do so and solutions to problems would have to be reasoned on principles of justice and fairness *as they relate to everyone* involved in the process. In the end, both the process and the outcome of deliberation are important and both are grounded in the concept of legitimacy.

Once we have identified the principles central to the design of a deliberative model, the challenge of tailoring that model for a society ensnared in protracted conflict still remains. The following section outlines the variety of

deliberative democracy I support for mitigating ethnic cleavages in divided societies.

### **3.4 Contesting Discourse: Deliberative Democracy in Divided Societies**

Deliberative democratic solutions in conflict-ridden societies must be able to flourish despite the following (non-exhaustive) list of characteristics affecting its political and social climate:

- Illiberal state practices
- Formal inequality between citizens
- Polarized and hardened identities
- Extremist factions
- Instability and violence

Clearly, the conditions in a divided state mired by protracted conflict do not present the ideal conditions for the immediate adoption of any democratic practice, deliberative ones included. While the conditions may be unfavourable, Dryzek (2001) outlines a form of deliberative democracy that is both effective and responsive to the characteristics of a divided state and more importantly to hardened identities. Dryzek sees deliberation as the contestation of discourses in public spheres and suggests that

we recognize that the public sphere is at any time home to constellations of discourses. A discourse may be defined in un-Habermasian terms as a shared way of comprehending the world embedded in language. In this sense, a discourse will always feature particular assumptions, judgments, contentions, dispositions, and capabilities. These common terms mean that adherents of a given discourse will be able to recognize and process sensory inputs into coherent stories or accounts, which in turn can be shared in intersubjectively meaningful fashion.

Accordingly, any discourse will have at its center a story line, which may involve opinions about both facts and values. (2001, p.657).

Regarding the location of this discussion, Dryzek notes that influential deliberative democratic theorists such as Jürgen Habermas champion the public sphere as one of the most important and effective locations for deliberation to occur (2001, p.657). Benhabib also believes that the processes of deliberative democracy can take place in an “anonymous public conversation” in “interlocking and overlapping networks and associations of deliberation, contestation, and argumentation (quoted in Dryzek, 2001, p.657).

What, then, would this kind of deliberation look like? Dryzek believes that “many forms of communication can be welcomed (including gossip, jokes, performances) provided they are (1) capable of inducing reflection, (2) noncoercive, and (3) capable of connecting the particular experience of an individual, group, or category with some more general principle” (p.660). Fung (2003, pp.338-367) argues that “cold” situations (i.e. educational settings, deliberative polls) where participants are not put under pressure to change their minds on the spot are much more conducive to deliberation than “hot” settings (i.e. formal policy forums) where partisans will lose face if they change their minds. Dryzek (2005, p.229) notes that “deliberation tied to sovereign authority in divided societies is about as “hot” a setting as one can imagine”. He argues that “locating deliberation in the engagement of discourses in the public sphere avoids this problem because reflection is a diffuse process, taking effect over time” (p.229).

### **3.5 Assessing Deliberative Democratic Practices in Areas of Conflict**

We can assess the value in using deliberative democratic processes, specifically that of contesting discourse, by relating the practice to the set of actions needed to build peaceful relations mentioned in section II: a) Institutional reforms to structure political choices towards the pursuit of absolute rather than relative gain b) Identifying and addressing grievances that contribute to the hardening of collective identities, and c) Institutionalizing mechanisms for non-violent political change and(re)creating boundaries on the use of force (Busumtwi-Sam,2002, p.106). I argue that the deliberative democratic practice of contesting discourse can convincingly work with criteria (a) and (b) and can eventually impact (c). The following section shall discuss the applicability of deliberative democratic principles to aspects (a) and (b) of Busumtwi-Sam's peacebuilding theory.

#### **3.5.1 Structuring Political Choices to Support Absolute Gain**

Busumtwi-Sam notes that "[t]he goal is to achieve a degree of political stability through measures that reduce the disparity between the goals of contending groups, and thereby reduce relative gains considerations. This entails the establishment of broad-based consultative processes to achieve substantive agreement on the nature of the political game, measures designed for reconciliation with and accommodation of alienated groups" (2002, p.106). The objective then is to focus on bridging the gap between groups and creating processes where alienated groups are included, listened to and respected. Agreement arises from consultation, discussion and deliberation between

groups. Absolute, rather than relative gains are focused on in order to create a shared vision for the future.

Thus far, the process supported in peacebuilding literature appears to complement deliberative democratic processes well. Both call for the inclusion of minority groups, discussion, deliberation, accommodation and a remodeling of the political game and its rules.

### **3.5.2 Reversing the Hardening of Collective Identities**

It is in this complex area that I believe the deliberative democratic processes of contesting discourse can really succeed. Clearly, grievances of disadvantaged and marginalized groups must be taken seriously. “To the extent that mobilization and politicization of collective identity occurs in relation to specific grievances, then, in addition to the kinds of political reforms outlined earlier, sustaining peace requires measures to de-link hardened identities from the issues/contexts within which they are embedded” (Busumtwi-Sam, 2002, p.106). Understanding and addressing the bases for social differentiation is extremely important and key to peaceful relations.

Although it is certainly a sensitive topic, deliberative democratic processes can accommodate discussions and interactions surrounding the issue of social differentiation and its impact on identity and consequently state practice. Of the three tests Dryzek outlines “to secure the intersubjective understanding prized by deliberative democrats” (2005, p.224), the third [that communication must be “capable of linking the particular experience of an individual or group with some

more general point or principle” (p.224)] relates specifically to the issue of de-linking hardened identities from the issues/contexts they are embedded in. For example, “A harrowing story of (say) rape and murder in a Bosnian village can be told in terms of guilt of one ethnic group and violated innocence of another—fuel for revenge. But the story can also be told in terms of violation of basic principles of humanity that apply to all ethnicities, making reconciliation at least conceivable (not easy)” (p.224).

Deliberative democratic practices, as outlined by Dryzek, encourage recognizing the intersubjectivity of identities and the need to de-link them from past contexts by reframing the issue. The notion of contesting discourse in the public sphere supports using principles of social cooperation to address past grievances. The process is therefore capable of tackling grievances over the distribution of political membership, political power, values and resources—contests over which create conflict in the first place.

Deliberative democratic practices appear to be strongly compatible with the principles of peacebuilding. Both seek to build more legitimate institutions that foster trust, understanding and stronger notions of civil society and civic identity. Deliberative democracy’s focus on legitimacy builds the confidence of disadvantaged minority groups in political processes and increases tolerance for citizens who do not share the same beliefs. Williams (2004, p. 102) notes that “the concept of legitimacy rests on the notion that political decisions that affect the lives of individuals should be justifiable to those individuals through reasons



that they can accept as valid". Since these justifications are not taking place at the state level, other avenues may prove to be more useful.

## **4 THE CASE OF ISRAEL**

With the theoretical foundations needed to analyze conflict addressed, we can now consider whether this theory can be practically applied to the case of Israel. I shall begin by mirroring the format outlined in the first section, first by deconstructing Jewish identity and applying a constructivist lens to it. I will then outline the impact of hardened Jewish collective identity on government practices, focusing on how the distribution of political power, political membership, values and resources has consistently excluded Palestinians. Following this, I will use a case study to demonstrate how an approach based on contesting discourse deliberative democratic processes may provide a hopeful alternative.

### **4.1 Assessing Deliberative Democratic Practices in Areas of Conflict**

While many Jews and certainly early Zionists promote a primordial and messianic identity, this paper shall focus on demonstrating, as Benedict Anderson (1983) does, that national identity is imagined (i.e. socially constructed). While the kinship nationalists feel is certainly real, the community they believe is innate is in fact, an 'imagined' and constructed entity. Anderson argues that the nation is "imagined because the members of even the smallest nation will never know most of their fellow-members, meet them or even hear of them, yet in the minds of each lives the image of their communion" (p. 15).

#### 4.1.1 Creating Myths of Kinship

Israeli leaders, past and present, as well as Zionists such as Theodore Herzl, have argued for the preexisting nature of the nation and its perennial or reoccurring form. As former Israeli Prime Minister Benjamin Netanyahu explains (1998): “We [Jews] have come back to our ancient homeland. We’ve restored our sovereignty. We’ve reunited our capital, Jerusalem.” He goes on to discuss the “rebirth” of Israel at length. There is an implicit notion that the citizens of Israel are not strangers, rather, they are brethren reunited after thousands of years of separation or diaspora and persecution.

Understanding the diaspora and the ensuing persecution is key to understanding Zionism. Zionism, the movement which propelled the creation of the state of Israel, posits that the return to Palestine is a final step in a journey of roughly 3,000 years. While Herzl was not the first one to suggest the establishment of a state for Jews, he was the one who most systematically planned the elevation of his vision into a program of action. By 1895 he judged the efforts to combat anti-semitism to be futile and composed the first draft of his pamphlet, *Der Judenstaat* between June and July of 1895. Herzl called for the establishment of a model and tolerant, civil, Jewish state, which, while not a theocracy, would ‘rebuild the Temple in glorious remembrance of the faith of our fathers’. He summed up, “We shall live at last as free men, on our own soil, and die peacefully in our own home” (quoted in Prior, 1999, p.4).

Herzl insisted that Jews constituted one people and spoke of the ‘distinctive nationality of Jews’. Wherever they were, they were destined to be persecuted. It is important to note the inevitability of the Zionist mentality.

Explaining the state of affairs, Herzl states "We have sincerely tried everywhere to merge with the national communities in which we live, seeking only to preserve the faith of our fathers. It is not permitted us" (quoted in Prior, 1999, p.39). Anti-semitism was a national question, more than a social, civil rights or religious issue, and could only be solved by making it a political world-question. The solution to the Jewish Question could be achieved only through 'the restoration of the Jewish State', in which sovereignty would be granted over a portion of the globe large enough to satisfy the rightful requirements of a nation.

Concerning whether the state should be established in Argentina or Palestine, he said, "Palestine is our ever-memorable historic home. The very name Palestine would attract our people with a force of marvellous potency" (p.39). While there were many other states on the table for discussion, Palestine gained the most popularity: from 1882 to 1918, the Jewish population in Palestine doubled, growing from 24,000 to 56,000 people (Prior, 1999, p.39). Although Herzl's idea gained popularity, it was not, however, until World War 1 and the Balfour Declaration, that the status of Zionism improved dramatically.

The Balfour Declaration laid the foundation for official Jewish state-building. Between 1918 and 1931, the Jewish population tripled itself, increasing from 56,000 to 175,000 (Prior, 1999, p.121). Jews from all over Eastern and Western Europe as well as North Africa migrated to the new unofficial homeland in great numbers. While Arabs and Jews coexisted during this time, there is no denying the uneven growth among the two. While Zionist arguments explain the

transition from diaspora to settlement as an inevitable destiny, the constructivist approach argues otherwise.

#### **4.1.2 Formation of Hardened Identity**

Although the belief that the establishment of the Kingdom of Israel after the Exodus represented the fulfillment of God's promise to the Jews, as Dr. William Cleveland argues "the dream of the return was also kept alive by more tangible needs" (Cleveland, 2000, p.234). The Jews have suffered persecution for millenia. Discriminated against by governments and private individuals alike, European Jews were subject to restrictions forbidding them from entering certain professions, denying them access to universities, barring them from state employment, and confining them to specific areas of residence. In the face of oppression and prejudice, the visionary belief in an eventual return to Zion offered Jews a measure of hope with which to endure the hard reality of the Diaspora and more recently, the terrible massacres of the Holocaust where upwards of six million Jews lost their lives.

### **4.2 Understanding Zionism Through The Constructivist Lens**

*Constructivism demonstrates that even our most enduring institutions are based on collective understandings; that they are reified structures that were once upon a time conceived ex nihilo by human consciousness; and that these understandings were subsequently diffused and consolidated until they were taken for granted. (Adler, 1997, p. 322).*

Considering that Jews have immigrated into Israel from dozens of already formed states and possess their own cultures, and considering that some speak Hebrew, others Russian and English etc., and considering some are secular and some

are Orthodox and some are moderate, it appears clear that whatever ties this community is very strong. There is no shared history, other than that of persecution and ancestral history which dates back to *David and Solomon*, 3000 years ago. This lack of an apparent shared history contributes strongly to the case that the institution of Zionism is a reified structure conceived by the Jewish consciousness – the spread of which took place over decades and is so ingrained in today's conception of Jewish identity that non-Zionist Jews are seen as odd. The Zionist mentality was both shaped by and currently shapes the institutions of the time. It is both the result and the process of identity creation. More importantly, Israeli Jewish identity has been constructed and reconstructed through a series of historical events in certain situations and contexts. As Busumtwi-Sam notes, "group identity, then, exhibits elements of both fluidity and fixity/continuity" (2002, p.98).

As in many situations of protracted conflict, the most important fact about collective identities is in the question of who gets to be counted as a member. This is dependent on the political context and not a fixed entity (Busumtwi-Sam, 2002, p.98). Group identities can only be called up if there exists a certain set of prior conditions and the opportunity to coalesce. Mobilizing such identities, the hardening of identity that I have alluded to, takes place when "specific grievances such as political repression, economic marginalization and exclusion" (p.98) occur. In the Jewish case, all conditions were present: a prior set of conditions existed, the opportunity was available and Jews were being persecuted around the world.

One of the main reasons that I have focused on understanding Jewish identity and Zionist principles is the impact both have had on government policies, specifically in relation to the treatment of Israel's Palestinian population and its effect on relations between the two groups. The following section shall attempt to show how Jewish identity has affected Israeli policies.

### **4.3 The Impact Of Zionism On Government Policies**

If we wish to understand why current peacebuilding/peacemaking strategies are not working in Israel, it is first necessary to understand the Israeli political regime's treatment of Palestinians, by considering how the hardening of Jewish identity has been translated into discriminatory formal institutions and government policy. As previously mentioned, Israel became a formal entity amidst a climate of fear and a history of persecution. This fear of persecution formed the basis of many controversial Israeli laws. Tensions and hostilities existed right from the beginning; although the Declaration of Independence proclaimed Israel to be a Jewish state, more than 930,000 members of its population were not Jewish (ADALAH).

During the 1948 Arab-Israeli war that immediately followed the creation of the state of Israel, approximately 780,000 of the pre-1948 Palestinian population fled or were expelled, forced to become refugees in the neighboring Arab states and in the West. Today, Palestinians are the state's largest minority and make up roughly 20% of Israel's population, numbering over 1,200,000. 81 % are Muslim, 10% are Christian and 9% are Druze (ADALAH).

### 4.3.1 Distribution of Political Membership

The *Declaration of Independence* (1948) states that

The state of Israel . . . will be based on the precepts of liberty, justice and peace taught by the Hebrew Prophets; will uphold the full social and political equality of all its citizens, without distinction of race, creed or sex; will guarantee full freedom of conscience, worship, education and culture; will safeguard the sanctity and inviolability of the shrines and Holy Places of all religions; and will dedicate itself to the principles of the Charter of the United Nations.

While the right to equality of all citizens is championed in this document, other documents and laws contradict this objective.

Israel does not have a formal constitution; instead, a series of *Basic Laws* form the equivalent. Notably, however, these laws do not include the right to equality and actually allocate rights on the basis of religion. Section 1A of the *Basic Laws* states that it aims to anchor “the values of the State of Israel as a Jewish and democratic state”. ADALAH, a human rights organization for the rights of the Arab minority, notes that given the lack of constitutional protections of equality for all citizens, the emphasis on the Jewish nature of the State translates to state sponsored discrimination. This discrimination is visible in a number of laws, some of which will be outlined in the following section.

The *Law of Return* (1950) grants every Jew the right to immigrate to Israel and forbids the return of all Palestinians who fled during the 1948 war. The *Nationality Law* (1952) automatically grants citizenship to all Jews who have immigrated, and also to their spouses, children, grandchildren, and all their spouses. This privilege is for Jews only. Palestinian Arabs can only achieve



citizenship by birth, residence (after meeting a cumulative list of conditions) or naturalization.

Further, the *Jewish Agency Law* (1952) has declared that the Jewish National Fund, Jewish Agency, and World Zionist Organization have special constitutional status in Israel and are known as quasi-governmental bodies. All of these organizations are Jewish in nature and aim explicitly to benefit Jews only. Most importantly, they are authorized to perform certain governmental functions, including developing land and housing projects and settlements.

No such benefits extend to the Palestinian Arab minority. As a result, state laws systematically distinguish between Jews and non-Jews and disadvantage Palestinians. David Kretzmer, United Nations Human Rights Committee Member has noted that "It implies that on a decidedly fundamental level there is no real equality between Arab and Jew in Israel. The state is the state of the Jews, both those presently resident on the country as well as those resident abroad. Even if the Arabs have equal rights on all other levels the signal is there: Israel is not their state" (Kretzmer, pp. 42-43). It is also worth noting that Palestinians are discriminated against with respect to their participation in the military. A number of government sponsored benefits are given to those who serve in the Israeli Defense Force. The *Defense Army of Israel Ordinance* (1948) states that because of the nature of conflict (Israel was and still is in conflict with Palestinians in the Occupied Territories), with the exception of certain Druze and Bedouin men, non-Jews are not permitted to serve and consequently do not

receive the same benefits. The Jewish and Zionist identity, then, has been imprinted on almost every aspect of daily life. Any lasting solution to this conflict *must* therefore address existing institutional discrimination.

#### **4.3.2 Distribution of Political Power**

It has been established that free, regular and genuine elections are an important part of any democracy. Held every four years, elections in Israel are open to all citizens over the age of 18, including Arab-Israelis.

Israel's electoral system is based on proportional representation. The number of seats that each list receives in the Knesset - the House of Representatives - is proportional to the number of votes it received. The only limitation on a list that participates in the elections being elected is that it should pass the qualifying threshold, which is currently 1.5% (Israeli Ministry of Foreign Affairs). Powers are separated between the legislature, executive branch and the judiciary. The Knesset, or legislative branch, possess the authority to enact laws. The following section shall demonstrate that while there may be Palestinians present in the Israeli legislature, Palestinian views are not being effectively represented, thus practically eliminating prospects for meaningful deliberation on basic issues.

Arab-Israelis have the right to run for parliament; their platforms, however, are limited by their acceptance of the Jewish basis of Israel. Included in the *Basic Laws*, is the *Law of Political Parties* (1992) which prevents candidates from participating in elections if their platform suggests the "denial of the State of

Israel as the state of the Jewish people". This statement effectively bans any party platform that champions a full and complete equality and citizenship for all of Israel's citizens (ADALAH). Moreover, this means that inside the Knesset, representatives are also not allowed to argue for the complete equality and citizenship of all citizens.

It follows, logically, that if Israeli-Arabs are clamoring for equal rights, their representatives, whether Arab or Jewish, cannot be responsive to their requests or interests. Meaningful representation becomes extremely limited when by *law*, representatives are prevented from being accountable to one of the most significant interests of the largest minority. The problem is that while Arabs make up more than 20% of the population, they make up only 8 of the 120, or 7% of the seats in Parliament. Most importantly, the majority of the remaining seats are held by parties such as Likud, Shas, United Torah Judaism and the National Religious Party who have a consistent and long record of both neglect and active aversion to supporting the rights of the Palestinian minority. As well, the executive branch of Parliament, ministers elected by the Prime Minister, does not contain one Palestinian.

#### **4.4 Specific Grievances**

Each conflict possesses its own complexities and particulars. One of the reasons that past peace agreements have failed in Israel is the lack of care and attention given to issues important specifically to Palestinians . The following section shall detail these specifics.

#### **4.4.1 Self-Determination and Land**

During the 1948 Arab-Israeli war that immediately followed the creation of the state of Israel, approximately 780,000 of the pre-1948 Palestinian population fled or was expelled, forced to become refugees in the neighboring Arab states and in the West. Before the birth of Israel, the land was populated by a majority of Palestinians. Prior to 1948, Jews owned 6-7% of the land in the region. During the next four decades, 80% of Palestinian land was confiscated and today over 93% of the territory is under Israeli state control (ADALAH). Moreover, the West Bank and Gaza Strip are separated by over 400km. Despite the fact that creating a Palestinian state with only these two portions of land is a logistical nightmare, Palestinians have continuously clamored for their own state.

#### **4.4.2 Refugees And The Right Of Return**

Secondly, there is the question of Palestinian refugees. The United Nations Relief and Works Agency (UNRWA) notes that there are over 4 million registered Palestinian refugees living primarily in the West Bank, Gaza, Syria, Lebanon, Jordan, and Egypt. While the Israeli government maintains that such refugees left of their own free will before the 1948 war and after, the refugees argue that they were expelled. Either way, the 1948 *Law of Return* states that no one who fled/left the country in 1948 can return. As a result, generations of Palestinians have grown up in refugee camps and settlements around the Middle East. Unwelcome in neighbouring states and at 'home', the question of what to do with this group is a big part of any long-term peace settlement. Since they fled/were expelled, Israelis have now taken over their homes – they clearly

cannot go back to where they came from without uprooting millions of Israelis. The West Bank and Gaza are in no state to receive them and even if they did, these areas are no more of a home to refugees than neighbouring Arab states.

#### **4.4.3 Jerusalem**

Thirdly and arguably most problematic is the question of Jerusalem. Jerusalem is the centre of the Jewish faith and the third holiest site for Muslims. It is also of paramount importance to Christians. The Old City, which is home to the Wailing Wall, The Dome of the Rock (Masjid Al-Aqsa), the Via Dolorosa and the Church of the Holy Sepulchre, is a tiny area. The Dome of the Rock is no more than 300m from the Wailing Wall. It is impossible to divide – deciding who gets control of what area has been an unsolvable question.

## **5 POSSIBILITIES FOR DELIBERATIVE DEMOCRATIC PROCESSES IN ISRAEL**

### **5.1 Deliberative Democracy Outside Formal Institutions: Setting Parameters For Success**

As outlined in section II, the possibilities for what deliberative democracy might actually entail are endless. From institutional models to citizens' assemblies and interest groups, there are clearly a variety of ways the process can be enacted. If the notions of identity discussed in earlier sections of the paper are recalled, it becomes evident that a more grassroots level of deliberation is necessary before moving on to the state or institutional level. To deliberate at higher institutionalized levels of political representation, Israeli and Palestinian citizens must first become less polarized. Creating *binding legislation* as a goal of deliberative democracy in Israel is unlikely. While there are many convincing and morally justifiable reasons for the State to adopt more liberal democratic policies, this paper contends that this is currently not a realistic expectation, but rather a goal to be worked towards. What, then, are the possibilities and what can be considered successful adoption of such policies?

The latter question shall determine the parameters for the solution to the first question. Since this paper argues that short-term institutional change is unlikely, successful implementation of deliberative democratic policies will have to take place outside the realm of the state and rest with civil society. To be sure,

this does limit the scope of activity. It does not, however, limit the possibilities of grassroots change. Today, there are a number of groups such as *B'tslem*, where both Palestinians and Israelis work together on educating citizenry on human rights and peace education. There are Israeli academics such as Ilan Pappé, who are choosing to speak out against Israeli State policy and who advocate for Palestinian rights. I believe that it is in this realm that sustainable and meaningful discussion can begin.

Even more significant is the impact of deliberative democracy in processes of reconciliation or healing of past wounds. While reconciliation in South Africa “offered amnesty for any person who was prepared to make a full public confession and who was politically motivated” (Ali & Matthews, 2004, p.420), reconciliatory practices can exist in other less ambitious yet significant ways as well. In practice, one of the most ideal locations to employ deliberative, reconciliatory practices is in the school system (Gutmann and Thompson, 2004, p. 61). “To prepare their students for citizenship in a deliberative democracy, schools should aim to develop the capacities of students to understand different perspectives, communicate their understandings to other people, and engage in the give-and-take of moral argument with a view toward making mutually justifiable decisions” (p. 61). In fact, such an experiment has already been undertaken in Israel, with relatively positive results. The following section shall briefly explain the experiment as well as outline relevant and applicable lessons learned.

## **5.2 Applying Deliberative Principles To Citizenship Education**

The Center for Bilingual Education in Israel was established in 1997 with the goal of “initiating and fostering egalitarian Arab-Jewish cooperation in education, mainly through the development of bilingual and multicultural coeducational institutions” (Bekerman, 2004, p. 581).

The schools are nonreligious and are supported by the Israeli Ministry of Education. The curriculum used is the standard curriculum of the state non religious school system, with the pivotal difference that both Hebrew and Arabic are used as languages of instruction. Based on supporting studies that show that children who learn both their mother tongue as well as another language are more likely to tolerate others, the Center for Bilingual education posits that focusing on achieving bilingualism “can be instrumental in deepening each group’s understanding of the other and enable the development of positive relationships between groups” (quoted in Bekerman, 2004, p.581). The organization contends that by learning Hebrew, Palestinian children will become competent in language skills integral to their integration and success in Israeli society. By learning Arabic, Jewish children will be better prepared for future interactions with Arabs, as dictated by the peace process (p.582).

The central aim is to develop a new educational scheme for integrated Jewish-Palestinian schools. Here, “children, parents and the rest of the community, together with governmental institutions focus on creating a cooperative framework that allows all involved to study and develop together while sustaining each groups’ particular language and cultural traditions and



even strengthening them while learning about the other group on the basis of equality and mutual respect” (Bekerman, 2004, p.582). While it is beyond the scope of this paper to outline all the details of the study, it should be noted that during the school year, the program ran in elementary schools, from first to third grade. In the Jerusalem school, 37 Palestinian children and 26 Jewish children were enrolled. In the Upper Galilee, 41 Palestinian children and 35 Jewish children attended. Parents from the two groups were described as belonging to the upper middle class in Israeli society (p.583). In each class, there was a Palestinian and a Jewish teacher. Finally, the study was based upon outcomes of four religious/ceremonial events designed to symbolize the relationship between the two groups. Due to length constraints, I shall focus on two: (1) The Festival of Lights, which combines the traditional religious ceremonies of Hanukkah (an eight day Jewish celebration commemorating the rededication of the Temple of Jerusalem in 165 BC), Eid Al-Fitr (the Muslim holiday celebrating the end of the month of Ramadan (fasting)) and Christmas (the Christian holiday celebrating the birth of Christ) and (2) The Naqba (catastrophe) and Memorial Day commemorations. The Naqba and Memorial Day are two representations of the same event – for Palestinians, it symbolizes the catastrophe of the war of 1948, the loss of territory and the creation of the State of Israel. For Jews, it is a day to remember all those who lost their lives so that the State of Israel could exist. The celebration of Independence Day immediately follows Memorial Day commemorations. I will outline both events and assess and explain their impact as deliberative democratic practices afterwards.

### **5.2.1 The Festival of Lights**

Bekerman (p. 592) notes that this combination of festivals “had been conceived from the start of the integrated educational initiative as a strong statement regarding the schools’ commitment to the cultural recognition of all groups involved”. To be sure, this kind of joint celebration has little, if any, history of occurring in any government-funded Israeli school. The author observes that on the day of the event, the walls are decorated with symbols from all three religious traditions and that all groups get equal stage time during the presentation. The event goes well (all groups sing together) and it appears that the event was a success (p.593). “The effort to create symmetry between the traditions was expressed in the way the stage and the decorations were constructed and presented, as well as in the amount of time allotted to the different festival represented (p.594).

Upon closer inspection, however, the author notes that two of the festivals, Hannukah and Christmas, were symbolically diluted in order to avoid conflicting nationalistic aspects linked to the Zionist Hannukah tradition (p.594). The story of the rededication of the Temple is also avoided, “presumably to avoid allusions to the disputed sovereignty over Jerusalem and the restoration of the Third Temple in place of the present Dome of the Rock, as advocated by certain extreme right-wing groups” (p.595). As mentioned in the section detailing particulars of the Palestinian/Israeli conflict, the question of Jerusalem is a highly contested and very sensitive issue.

Finally, while the Christian celebration of Christmas is devoid of nationalistic overtones, Christianity is often “historically identified by Jews as the

reason for anti-Semitic persecutions culminating in the Nazi Holocaust. In this sense, Jesus, the Christian Messiah figure, could have been seen as a threat to Jews and was therefore neutralized” (p.595). Instead of it being the birthday of the Messiah, the event is represented as the beginning of the New Year.

In an ironic twist, the Muslim celebration of Eid Al-Fitr was changed the least. In this particular case, the event symbolized no tangible threat to Judaism or Christianity and was therefore represented more honestly.

### **5.2.2 The Naqba and Memorial Day Commemoration**

Although the religious celebrations were commemorated together, these two events recognized both national traditions separately – “a radically different structure” than the rest of the united celebrations that took place (p.596). Unlike the Festival of Lights, only students were invited to the national events, with parents participating in after-school activities. The children prepared interviews for family members who had lived through the past events and classroom displays were set up to show both interpretations of the day.

In standard Jewish schools, Memorial Day is recognized by “the use of state symbols, menorahs, flags, and the Israeli Declaration of Independence. The ceremony starts when a siren is sounded at 11:00am for 2 minutes followed by a Yizkor prayer written especially for this day” (p.596). Following these traditions in a bilingual, multicultural school seemed problematic for the Centre for Bilingual Education so parents of the students were invited to participate in evening workshops designed to allow parents to both relate their own feelings and stories about the events and express their ideas on how to successfully treat the issues

in the school. While some parents were inclined to hold a joint ceremony, everyone agreed to hold two ceremonies, one for Jewish children in recognition of the lives sacrificed for the State of Israel and one for Palestinian children in recognition of the catastrophic results created in 1948.

In contrast to the high levels of excitement that had preceded the school's evening celebration of the Festival of Lights, preparations for this event were filled with tension. On the actual day, the children separated according to ethnicity and conducted their own commemorative acts. Bekerman notes that "some of the rhetoric used could be characterized as much more ethnocentric and nationalistic than the rhetoric used during regular joint classes" (p.598).

At the end of both events, students reassembled together and shared their experiences. For the next hour, teachers initiated a discussion about peace and coexistence.

### **5.3 Lessons Learned: An Exercise in Deliberative Democracy**

This experiment is a modest, but significant and excellent example of putting deliberative democratic principles to work. Firstly, the principle of inclusion was present. In the Festival of Lights, all three faiths were recognized and celebrated. Each group's traditions were respected (illustrated by equal stage time) and social cooperation was the focus of every activity. No group was given a privileged position and just, fair standards were employed throughout. Even though students ended up commemorating the Naqba and Memorial Day events separately, parents were invited to evening workshops to discuss and share their views.

This aspect of deliberation is notable. While it might have been ideal for Jewish parents to recognize the disastrous effect the creation of the State of Israel had on Palestinians, and while it might have been ideal for Palestinian parents to understand the need for Israeli Jews to commemorate their fallen soldiers, this ideal is unrealistic. Adam and Adam (2000) note that “[c]ollective memory constitutes the informal, widely accepted perceptions of past events in which the collective identity of a people is mirrored. This identity is strongly influenced by the official definitions, rituals and laws of the state” (p.32-33). The authors note further that “[d]ivided memories exist when sizeable groups within the same state simultaneously attribute different meanings to the same history” (p.33). This is true of The Naqba and Memorial Day in Israel: two names for the same event with two entirely different interpretations. It cannot be expected that the simple process of discussion will result in ideal solutions and erase more than 50 years of memory and tradition – especially during the first weeks and months of such a social experiment.

It appears that the school’s goal of creating an environment built on tolerance and understanding apparently requires at least the initial revision of cultural markers. Both Jews and Christians had to leave out central national and religious figures in the public presentation. Bekerman notes that everyone involved still seemed satisfied, despite the dilution. Bekerman quotes Don Handelman (1990), who states that “[p]ublic events are locations of communication that convey participants into versions of social worlds in relatively

coherent ways...Not only may they affect social life, they may also effect it” (p.596).

Even though the Jews and Christians did not include Judah and Jesus, respectively, there was still a limited recognition from all parties involved of the value inherent in each culture. That recognition, or value, given to a culture other than one’s own is formidable in a liberal society; it is an even greater step in a illiberal society. Bekerman explains that “this public event is a construct dedicated to the making of a new order of peace and coexistence” (p.596). Therefore, while noting that Judah and Jesus are absent is important, it does not take away from the greater meaning of the event.

#### **5.4 An Exercise in Peacebuilding**

This experiment took very simple but important steps to begin using the two needed actions for building peaceful relations. I shall analyze the experiment as it relates to each. I outlined earlier that the first change necessary to effect change is that institutional reforms must structure political choices towards the pursuit of absolute rather than relative gain. The whole goal of teaching Palestinian and Jewish children together is one that fosters the principles of absolute gain. Contrary to past experiences, Palestinians are not disadvantaged and are afforded the same opportunities as their Jewish counterparts. Traditional structures privileging Jewish identity do not exist in this setting.

The second change required involves identifying and addressing grievances that contribute to the hardening of collective identities. The commemorations of the Naqba and Memorial Day were clearly problematic very

early on. The school recognized this and invited parents to come and discuss the issue, share their views and make suggestions. At this meeting, the discussions about participants' experiences were very candid and honest. Ideally, this would have been a chance for minority Palestinian grievances of land appropriation, refugee issues and questions of political membership to surface and be addressed and reflected in the classroom. One of the principles of deliberative democracy, however, is the importance of change *over time*. The very fact that Palestinian parents had a forum to discuss their grievances is both innovative and the beginning of a (hopefully) deeper, more effective process that leads to a lasting reconciliation.

The final change needed for building peace is the institutionalization of mechanisms for non-violent political change and the recreation of clear constraints on the use of force. Clearly, the experiment in the Israeli school is not going to result in immediate large scale institutional mechanisms for non-violent political change. Nonetheless, the principles employed in the experiment support non-violent political change and actively support a variety of different mechanisms to encourage the latter. I mentioned earlier that in protracted conflicts, there is a fundamental dispute over what the rules governing political and social behaviour and that peacebuilding strategies must redefine accepted practices and behaviours. The experiment adopted this principle very clearly – the Centre for Bilingual Education and the students' parents came together to redefine relationships between Palestinian and Jewish students. They attempted to redefine the educational experience.

Lastly, Ali and Matthews (2004, p.7) note that “peacebuilding thus constitutes effecting movement from what is sometimes called a condition of negative peace – one in which the principal characteristic is the mere absence of violence- to one of positive peace, a condition of stable and widening shared values”. The authors note that this transition can take result from two pressures. Government policies and actions approach the issue from the top-down. “Alternatively, pressures resulting from attitudes and socio-economic circumstances of ordinary people and from the actions undertaken by the groups, organizations, and smaller communities that make up the larger society may lead to the superseding of conflict from the bottom-up” (Ali & Matthews, 2004, p.7). In this way, using deliberative democratic processes, this small community of parents, teachers and students is working to effect change from the bottom-up.

The goal of outlining this social experiment was to demonstrate that efforts have been made to encourage deliberation, even amongst young children. Moreover, the results have been positive and are always in need of revision, a characteristic of deliberative democracy that Gutmann and Thompson (2004) champion. Writing about more formal processes, the authors posit that “deliberative institutions also should recognize the provisional nature of principles (and the decisions they justify) by providing mechanisms for regular reconsideration of decisions. Deliberative democrats should thus support reiterative processes in which proposals are modified through a sequence of responses and counter responses” (p.60). Change and dynamism, then, are key components of a working definition of deliberative democracy. Just because the



outcome of the educational experiment was not ideal, it does not mean that the process was a failure. In fact, when the component of deliberation over time is recalled, the outcome can be seen as the first step of many towards greater systemic change.

## 6 CONCLUSION

### 6.1 Limitations and Criticisms

The majority of practical criticisms leveled at theories of deliberative democracy (and there are many) do not apply to the processes I outline. Questions of the plausibility of large-scale, formal deliberative processes where major policy outcomes are desired are irrelevant to the discussion outlined in this paper.

Regarding the need to exclude citizens due to space or time constraints, Dryzek notes that “it does not *require* any exclusions - not even exclusions based on not being selected at random for a citizen’s jury, or not being elected to parliament, or on apathy, or on a choice not to exercise deliberative citizenship rights. At any given time, the contestation of discourses can be engaged by the many or the few, or indeed by none” (2001, p.662). Much of the literature surrounding deliberative democratic processes is focused on championing or criticizing the practicality of formal processes (i.e. citizens assemblies and referenda).

If the goal is not to create the conditions for direct democracy (where everyone has a formal say in policy outcome), a number of other useful criticisms also become irrelevant. If contesting discourses in public institutions both formally and informally is the goal, then we need not worry about numbers, bureaucracy, time constraints or redundancy.

There are however, some limitations to the grassroots level form of deliberative democracy that I suggest. Attracting polarized individuals, the

question of consensus and deliberation among those who are unequal in power are issues that encourage any deliberative theorist to proceed with caution.

### **6.1.1 Attracting Polarized Individuals**

The question remains of how to attract those completely polarized individuals to the discussion. Arguing for greater legitimacy, equality and justice has rarely been enough to convince extremists and fundamentalists to champion these normative goals in the name of peace. While deliberative democratic processes have many strengths, they cannot erase a half century of bloody conflict and the polarized identities that have been created as a result. It is both implausible and undesirable to consider forcing anyone to deliberate. It defies both the democratic and deliberative purpose of the process. If deliberation *over time* plays a great role in the success of the process, then its development must be gradual, in every way.

### **6.1.2 Consensus**

One of the main criticisms leveled at deliberative theorists, especially those focused on divided societies, concerns the issue of consensus. How is it possible to imagine that members of opposing groups can ever come to agree on any meaningful decision? Once again, since we are not discussing the plausibility of large, or even small-scale formal processes of deliberation with the goal of changing policy, this criticism is not directly relevant. On the other hand, it is important to point out that for many deliberative democratic theorists, consensus or complete agreement is not the ideal. Dryzek (2001, p. 661) notes that: "The

ideal of consensus has long been rejected by most deliberative democrats, even those sympathetic to the Habermasian tradition where consensus once played a central role in the counterfactual standard of the ideal speech situation, though their opponents have not always noticed. Workable agreements (or what Cass Sunstein calls “incompletely theorized agreements”) in which assent can be secured for courses of action for different reasons are far more plausible”.

The case study experiment demonstrates that even though a true consensus about the Naqba and Memorial Day events did not occur, it does not mean the process of deliberation was a failure. In fact, the forum provided one of the first openings in Israeli history where parents of both Palestinian and Israeli children got together to discuss sensitive and emotionally charged events with the goal of increasing their children’s tolerance and respect for the other.

### **6.1.3 Deliberation Among Unequals**

One of the key criticisms of deliberative democracy is that in practice, deliberation often takes place among participants who are unequal, either socio-economically or otherwise. Fung (2005, p.406) notes that “participants to deliberation are willing to engage in the reciprocal exchange of reasons, but they encounter one another from very unequal professional, economic, political or cultural positions”. While the aim to create a forum based on tolerance and respect is a noble goal, critics argue that it is nearly impossible to erase structures of power. From the question of who decides what questions will be on the agenda, to who decides the identity of participants or how minority voices will

be heard, critics believe that deliberations will only serve to reify pre-existing power structures. “Even with mutual respect and goodwill, the effect of such inequalities may be that certain groups or points of view are underrepresented, some perspectives are silenced, or particular styles of communication are favored” (Fung, 2005, p.406).

While I agree that this problem is only magnified in divided societies, I believe it is one that can be overcome, *provided everyone involved is committed to the principle of reciprocity*. Creating this kind of positive will is undoubtedly a difficult and time-consuming task. The Israeli/Palestinian school experiment, however, proves that in the most protracted and bloody conflicts, there are small pockets of society where a powerful will that champions reciprocal principles is gaining momentum. As of this moment, it is only in the beginning stages, and the power structures and imbalances are affecting potential outcomes so that minority voices are not as strong as they might be under ideal conditions. However, in the early phase of such an impressive endeavour a certain amount of faith must be invoked to deal with these challenges.

## **6.2 Concluding Remarks**

This project has attempted to achieve several objectives: first, to address a gap in much of the literature surrounding the conflict in Israel and Palestine; and second, to propose a means to alleviate the polarization created by the conflict. The paper was not written to suggest a greater solution to the conflict in general, but rather to identify key factors that have served to sustain it. After more than a

half century of fighting, one of the easiest ways of addressing such a situation is to throw one's hands up in frustration and come to simplistic and uninformed conclusions about the nature of conflict and the identities of those involved in it.

Using a constructivist approach I have attempted to demonstrate that complex, protracted conflict can be understood as a relatively predictable response to a certain set of conditions. The conditions may vary, but essentially focus around issues of the distribution of power, political membership as well as values and resources (Busumtwi-Sam, 2002, p.94). Minority groups clash with reigning majority groups when there is a belief that state institutions and the laws that exist as a result are illegitimate and unjust. Any lasting solution must first unravel the identities that sustain such illegitimate practices and must secondly be based on legitimate and just processes and outcomes. I proposed that deliberative democratic processes build the legitimacy necessary to effect modest but significant change and progress at grassroots level.

Some may contend that I have failed to look at the bigger picture of what peace in the region entails: support for a Palestinian state, support for a one-state solution or encouraging the involvement of a neutral third-party mediator. While such criticisms do raise important questions about the future of the state, I consciously chose not to focus on such grand questions but rather, on a small but significant subset of the variables required to understand what lies behind grand questions. And I attempted to show that before asking the populace whether a greater solution lies in the adoption of a one or two state solution, we

must first delineate principles and practices that might shed light on *how* they should come to a conclusion.

I maintain that long-term peace in Israel and Palestine requires, among other things, large scale structural and institutional change. Taiser and Ali argue convincingly that championing principles of justice alone is a necessary but insufficient condition for a lasting peace (2004, p.421). To bring about that socio-economic and political change necessary, the situation in Israel may require the injection of a neutral, third-party mediator. After so much violence and guilt, it may even benefit from methods used in South Africa's Truth and Reconciliation Commission. Whatever the solution may be, it is clear that a shared set of goals for the future is missing. I believe that deliberative democratic principles can be applied effectively to help both parties come to an agreement on the best course of action, both on the small and large scale.

### **6.3 Suggestions For Further Research**

This paper has only begun to address the question of whether deliberative democratic principles can be applied to situations of protracted conflict. There are many questions left unanswered. Would Arab Israelis participating in processes of deliberative democracy in Israel address key issues faced by Palestinians in the Occupied Territories or Palestinians refugees in surrounding states? What are the long term effects of discourse based deliberative democratic processes in divided societies? Can they successfully change deeply embedded ideas and understandings of the world? Can changed ideas at the grass roots level be

translated into change at the state level, resulting in more legitimate political institutions?

One of the most obvious suggestions for further research involves encouraging further study of already existing deliberative democratic processes in both Israel and other states mired in protracted conflict. The case of deliberation in grade school education outlined in this paper is only one of many budding examples of the increase in collaborative projects. The key is searching out other examples and building on current knowledge and practices. Lessons learned from such studies can serve to expand both the realm and goals of deliberative democratic initiatives in divided societies. We could then hope that non-governmental and governmental institutions would start to fund these initiatives more often.

Furthermore, while the Israeli case certainly possesses characteristics that strongly differentiate it from other cases of protracted conflict, there are similarities that make it possible to learn lessons from the examples outlined in previous sections. I outlined a number of characteristics of protracted conflict in general; deliberative democratic principles can be applied and moulded on an individual and case by case basis.



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