

# Palestinian NGOs in Israel: A Campaign for Civic Equality or “Ethnic Civil Society”?

## INTRODUCTION

RESEARCH ON THE POLITICS OF the Palestinian Arab citizens of Israel (PAI) has thus far focused mainly on parliamentary activity. In recent years, the PAI has also been resorting to mobilization through civil society associations, an area that has thus far received little scholarly attention. The absence of a theoretical link between the universalistic assumptions of civil society theories and the particularistic motivations behind communal mobilization has led some observers to assume that PAI non-governmental organizations target civic equality.<sup>1</sup> This is largely because civil society is conventionally seen as building strong, inclusive societal bonds. In this article, I present an alternative: PAI NGOs constitute what can be termed “ethnic civil society.” Rather than view PAI NGOs as embarking on a *civic* campaign for *civil equality*, I contend that PAI civil society associations are a mode of *ethnic mobilization*, targeting the *empowerment of an ethnic community*. As such, they are distinct from conventional civil society organizations that promote civic rights. PAI NGOs borrow a variety of strategies that are applied by “classical” civil society associations, but their ends are more particularistic, aiming at institutional reform favorable to the PAI community and raising political and communal consciousness amongst the minority population.

More generally, ethnic civil society mobilization is a peculiar sub-type of civil society activity. The study of this phenomenon requires an integrated framework that bridges between civil society activity and ethnic mobilization. Such a link is necessary for a better analysis of ethnically based civil society mobilization that promotes institutional reform and raises minority political and communal consciousness. Such mobilization, however, does not target universal empowerment of citizens *vis-à-vis* the

state, as “classical” civil society does. Rather, the focus is on *Communal* empowerment. This new framework allows the analyst to examine both religious and secular civil society organizations within a single framework, rather than treat them conventionally as separate categories.

### ETHNIC CIVIL SOCIETY

The study of ethnically based associations has remained relatively peripheral in civil society theory. For many, the concept “ethnic civil society” itself seems almost like an oxymoron. The term civil society, although very fuzzy, as noted by several scholars,<sup>2</sup> hints at more encompassing citizenry collectivities. New civil society movements are conventionally perceived as building inclusive linkages within society, framing their demands around universal rights, dealing with issues such as the environment, women’s rights, or human rights.<sup>3</sup> These issues are generally understood to cut through communal boundaries. Ethnically based associations, conversely, frame their demands around particularistic communal identities. Ethnic schisms are often described as hindering the development of effective civil society.<sup>4</sup> And yet, many communal groups besides the Palestinian Arab citizens of Israel—for example, the Scots in Britain, the First Nations in Canada, the Flemings and Walloons in Belgium, and many indigenous peoples in Latin America—have been increasingly able to build powerful, ethnically based linkages that contest the norms embedded within the state and existing institutional arrangements. Thus, ethnically based associations have become an important channel for political action, adopting civil society mobilization strategies.

Ethnic civil society should thus be studied as an exceptional sub-type of civil society. Civil society, in turn, is conventionally studied in relation to the state in a state-society framework. In exerting sovereignty, states exercise “supreme civil power in an extended territory.”<sup>5</sup> The state has vital influence over access and distribution of material and cultural resources in the territory under its jurisdiction, and it possesses the authority to punish violators of its rules. Joel Migdal notes that civil society associations often offer a parallel order to that of the state—an autonomous, alternative set of practices and institutions in which the impact of the state is limited.<sup>6</sup> These parallel institutions offer alternative forms of political and social authority to (or sometimes competing with) those of the state. Alternatively, Chabal and Daloz have observed in their study of civil society in Africa that, rather than isolate from each other, state and society sometimes mutually

attempt to penetrate one another.<sup>7</sup> This kind of activity can lead to mutual constitution and transformation of state and society.<sup>8</sup>

A discussion of ethnic civil society should apply analyses of state-civil society relations in the realm of ethnic politics. In the context of ethnicity, states that are controlled by a dominant ethnic group are often referred to as “ethnic states.”<sup>9</sup> On one hand, ethnic civil society associations representing ethnic communities can try to penetrate and transform the state so as to increase communal access to opportunities. On the other hand, they can try to carve an ethnically exclusive public domain in which the state and other ethnic groups are absent. Many scholars have labeled Israel as an ethnic state.<sup>10</sup> As such, it has been penetrated by the Jewish national movement and is dominated by the Jewish majority, translating into distribution policies that favor the majority and marginalize the minority. Ethnically based civil society of subordinate groups in an ethnic state, such as the PAI in Israel, can generally react in two ways. They can, without addressing the roots of unequal distribution, offer immediate, practical solutions, extending welfare services instead of the state in areas where the state has been negligent. Alternatively, they can confront the dominance of the majority in the ethnic state. If they follow the latter path, they can aspire, through penetration, to reconstitute the state as neutral, or they can try to establish an ethnically exclusive public domain in which the original state and the majority are absent. Thus, ethnic civil society organizations can attempt to transform the state by renegotiating the extent of state autonomy from the dominant ethnonational forces, or, they can form ethnically based institutions that are isolated from those of the state. Such associations, however, are not based on the inclusive societal ties normally associated with civil society activities. Rather, these are ethnically exclusive linkages. In constructing these bonds, as I hope to demonstrate in the ensuing discussion of the PAI, ethnically based civil society asks, explicitly or implicitly, for formal recognition of the community it seeks to represent, thus, contributing to the institutionalization of the ethnic identity of the minority group.

### PAI CIVIL SOCIETY

Non-parliamentary activity amongst the Arab minority in Israel had already emerged in the 1970s, but this activity became consolidated as a mobilizing tool only in the 1990s. Many of the ensuing groups are working to promote and support particular aspects in local Arab communities, such

as culture, sports, and education, without directly challenging the state. *Kayan*, *al-Ssiwar*, and *al-Zahara*, for example, are all PAI women's organizations. *Al-Rabitta* defends housing rights of Arabs in Jaffa. The *Association of Bedouin Women to Promote Education* aims to encourage Bedouin girls to continue their education from early childhood through university. *Al-Khwarismy*, the Association of Kfar Qassim for Informal Education and Culture, and the Committee for Educational Guidance for Arab Students aspire to encourage PAI youth to attend university. *I'lam* seeks to improve the image and representation of Arabs in the mass media. And, finally, *Sot al-Amel* assists Arab workers and the unemployed. These organizations provide practical, technical solutions to the plight of PAI because they do not challenge the institutionalization of subordination.

Alongside such NGOs, however, a different type of voluntary PAI associations has emerged that is analytically distinct from those focusing on immediate, practical goals. This second type of civil society activity tries to provide a broader response to Arab subordination in the Jewish-dominated state. Activists in these associations attribute the root cause of Arab social and economic marginalization to the firm embedding of Jewish nationalism within the state, and it is this problem that they are trying to address. There have been two subtypes of responses. The first, adopted by the Islamic movement, tries to establish alternative institutions to those of the state while also providing alternative services. The idea of this movement is to establish an exclusive public space where the state and the Jewish majority are largely absent. The second subtype of response is the one that attempts to disentangle the state from Jewish hegemony and reconstitute it as ethnically neutral. This type of activity is pursued by a variety of organizations. The Arab Center for Alternative Planning [*Hamerkaz Haaravi Letikhnun*], for example, challenges the state's norms and practices of land distribution. The organization's objective is to get the PAI involved in the planning and building process by gaining proportionate representation of the Arab minority on the planning and building councils. This NGO also works to increase Arab collective awareness of their institutionalized subordination. Likewise, *Al-Ahali* aspires to empower Palestinian Arab citizens of Israel through community organizing and to enhance the group's cultural and national identity so as to struggle against what it defines as the "systematic discrimination" by the state.<sup>11</sup> Notwithstanding the different approaches, the activities of both subtypes of associations work to institutionalize a collective Palestinian Arab ethnonational identity: one through the creation of a separate public domain; the other through

producing and channeling collectivist demands. This important analytical distinction—between the two “strategic” subtypes of NGOs that challenge the state through attempts to reconstitute it as more neutral and those that try to carve a communally exclusive domain in which the state is absent, and the “practical” type that deals with immediate issues—provides a comprehensive framework, encompassing secular and religious associations that are conventionally discussed separately.<sup>12</sup>

In the remainder of this article, I intend to explore the manifestation of the two subtypes of ethnic civil society, challenging the structures of domination. I begin with the Islamic Movement. The difficulty of painting the Islamists with a single brush should be stressed from the onset. Some streams are more moderate than others; some recognize the state’s right to exist and some do not. All streams, to a varying extent, share the isolationist goal of carving an exclusive Islamic domain in which the state is absent, and they do not conceive of the state as a component of their identities.<sup>13</sup> There are, nonetheless, some moderates who accept the fact that they are a minority in a Jewish state.<sup>14</sup> Since building a society that lives according to Islamic principles is practically impossible as long as there is a large Jewish majority sharing political institutions, there is, therefore, no point in trying to disentangle the state from Jewish hegemony, even if this were possible, because the outcome would be a more neutral, secular polity, not an Islamic one. Hence, according to this logic, the most adequate alternative is to form an exclusive domain that would also replace state institutions in providing services to the community, primarily in the spheres of education, religion, and culture. Migdal defines this kind of civil society activity as an attempt to institutionalize an alternative moral order to that of the state while operating within the larger institutional setting.<sup>15</sup>

Guided by these principles, the Islamic Movement minimizes its interaction with external state authorities. The movement has established a network of community services, such as kindergartens, elementary schools, seminaries, libraries, summer camps, medical centers, a drug rehabilitation center, and other charity-based services. It has also been active in collecting donations, which are used for creating a welfare system and supporting its enterprises, as well as for improving local infrastructure, such as paving local roads.<sup>16</sup> But the Islamic movement has been able to do more than simply identify areas where the state has been negligent in providing services. It picks up the slack in those areas, and promotes alternative, exclusive forms of organization even in places where formal, establishment-affiliated associations exist. For example, the Islamists have

founded a separate Islamic soccer league where only PAI clubs compete even though there is an Israeli football association to which PAI clubs have access and in which many of them participate.

The radical “northern” stream, led by Sheikh Ra’ed Salah, and the more moderate “southern” branch, headed by Sheikh Nimr Darwish, differ in the extent to which they believe the Islamists should isolate themselves from the state. Darwish maintains that the Muslim minority ought to be allowed to conduct its affairs according to its beliefs in an arrangement that can be defined as “institutionalized cultural autonomy,” whereby the PAI have the constitutionally guaranteed right to administer their own cultural affairs, educational system, and media. In exchange for such an arrangement, according to Darwish, the minority should respect the state’s laws and procedures.<sup>17</sup> He believes in becoming involved in parliamentary activity, and, prior to the 1996 elections, his followers joined forces with the Arab Democratic Party to form the United Arab List. Darwish’s approach can be summarized as a dual approach that seeks to construct an Islamic public domain from which the state is absent while maintaining open channels of communication with the external regime.

Salah and his followers, on the other hand, view this approach as too compromising and seceded from Darwish’s group to form the northern stream following Darwish’s decision to participate in elections. The weekly publication of the northern branch, *Sawt al-Haqq Wal-Hurriya* [The Voice of Truth and Freedom], used to state its place of publication as Umm al-Fahm, *Palestine* (not Israel) and its offices as located in Nazareth, *Palestine*, indicating its contestation of the legitimacy of the Israeli state. The paper often uses harsh rhetoric *vis-à-vis* the state and the Jewish majority. Furthermore, the State Commission of Inquiry to Investigate the Clashes between Security Forces and Israeli Civilians (the Or Commission) found that Salah was active in encouraging violence and was responsible “for the transmission of messages that negated the legitimacy of the existence of the state and for presenting the state as an enemy.”<sup>18</sup> In sum, the Islamists, as a whole, are trying to carve an exclusive domain to which the Jewish majority and the state have no access. The two branches are distinct, however, in that the southern branch publicly recognizes Israel’s existence and maintains channels of communication with the external regime, whereas the northern branch rejects the authority of the state’s non-Islamic institutions. This type of activity works both to promote PAI collective consciousness and to address the root problem—Jewish-dominated institutions—by carving out an exclusive PAI public domain in which a different moral order, to use Migdal’s terminology, is applied.

Whereas the strategic response of the Islamists to PAI subordination in the Jewish state is a distinct domain, the second subtype of PAI civil society addresses the roots of inequality by attempting to make state policies more ethnically neutral. For example, the Arab Center for Alternative Planning, mentioned earlier, lobbies for proportional representation of the Arab minority on the planning and building councils. It also devises alternative development planning. The underlying assumption of this form of mobilization is that getting the PAI involved in the planning process will reduce inequalities in distribution of resources in the field of public construction.

Other associations have utilized the empowerment of the judiciary in relation to the legislature and the executive to try to reconstitute the state as more ethnically neutral.<sup>19</sup> These organizations, most notably *Adalah* [The Legal Center for Arab Minority Rights in Israel], persistently appeal to the courts against unequal allocation of cultural and material resources on issues such as land, education, language, housing, and religion. Several leading activists and lawyers in *Adalah* received their training at the Association of Civil Rights in Israel (ACRI) and were influenced by its legal mobilization strategies; however, these activists were dissatisfied with ACRI's focus on universal, individual rights.<sup>20</sup> In the view of *Adalah* activists, the objective of legal mobilization ought to be Arab *communal* rights in face of the Jewishness of the state. By challenging the state on issues of collective significance, the group, explicitly and implicitly, asks the court to recognize the collective rights of the PAI as a national minority, thus, assisting in the constitution of the PAI as an ethnonational group.

This NGO takes upon itself to provide free legal representation to PAIs confronting the state. Thus, *Adalah* volunteered to represent the bereaved PAI families and elected PAI officials who received warning letters from the Or Commission before the State Commission of Inquiry. It also appealed to the Supreme Court on behalf of disallowed PAI electoral lists and of MKs who were disqualified by the Elections Committee prior to the 2003 parliamentary elections. In short, through legal mobilization, *Adalah* has managed to establish itself as a leading PAI NGO representing collective PAI goals.

The group has registered a number of court victories as they pursue the avenue of collective representation in a variety of fields, such as collective language rights. For example, in 1999, Israel's Attorney General instructed all government ministries to print their official notices in Arabic in addition to Hebrew. The directive followed a Ministry of Education advertisement, which appeared only in Hebrew, that called for the submission of

organizational requests for financial support. Although Arabic has an official language status in Israel, the practice of government ministries was, by and large, to advertise only in Hebrew aside from issues directly connected to the Arab population. The outcome was that Arabs did not have equal access to government resources. The significance of *Adalah's* appeal was not only that it strengthened the equal status of Arabic, but mainly that it increased the collective access of this minority to state resources through the challenge of Hebrew hegemony. Of equal importance were two successful petitions to Israel's High Court of Justice that, in 2002, resulted in a ruling compelling the Ministry of Transportation and municipalities of mixed cities to use the Arabic language on all national road signs and municipal signs in mixed localities.<sup>21</sup> The implication of this decision, as noted by one of the presiding judges, was a practical recognition by the courts of "the *collective* right of the Arab public to preserve its independent and separate cultural identity through its language" (emphasis added).<sup>22</sup> Thus, the petition and the ruling implied some sort of recognition, and contributed to the institutionalization, of the PAI as a national group with communal rights. It is through attempts to dissociate the state from ethnonationalism that Arab civil society in itself becomes constitutive of an ethnonational identity. *Adalah* forces the state to treat the Arab population as a collective national community. In doing so, it empowers the minority and raises its collective consciousness. In short, organizations such as *Adalah* are pursuing a path that would lead to a recognition of collective national rights of the PAI, while, concomitantly, seeking for state distribution policies to be reformulated based on principles of neutrality between the majority and minority communities.

While there have been victories in court, it is too early to determine whether this type of mobilization will make a significant difference in how the state is constituted. Based on studies of American, Canadian, Israeli, and other courts, scholars such as Gerald Rosenburg and Ran Hirschl have argued that the practical impact of supreme court decisions on the actual situation is often negligible.<sup>23</sup> Sometimes, loopholes in court rulings can be found. Furthermore, since the courts normally provide fairly long time frames, if at all, for implementation, the impact on the state, if any, will likely be incremental. Indeed, despite court rulings, the Arabic language is still missing from many road signs. Another case in point is the story of the Ka'adan family. In 1995, the Ka'adan family wanted to buy a plot of land in the community settlement of Katzir. Katzir was built on land allocated to the Jewish Agency by the Israel Land Administration (ILA). The Ka'adan's application was rejected by the review committee



of the Katzir community on the grounds that the family did not fit the community. Accordingly, a petition was filed by the Association of Civil Rights in Israel on behalf of the Ka'adan family. In March 2000, in a precedent-setting decision, the Supreme Court ruled that the state cannot discriminate on the basis of nationality or religion when allocating state land to citizens. Over three years later, the state still avoids implementing the court's verdict. At the time of writing this article, the daily *Ha'aretz* reported that, under the threat of a second appeal to the Supreme Court, the ILA and Jewish Agency decided to offer the Ka'adans a plot, but not the one the family initially wanted to buy. Rather a plot in a new, more expensive neighborhood, currently under construction, is to be offered. The motivation of driving this initiative is that prices have risen considerably, and the Ka'adans would find it difficult to afford the new housing.<sup>24</sup> In short, the impact of the mobilization of PAI NGOs on structural reform is debatable. Some lawyers in *Adalah* also express skepticism at the gap between court rulings and implementation.<sup>25</sup> Nevertheless, activists in PAI legal associations insist that, by bringing these challenges into public awareness and through victories in court, they are able to increase the legitimacy of debating state autonomy from the dominant ethnonational community and the question of equal group rights while also building communal consciousness and mobility.<sup>26</sup>

## CONCLUSION

Civil society is an understudied mode of communal mobilization in general and PAI political activity in particular. The significance of this type of voluntary associational activity to minority political mobilization cannot be understood by a simple application of civil society models, because the study of civil society rests upon universalistic assumptions, whereas the motivations of communal mobilization are usually particularistic. Thus, a theoretical link between civil society and ethnic politics has been established here for analyzing the phenomenon of ethnic civil society. This link permits the study of all types of ethnically based associations, religious and secular, in an integrated framework.

Ethnic civil society associations of minorities try to provide a comprehensive response to the roots of inequality. They borrow strategies from civil society organizations to promote outcomes that are favorable to the minority. These strategies can sometimes aim to limit the domain of the state. "Classical" civil society organizations are usually motivated by a

desire to empower citizens *vis-à-vis* the state and to protect civic rights. Ethnic civil society associations, on the other hand, use these strategies to empower a communal group, as exemplified by the case of the Islamic movement. The approach of the Islamists is not to seek state neutrality, but is designed to embed an alternative moral order within autonomous institutions, notwithstanding internal disagreement concerning the degree of autonomy. This goal is being pursued by establishing institutions parallel to those of the state and providing alternative services, particularly in the realm of education and welfare.

Conventional civil society associations try to penetrate the state so as to influence its policies, possibly in the direction of more universal norms, as indicated by the legal mobilization strategy of ACRI. Applied to ethnic politics, in situations of communal tension in multi-ethnic societies, ethnic groups aim to penetrate the state so as to reconstitute it by endowing it with norms and practices that will yield favorable outcomes for the group. The Arab associations that rely on this strategy aim to disentangle the state from Jewish nationalism, most notably through appeals to the Supreme Court. It should be emphasized that the strategy of state penetration also applies to ethnic majorities, in which case the ethnic civil society associations work toward further endowment of the state with norms and practices that favor the majority. A good example would be that of Gush Emunim, arguably the biggest and most potent Jewish extra-parliamentary movement, which works for a more thorough subordination of the state to a maximalist Jewish/Zionist ethos.

Ultimately, both subtypes of minority ethnic civil society aim to increase the access of the minority to cultural and material resources distributed by sovereign institutions, or by those that are alternative to the sovereign ones. Both subtypes see the roots of unequal distribution in the ethnic character of the state, and it is this problem that they are trying to address. Furthermore, both types not only reflect a growing collective awareness of the PAI, but they also reinforce and institutionalize this collective ethnic identity by pursuing formal recognition of collective national, cultural, and religious rights of the Palestinian Arab minority in Israel.

## NOTES

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4. Jeff Haynes, *Democracy and Civil Society in the Third World: Politics and New Political Movements* (Cambridge, UK, 1997) 16–18; Joel S. Migdal, *Through the Lens of Israel: Exploration in State and Society* (Albany NY, 2001) 116.
5. Migdal, *Through the Lens of Israel*, 125.
6. *Ibid.*, 109–10.
7. Patrick Chabal and Jean Pascal Daloz, *Africa Works: Disorder as a Political Instrument* (Bloomington, IN, 1999).
8. Joel S. Migdal, *State in Society: Studying How States and Societies Transform and Constitute One Another* (Cambridge, UK, 2001).
9. Sammy Smooha, "Minority Status in an Ethnic Democracy: The Status of the Arab Minority in Israel," *Ethnic and Racial Studies*, 13, 1990, 389–413; Nadim Rouhana and As'ad Ghanem, "The Crisis of Minorities in Ethnic States: The Case of Palestinian Citizens in Israel," *International Journal of Middle East Studies*, 30, 1998, 321–46; Nadim Rouhana, "Israel and Its Arab Citizens: Predicaments in the Relationship between Ethnic States and Ethnonational Minorities," *Third World Quarterly*, 19, 1998) 277–96.
10. Smooha, "Minority Status in an Ethnic Democracy"; Yoav Peled and Gershon Shafir, *Being Israeli: The Dynamics of Multiple Citizenship* (Cambridge, UK, 2002) 30–2; Nadim Rouhana, *Palestinian Citizens in an Ethnic Jewish State: Identities in Conflict* (New Haven, CT, 1997) 6–9; As'ad Ghanem, "State and Minority in Israel: The Case of Ethnic State and the Predicament of Its Minority," *Ethnic and Racial Studies*, 21, 1998, 428–48.
11. See <http://www.ahalicenter.org>
12. Payes, "Palestinian NGOs in Israel."
13. Rouhana, *Palestinian Citizens in an Ethnic Jewish State* 134–35.
14. See As'ad Ghanem, *The Palestinian Arab Minority in Israel*, 126.
15. Migdal, *Through the Lens of Israel*, 108.
16. Thomas Mayer, *The Awakening of the Muslims in Israel* (Givat Haviva, 1988) [Hebrew].

17. Testimony of Sheikh 'Abdallah Nimr Darwish before the State Commission of Inquiry into the Clashes between Security Forces and Israeli Citizens as reported in *Ha'aretz*, 9 August 2002.

18. Translated from the State Commission of Inquiry into the Clashes between Security Forces and Israeli Citizens, *Report: Book 5* (Jerusalem: August, 2003) 66 [Hebrew]; see also *Book 4*, ch. 5, 87–93.

19. For a more thorough discussion on court empowerment, causes, and effects, see Gad Barzilai, "Courts as Hegemonic Institutions: The Israeli Supreme Court in Comparative Perspective," *Israel Studies*, 5 (1999) 15–33; and Ran Hirschl, *Towards Juristocracy: A Comparative Inquiry into the Origins and Consequences of the New Constitutionalism* (Cambridge, MA, 2004).

20. This point came up in several interviews conducted with *Adalah* lawyers and activists (July, August, 2003).

21. *Adalah et al. v. The Municipality of Tel Aviv-Jaffa, et al.* H.C. 4112/99, 2002; and *Adalah et al. v. The Ministry of Transportation, et al.* H.C. 4438/97, 1998.

22. *Adalah et al. v. The Municipality of Tel Aviv-Jaffa, et al.* H.C. 4112/99, 2002.

23. Gerald N. Rosenberg, *The Hollow Hope: Can Courts Bring about Social Change?* (Chicago, IL, 1991); Hirschl, *Towards Juristocracy*.

24. *Ha'aretz*, 1 October 2003.

25. This sentiment was expressed by several *Adalah* activists in interviews (July and August, 2003).

26. *Ibid.*