

# Democracy

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## Summary

Democracy is a formal institutional framework that enables a process of containing peacefully conflicts within the state through consensual rules of the game: political representation of different interests and positions through periodic elections, the rule of law, and the separation of powers. The liberal version of democracy emphasizes the guarantee of human rights, civil equality, and minority rights. Although formal rules of democracy have been established in the State of Israel, a liberal democracy with equal civil and minority rights has never been established, and its formal democratic characteristics are also crumbling in the face of the oppression of Palestinians under military rule and the denial of their rights. A liberal democratic vision based on the recognition of equal rights for all the citizens in their shared homeland, and of both national communities, demands not only the establishment of two States but also designing confederative parity institutions between them to rule all the functions that cannot be divided. Such a vision is an essential condition for ending the current waves of violence to a state of reconciliation and peaceful living in a shared homeland.

### What does democracy mean?

The conventional meaning of democracy, as its name suggests, is the rule of the people. The first question that arises is who are "the people"? Who is included in the concept of the people, what are the symbolic boundaries of the people, and what are the borders of the state that marks who are the equal citizens subject to it? The conventional meaning is implemented by a set of formal principles: the rule of law, separation of powers, freedom of expression, freedom of association, freedom of religion, multi-party system, periodic elections, and majority rule. To these have been added later on liberal principles such as constitutional protections for human and civil rights guaranteed by an independent legal system. But none of these are yet enough to guarantee equal rights for all the subjects of the state, including minority rights, which are essential components for the full functioning of a liberal democracy capable of containing internal social and political conflicts by collective representation.

The original democratic promise of freedom and equality has led to struggles to expand equal rights over the years. In the first democratic regimes (England, the USA and France) the political rights to participate in elections were guaranteed only to a limited privileged group, and not to all the citizens. Equal civil rights were achieved later by the struggle for equal political rights of discriminated social groups, struggles enabled by the formal democratic rules of the game, mainly freedom of association and expression (Tilly, 2018). Following the struggles for inclusion democratic regimes developed into an effective mechanism for

containing internal conflicts without violence by the dynamic opening of political spaces recognizing and representing the different identities, opinions, positions and interests within it, framed by agreed institutions and rules of the game.

### **The emergence of nation states and Israel-Palestine democratic failure**

The idea of democracy as the rule of the people emerged at the end of the 18th century and beginning of 19th century parallel to the emergence of modern nationalism in Europe (Anderson, 1991), and the formation of nation-states that defined who are the members of "the people". States, however, emerged since the 16th century by military expansion of powerful rulers occupying neighboring areas and colonial expansions overseas (Tilly, 1992). As a result, powerful states took control by force of different linguistic and ethnic groups, creating multi-ethnic societies. In order to contain the conflicts between ethnic groups within the state borders it was necessary to invent, plan and design diverse institutional models based on the recognition of diverse collective identities and facilitate their expression and representation by various institutional forms like federations, confederations, consociations, Cantons, ethno-national autonomies, etc. In other words, the advantage of democratic regimes is their flexible ability to enable a dynamic process opening political spaces of recognition and representation following power struggles within the state borders. Such a process, however, requires the recognition of diverse collective identities and conflicts of interest, and the legitimacy of their political demands (Lijphart, 1969). Without recognition and acceptance of diversity and the establishment of agreed-upon ways of inclusion, many cases of multi-ethnic states, usually as a result of European colonial expansions, have degenerated into murderous ethnic cleansing, precisely in a failed attempt to establish democracy and the fear of ethnic groups one from the other (Mann, 2005).

In the Israeli-Palestinian case, the potential to establish a functioning democracy within shared borders was doomed from the beginning of Zionism. The initial obstacles were related to the mutual non-recognition of the other group collective rights, and the rejection of agreed institutions for the inclusion of Jews and Palestinians already during the British Mandate period. The definition of the state as a Jewish state in 1948 and the military expansion to the West Bank and Gaza Strip in 1967, established a structure of domination that constantly eroded the formal democracy also within the recognized borders of Israel, a process that is reaching its peak at the time of writing this text. Israel can be imagined as a democracy only thanks to the illusion of the existence of the pre-1967 borders, and the definition of the Jews as a "people" with full and exclusive rights to the land (Grinberg, 1999). The chances for establishing a functioning dynamic democratic regime in Israel/Palestine are directly linked to the mutual recognition of the collective rights of both national communities and the equal civil and political rights of all citizens. Following mutual recognition, the democratic and

peaceful containment of both national communities' aspirations will need designing agreed institutions enabling both two separated states and confederative power sharing in fields that separation is not feasible or counterproductive.

### **The Establishment of Democratic Regimes in a Historical and Comparative Perspective**

Democratic regimes in the modern era developed under different circumstances, in different places and at different times (Tilly, 1995) and were established to limit or replace the coercive and unilateral rule of kings, dictators, one-party regimes, military juntas, or external occupying forces. Sometimes it was the result of long-term processes - such as France, England and the USA - (Moore, 1966), sometimes the result of a conjunctural decision by political elites following their failure to impose unilaterally their will on the other side - such as Turkey and Sweden (Rustow, 1970), and in other authoritarian cases it followed the recognition by rulers of the limits of their coercive power, or the result of "contagion" following democratization processes in neighboring countries, like Latin America and Eastern Europe (O'Donnell and Schmitter, 1986). For our discussion, it is important to emphasize three main aspects.

A. Statehood and recognized state borders is a fundamental pre-condition for the instalment of democracy, in order to determine who the subjects potentially entitled to citizen rights are? (Linz and Stephan, 1996, chapter 2). Border disputes are usually violent conflicts, decided by military power. However, even after the state's borders were determined, and democratic regimes were established, many social groups were still discriminated against and denied equal political rights on the basis of class, gender, ethnicity, race, or religion (Schmitter and Karl, 1991). Equal political and civil rights were often achieved as a result of struggles for recognition and representation, enabled by the initial democratic rules of the game.

B. Nationalism, ethnicity, and institutional design. The democratic rules of the game of freedom of expression and organization enabling struggles for equal rights are crucial for the dynamic process of opening political space to disenfranchised and discriminated social groups. However, the catch is that the people cannot democratically decide who is the people (Offe, 1999), and the democratic process might be blocked when a dominant ethno-national group denies the belonging of another group as part of "the people". The complete correlation between state borders and national identity are an exceptional minority among all states, precisely because state borders are imposed by military power – wars within Europe and imperial and colonial expansions all over the world. Ethnically divided societies pose a serious challenge to the conventional meaning of democracy as the rule of the people by majoritarian coalitions. In these cases, the recognition of the tension between

majoritarian rule and minority rights, and further adequate institutional design are required, with explicit intention of containing social divergence - linguistic, cultural, religious or otherwise (Lijphart, 1969; Offe, 1998). The invention and design of institutions that are not based on majority and minority decisions is a long process of mutual recognition, dialogue and compromise, examples of which are Switzerland, Belgium, Canada and Spain. In every type of such arrangement there is a combination of autonomous management of the different ethno-national groups and some shared political institutions (Yehuda, 2023).

C. The conventional view of democracy as “rule of the people” does not provide a solution for peaceful inclusion, and it even intensifies the difficulty of containing tensions in multi-ethnic and multi-national societies. The attempt to impose the will of one ethnic group on another may degenerate into prolonged struggles, violence, war, and ethnic cleansing (Mann 2005). See the case of the breakup of Yugoslavia, and the difficulty of reaching a democratic settlement in Northern Ireland and Rwanda. The most murderous cases of ethnic cleansing are those of European settler societies that denied the rights of indigenous peoples and took their lands, such as the colonization of the American continent (North, Central, and South) and the Oceanian continent (Australia and New Zealand). However, at the end of the violence, no matter how great and murderous it was, came the day of recognition of the limits of power, some recognition of the rights of the original inhabitants by the settlers, leading to dialogue and compromise within the framework of democratic state institutions. The struggle of indigenous peoples for equal civil rights and minority rights are still ongoing everywhere, because in most cases the settlers built and controlled state power and never fully recognized the rights of the displaced populations.

### **Historical Perspective**

In contrast to the peaceful coexistence between Jews and Arabs under the Ottoman Empire the colonization project of the World Zionist Organization (WZO) entailed the transformation of Jews and Arabs into two ethno-national communities in conflict over who rules Palestine. Following the Balfour declaration and the establishment of the British Mandate appeared the option to call for elections to a Legislative Council, similar to the establishment of such Councils in neighboring mandates. This option of democratic representation was constantly rejected by the WZO precisely because Jews were a minority, and the political goal was to create a separated nation-State for the Jews. The idea of territorial partition of Palestine into two nation-states was first suggested by the Peel inquiry commission (1937) and internationally approved by the UN 181 resolution (1947). It is important to pay attention to the fact that the UN 181 resolution suggested a confederative power sharing administration of the economy, meaning open borders, a shared international capital in Jerusalem, and the protection of minority rights to those remaining within the borders of the two nation states (UN

181 resolution). All these principles must be included in the future institutional arrangements for confederative power sharing.

Following the UN resolution the violent clashes deteriorated into the ethnic cleansing of 700-750.000 Palestinians. The Jewish state established in May 1948 granted formal civil and political rights to the remaining Palestinian minority, but they were subjected to a military administration, abolished only in November 1966 (Zureik, 1979; Lustick, 1980). With the expansion of Israeli control in June 1967, a military regime was imposed on the Palestinians in the West Bank and the Gaza Strip, without granting them civil and political rights, and the new regime was defined as "temporary." (Kimmerling, 1989) From that moment on, democracy became a threat known as the "demographic danger," that is, democracy became a threat to Jewish hegemony if equal rights were granted to all the Palestinians. The temporary nature of the military regime was illusory, as the State of Israel started building settlements in the occupied territories, violating international law.

Following the Palestinian popular struggle in the first intifada, the Israeli government, IDF and public opinion started to acknowledge the limitations of coercive power, leading to the opening of political space for mutual recognition, crystalized by signing the Oslo Accords between Israel and the PLO in 1993. The establishment of the temporary Palestinian Authority, the drafting of the Palestinian constitution, and the elections of the Palestinian Legislative Council started a process of institutional building essential for the democratic containment of internal conflicts (Brown, 2003). Both national political arenas entered a process of internal democratization and negotiations between the elites towards future cooperation. (Grinberg, 1994) Rabin's assassination interrupted the process of opening the political space for recognition and dialogue. (Grinberg, 2000).

Since Rabin's assassination the expansion of settlements (Btselem, 2017) has thwarted the option of peaceful settlement of the Israeli-Palestinian conflict by the establishment of two separate nation-states. In the absence of a vision of confederative democracy based on power sharing, the struggle of messianic zealot settlers emerged as the only political strategy for Israel: constant violent repression leading to ethnic cleansing. The attempt to democratize the Israeli-Palestinian relations by opening the space to recognition, representation, negotiations and compromise has been reversed and turned to the opposite direction: the Palestinians turned to a renewed popular struggle in the second intifada, after the failure of the Camp David Summit and PM Ehud Barak's announcement that Israel has no Palestinian partner for peace (Enderlin, 2003, Meital, 2004). The IDF responded with unprecedented murderous violent repression (a million bullets in October), and the Palestinians reacted by violent armed struggle and suicide bombings in the main cities of Israel (Grinberg, 2010, ch. 9).

Following the unilateral withdrawal from the Gaza Strip in 2005, Israel imposed a blockade establishing an effective divide-and-rule regime between the West Bank and the Gaza Strip. Since then, the violent clashes escalated, in Gaza by consecutive “rounds” of rockets firing and IDF air force mowing the grass (Inbar and Shamir, 2014) and periodic uprisings in the West Bank. Under these circumstances, the most extremist elites took the lead on both sides, despite the asymmetric power relations: Messianic zealots in Israel who strive for an all-out war and the expulsion of the Palestinians (Smotrich 2017), and the extremist Islamist leadership in the Gaza Strip, which came to the conclusion after the dignity uprising (May 2021) that the only way to confront Israel is escalating the armed struggle.

Following the October 7 massacre perpetrated by Hamas, the IDF responded with the indiscriminate killing of more than 70,000 Palestinians, destroying entire neighborhoods and towns, as well as public institutions, hospitals, schools, mosques, and other infrastructure. While public attention focused on the violent clashes in Gaza (as well as in Lebanon and Iran), Bezalel Smotrich’s violent plan to displace Palestinians in the West Bank expanded and intensified. The Gaza crisis compelled Arab states and the United States to negotiate a ceasefire, creating expectations for the recognition of Palestinian rights despite the Israeli government’s rejectionist and aggressive stance.

### **The Shared Homeland Paradigm (SHP) Vision as a Democratic Institutional design**

Amid the current murderous cleansing of Palestinians, it is extremely difficult to imagine a democratic future that involves mutual recognition, dialogue and finding political arrangements for living in peace and equal partnership. The SHP vision is aimed at a future when the current violence will come to an end, only then the political questions about possible ways to live together on our shared homeland will reemerge.

The need to envision a future that recognizes the legitimate aspirations of both national communities has led for years to the idea of establishing two separate nation-states living in peace side by side based on the 1949-1967 borders. However, the two-state model imagined after Rabin's assassination assumes total separation by closed borders and continued Israeli security control in practice (Klein, 2024). This model ignores decades of Jewish settlement, the difficulty of closing the borders and dividing Jerusalem, and the inseparable interdependence in many areas such as the economy, water, transportation, the labor market, health, ecology, and more. This model also ignores the fact that continued Israeli control inherent in the proposed visions of two states is incompatible with the end of the conflict or with democratic institutions appropriate to the binational geographic reality.

Given the extreme inequality between Israeli-Jews and Palestinian-Arabs on the one hand, and the difficulty to materialize complete separation on the other hand, it is

necessary to elaborate a vision of egalitarian democratic institutions: a. preventing the control by the most powerful side (including all forms of power, military, economic, professional or demographic, etc.); b. facilitating the expression of the national aspirations of both sides recognizing each other; c. respecting the common attachment to the entire country; and d. enabling joint management and control in all areas that cannot be divided.

The theoretical literature and the comparative analysis of states composed of various ethnic groups in power conflict show the need to install political institutions designed to prevent the "demographic danger" of majoritarian tyranny in which one ethnic group controls and oppresses another. This endeavor entails establishing liberal democratic institutions designed to facilitate the dynamic opening of political spaces to recognize, represent, negotiate and compromise between the different social groups within each state and between them.

Analyzing the historical and structural context in Israeli Palestinian relations is essential for understanding the lack of democracy in the State of Israel and also clarifies and sharpens the need for a democratic vision of peaceful relations. To this end, it is necessary to build representative democratic institutions in the two national communities that cooperate with each other through parity institutions for the joint management of what cannot be separated. The UN 181 Partition Resolution from 1947 already pointed in this direction when it recommended open borders between the two states, a joint economy managed on a parity basis, guaranteed rights for national minorities within the two nation-states, and avoided the division of Jerusalem.

Nowadays, Jerusalem is a good starting point for imagining equal citizenship, peaceful everyday life, power-sharing through shared institutions, and cooperation. Although Palestinians in Jerusalem face severe discrimination in almost all areas of public services (Shlomo, 2016), Palestinian and Jewish Jerusalemites encounter one another in public spaces and have learned to live together. Palestinian Jerusalemites are entitled to social security rights and can move freely throughout Israel. Compared to the situation of Palestinians in the West Bank and the Gaza Strip, these essential privileges already make encounters in public spaces—markets, hospitals, squares, promenades, and others—more secure than in any other context and facilitate the imagination of equal rights.

It is not difficult to imagine an institutional design based on two “national” semi-municipalities under a shared binational umbrella authority, in which both semi-municipalities cooperate in shared domains such as transportation, sewage, water, tourism, trade, and other services, while separately administering education, culture, religious services, policing, sports, and related matters. In Jerusalem, it is far easier to imagine power-sharing and cooperation than the division of the city into two separate

cities divided by a separation wall. This is despite the fact that, before 1967, the city itself was divided by a separation wall, and despite the fact that Jerusalem has never functioned as an egalitarian city since 1947.

Like democratization processes everywhere, circumstances change, conditions and processes change and are unique to each place and time, so the institutional framework for a future democratic peace must be a unique invention, designed to represent and compromise the desires of the two peoples to live in their shared land. This requires political will for mutual recognition, and international circumstances balancing uneven power relations, aiming to guarantee diplomatic arrangements rather than violent solutions.

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