

Bayan بیان ביאן

The Arabs in Israel הערבים בישראל

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From the Editor's Desk

This issue of *Bayan* contains an essay by Dr. Assaf Shapira examining the electoral power of the Joint Arab List.

Bayan is a quarterly review of Arab society in Israel, published by the Konrad Adenauer Program for Jewish-Arab Cooperation at the Moshe Dayan Center for Middle East and African Studies at Tel Aviv University.

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Assaf Shapira * / Comments on the Electoral Strength of the Joint Arab List

Despite the sharp rise in the voter participation rate in Arab towns in the elections for the 23rd Knesset, the Joint Arab List has probably not achieved its full electoral potential. This is because the Arab sector's turnout was lower by almost 7 percent than the national average.

If the voter participation rate had been 95 percent, the Joint Arab List would have received only one additional seat – an increase from 15 to 16. One of the reasons for this is that it did not sign a surplus agreement with other parties and therefore its chance of receiving additional seats in the division of surplus votes is lower than that of the other parties.

The adoption of mandatory voting in Israel may raise the voter participation rate on election day; however, it is likely that such a move would meet intense opposition in the Arab community, most of which opposes the adoption of such an obligation.

Any attempt to introduce mandatory voting in Israel must be part of a dialogue and cooperation with representatives of the Arab community. It must also be accompanied by practical steps to improve the situation of Arab citizens, such as amending the Nation-State Law and the allocation of additional resources to the Arab population.

Background

In the elections for the 23rd Knesset, which were held in March 2020, the Joint Arab List received a record 15 seats, the largest number of representatives ever received by all the Arab parties combined. This achievement is particularly significant in view of the fact that less than a year previously, in the elections for the 21st Knesset in April 2019, the two Arab lists (Hadash-Ta'al and Ra'am-Balad) received only 10 seats. The difference is first and foremost due to the huge increase in the voter participation rate among Arab Israelis. In the Arab towns, 64.8 percent of eligible voters participated in the elections for the 23rd Knesset as opposed to 49.2 percent in the elections for the 21st Knesset.¹

Nonetheless, it is possible that the Joint Arab List has not reached its full electoral potential. Despite the sharp rise in voter participation in the Arab towns in the most recent elections, it is still lower than the rate of 71.5 percent for the general population. In other words, there is a gap of approximately 7 percent. According to the data of the Central Bureau of Statistics, at the end of 2019 the proportion of

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¹ Arik Rudnitzky, The Arab Israeli Vote in the 23rd Knesset Elections, <https://en.idi.org.il/articles/30961>, Israel Democracy Institute, March 10, 2020.

Arabs in the general population was about 21 percent.² Since the voting system in Israel is proportionate, i.e. parties that exceed the threshold receive a number of seats according to their proportion of the votes cast, a simple calculation shows that if 21 percent of the voters had voted for the Joint Arab List, then it would have won 25 seats, or even more if account is taken of Jews who vote for it.

It is certainly possible that such a result would have also strengthened the Joint Arab List's political power. For example, it may be that such an outcome would have prevented the establishment of a narrow government without the Arab parties, in which case only two options would have remained: establishment of a grand coalition without the Arab parties (as in the case of the present government) or the establishment of a minority government of the Center-Left with the support from outside of the Arab parties (and under these circumstances, there might have been greater willingness to create such a government among the Center-Left bloc).

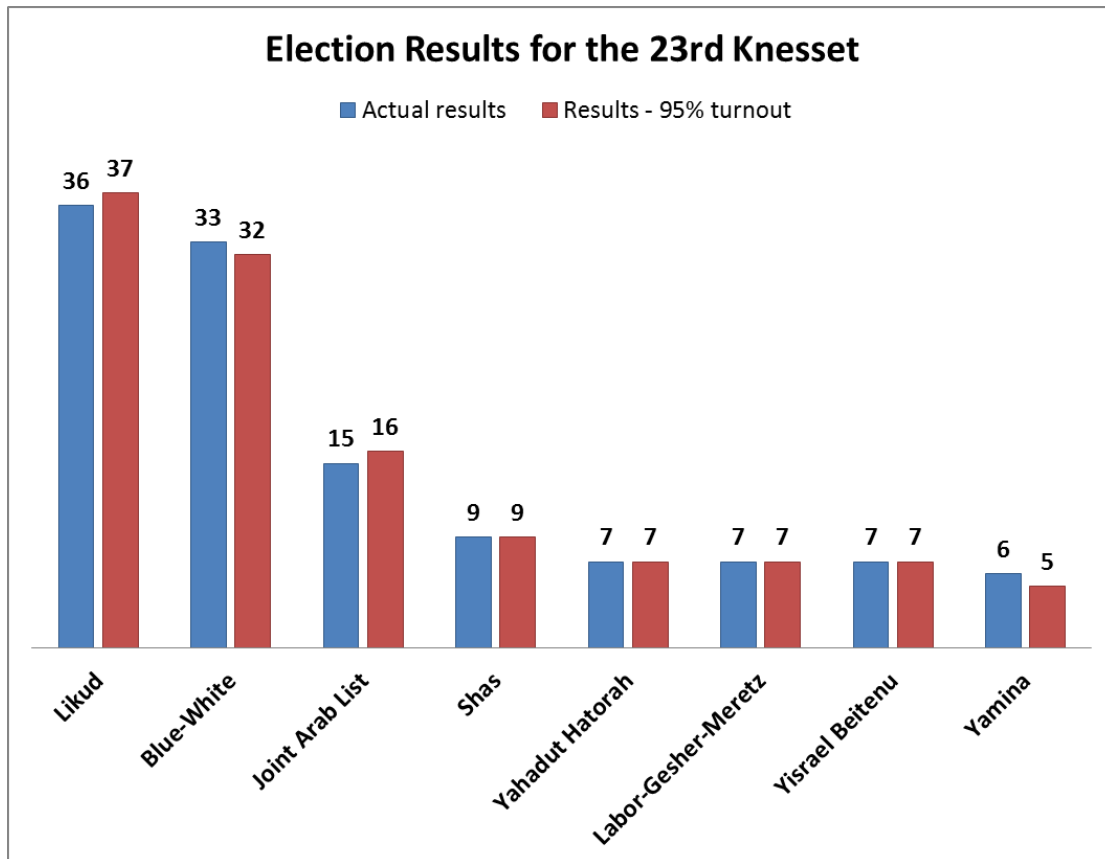
Therefore, the question arises as to whether the ceiling on the potential number of seats of the Joint Arab List is indeed that high – namely an addition of ten seats to their present number. The answer is complicated.

What would have happened in the last elections if the voter participation rate had been 95 percent?

In order to provide an answer to this question, I calculated what the result of the elections for the 23rd Knesset would have been if the voter participation rate for the entire country, including the Arab towns, had been higher. I used a fairly simple model in which I raised the voter participation rate in each of the county's polling stations to 95 percent according to the actual number of votes received by the various parties in the 23rd Knesset elections. At the same time, I completely ignored ballots cast by voters not at the polling station in their area of residence according to the voter registry (which applies to soldiers, Israeli diplomats abroad, the disabled, etc.). This is due to the assumption in the model that each voter votes in his area of residence.

The results were quite surprising: there was almost no change. Two parties would have received one extra seat – the Joint Arab List would have risen from 15 to 16 seats and the Likud from 36 to 37. Two parties would have lost one seat – Blue-White would have dropped from 33 to 32 and Yamina from 6 to 5. The number of seats for the rest of the parties would have remained unchanged and the overall picture of the blocs would have remained identical.

² Central Bureau of Statistics, 2020, Israel in Figures: Selected Data from the Statistical Abstract of Israel. [Hebrew]



Thus, if the voter participation rate in the Arab community was equal to that in the total population the Joint Arab List would gain only one seat. How is this to be explained?

First, although the proportion of Arabs in the general population is 21 percent, their age distribution is younger than the rest of the population due to their higher birth rate and lower life expectancy and therefore their proportion of non-voting minors is greater. As a result, their proportion of eligible voters is only about 18.3 percent (as of 2017).³

Second, and despite the large decline in the proportion of Arabs voters who vote for non-Arab parties, 12.4 percent of the votes in Arab towns went to such parties in the elections for the 23rd Knesset (as opposed to 18.4 percent in the elections for the 21st Knesset), primarily Blue-White, although also to Labor-Gesher-Meretz, the Likud, Yisrael Beitenu and Shas.⁴ On the other hand, Jews also voted for the Joint Arab List, though to a much lesser extent. According to the estimates of the Joint Arab List itself, it won the support of about 20 thousand Jews,⁵ as opposed to more than 60 thousand votes in Arab towns that went to non-Arab parties (a gap that of course would widen as the rate of voter participation increases).

Third, the Joint Arab List did not sign a surplus agreement with any other party during the last elections. Such agreements are related to the system for dividing up the seats in Israel (and in other democracies with proportional representation).

³ Central Bureau of Statistics, *Statistical Abstract of Israel*, 2018.

⁴ Rudnitzky, *ibid*.

⁵ From a post on the Joint Arab List's Facebook page on March 5th, 2020.

Without going into too much detail, after the initial division of seats between the parties that have passed the threshold there are almost always a few unassigned seats. These seats are divided according to a mathematical formula (which is known as the Bader-Ofer Law) which favors the larger parties. Surplus agreements are signed between two parties prior to the elections and they specify that when dividing up the surpluses, the two parties are to be regarded as a single party. Since the system in Israel, as mentioned, provides an advantage to the large parties, signing a surplus agreement clearly increases the chances of the two parties of attaining additional seats in the division of the surpluses.

In the elections for the 23rd Knesset, several surplus agreements were signed – between Yahadut Hatorah and Shas, between Likud and Yamina, and between Blue-White and Labor-Gesher-Meretz. On the other hand, Yisrael Beitenu and the Joint Arab List did not sign any agreements. As a result, according to the model that assumes 95 percent voter participation, there would remain five unassigned seats after the initial division; however, the Joint Arab List and Yisrael Beitenu would not get any of them (two go to the Likud, one to Blue-White, one to Labor-Gesher-Meretz and one to Yahadut Hatorah). If the Joint Arab List did sign a surplus agreement, it would apparently win an additional seat. In other words, broader cooperation between the Joint Arab List and the non-Arab parties would be beneficial to the Joint Arab List (or the non-Arab partner) also from an electoral point of view.

Finally, it is important to mention that there are biases in the aforementioned model (as there are in any potential model) and it may be that the Joint Arab List “loses” seats as a result of them. The biases are primarily the result of the model’s assumption that at each polling station the distribution of votes among non-voters would be identical to that among voters. Of course, this is not a correct assumption since the research literature indicates that non-voters have different characteristics. For example, it is conventional to assume that a higher proportion of non-voters can, in general, be defined as more apathetic and alienated, relative to the general population. This is because non-voters tend to include greater numbers of the young, residents of the periphery, individuals with little education and individuals with a low socioeconomic status, immigrants and the secular. In general, these assumptions have been shown to apply also in Israel.⁶ To this should be added the unique characteristics of the Arab sector in Israel: abstention from voting among Arabs is not just the result of indifference or “conventional” alienation from the political system but is at least in part also an ideological act. Thus, since 2003, there has been a sizable movement in the Arab sector calling on Arabs not to vote, as an act of non-recognition of the State or in protest of the continuing marginalization of the Arab community.

This bias on its own is liable to discriminate against the Joint Arab List. First of all, it may be that if the rate of voter participation was 95 percent, only a few of the Arabs

⁶ On voter participation among various populations in Israel and for a comparative perspective, see: Friedberg, Chen and Nir Atmor (eds.) *Voter Turnout in Israeli General Elections*, Israel Democracy Institute, 2015 [Hebrew], and Shapira, Assaf and Gideon Rahat, “Electoral Behavior in Israel,” in: Reuven Y. Hazan, Alan Dowty, Menachem Hofnung, and Gideon Rahat (eds.), *The Oxford Handbook of Israeli Politics and Society* (New York: Oxford University Press), 2020, DOI: 10.1093/oxfordhb/9780190675585.013.37_update_001

that did not vote in previous elections would choose to vote for non-Arab parties, i.e. less than the 12.4 percent that voted for these parties in Arab towns. This is because that same relatively radical group, which refrained from voting because of ideology, would certainly not support a Zionist party. Second, it may be that in mixed polling stations, at which both Arabs and non-Arabs vote, the rates of voter participation in recent elections were lower among Arabs than among non-Arabs. Therefore, if the rate of voter participation increased in these polling stations to 95 percent, the addition would be primarily Arab voters, and the electoral benefit to the Joint Arab List would be particularly large relative to other parties. However, as already mentioned, the model I used is not sensitive to such differences and it relates to every polling station as a single unit of analysis. Therefore, it essentially “misses” some of the votes that would be added to the Joint Arab List.

In conclusion, although the Joint Arab List did not reach its full potential electoral strength among Arab Israelis, it is getting close to that potential. If the rate of voter participation in the Arab sector becomes equal to that in the rest of the population it is expected that the Joint Arab List will not gain more than a few seats.

Adoption of compulsory voting: A tool for raising the rate of voter participation among Arabs in Israel?

The Joint Arab List can attempt on its own to raise the rate of voter participation among Arabs in Israel by means of an effective election campaign (and of course by means of effective parliamentary performance). It can also broaden its efforts to recruit Jewish voters, although such efforts will conflict with efforts to bring non-voting Arabs to the polling stations, many of whom have reservations about the State or even oppose it.

Another way of perhaps raising the rate of voter participation in the Arab sector is a mandatory voting law, which would require all citizens of Israel to vote in the parliamentary elections. This would be accompanied by sanctions imposed on violators, namely the imposition of fines and in some cases the denial of various public services. Mandatory voting is not common in the developed democracies (such as the members of the OECD) though it does exist in Australia, Belgium, Luxembourg and others. The data indicates that if mandatory voting indeed includes sanctions and is enforced to some extent, it is expected to substantially raise the rate of voter participation. For example, about 90 percent of eligible voters participated in the last parliamentary elections in Belgium in 2019, and about 92 percent of eligible voters participated in the parliamentary elections in Australia in that same year. These rates are much higher than those observed in other developed democracies. It is worth mentioning that there is an intense debate over the justification and advantages of mandatory voting, and there are those who claim that it is normatively undesirable since it violates the freedom to vote (according to the belief that the freedom to vote also includes the freedom not to vote). It can also be claimed that it interferes with the normal democratic process because, for example, it leads to a large number of invalid ballots and “random” voting (that is, the random choice of a party only in order to fulfill one’s obligation without attributing any importance to that choice).

Theoretically, adoption of mandatory voting that includes sanctions may raise the rate of voter participation to a large extent among Arabs in Israel, which would, as mentioned, give several additional seats to the Joint Arab List. However, it is not at all certain that this would indeed be the actual outcome. It may be that the proposal will meet intense opposition from the Arab community and from Arab politicians. In a survey carried out by the Israel Democracy Institute in January 2020, it was found that only about 28 percent of the Arab community support mandatory voting or support it strongly, as opposed to 62 percent who oppose it or are very opposed to it.⁷ It can be assumed that the opposition is largely the result of negative feelings of alienation and marginalization toward the State of Israel. In other words, they would find it undesirable for the State, which does not treat Arabs as citizens with full rights (particularly after the Nation-State Law), to force them to participate in elections. In this context, it should be mentioned that this proposal is not popular among Jews either. The survey indicated that only about 40 percent of the respondents were in favor or were strongly in favor while 54 percent were opposed or strongly opposed. Nonetheless, since the opposition among the Arab community is related to a feeling of alienation from the State and since in any case there is a broadly based movement calling for Arabs to boycott the elections, one might expect that if such a law were passed, it is likely to meet intense opposition and to result in the boycotting of the elections on an even larger scale. Thus, the result might be a lower rate of voter participation among the Arab community. It is also unclear whether it would be feasible to enforce the law, particularly in communities such as the Bedouin periphery in the Negev, and how that would be accomplished.

It is not my intention to rule out the possibility that mandatory voting will be adopted. Although the political feasibility of passing such a law is low (at this point in time, the only political player supporting it openly is Yisrael Beitenu), but it may be that in certain circumstances it will be possible to propose such a mechanism. Such circumstances will need to include at least the following: (a) A major drop in the rate of voter participation in Israel to a level that will endanger the democratic legitimacy of the regime. (b) Adoption of mandatory voting as part of a series of other reforms that will strengthen Israeli democracy, such as the integration of a personal component and a regional component within the system of representation, an improvement in the accessibility of voting, expansion of the right to vote to Israelis living abroad for short periods, etc. Reforms such as these will not only make it easier to gain public and political support for mandatory voting, they will also convey an important message to the public that the State and the politicians recognize the failures of democracy in Israel and are seeking to rectify them. (c) In our context, it is very important that any attempt to promote mandatory voting in Israel be part of an ongoing dialogue and that it have the cooperation of representatives of the Arab community (in the Knesset, but also in local government, and in other domains). Of course, it is also important that practical steps be taken in order to improve the status of Arab Israelis both materially and symbolically, starting from an amendment of the Nation-State Law which will anchor the value of equality and ending with the allocation of additional resources to the Arab population.

⁷ Question no. 9 on the Israeli Vote survey carried out in January 2020. See [Data Israel](#) website.