



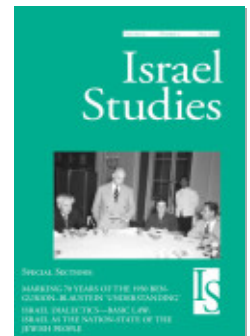
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Reconsidering the Druze Narrative in the Wake of the Basic
Law: Israel as the Nation-State of the Jewish People

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ABSTRACT

The assent of Israeli Druze to the Jewish character of the state is based on the premise that citizens who fulfill their duties are entitled to equal rights. Druze narrative traditionally calls on all Arab citizens to do as they do: serve in the IDF, identify as Israelis rather than Palestinians, eschew Palestinian interests, and integrate fully in the Israeli polity. The article argues that the Nation-State Law contradicts the very basis of this narrative. Although the Druze identify as Israelis, the new Law defines Israel as the state of the Jewish people, thus excluding non-Jewish citizens from the nation, regardless of what they may do or say. The inevitable conclusion is that the Israeli Palestinian-Arab narrative is correct in claiming that the Jewishness of the state is an obstacle to equality and inclusion. The article culminates in a possible resolution to this predicament.

INTRODUCTION

JULY 19, 2018, WAS A DEFINING MOMENT FOR THE STATE OF ISRAEL. ON that day, the Knesset approved the highly debated Basic Law: Israel as the Nation-State of the Jewish People (hereafter: The Nation-State Law). The right-wing coalition supported the bill and guaranteed its approval into law by a Knesset majority of 62 to 55, with two members of the Knesset (MKs) abstaining, and one absent.¹

Over the past two years, the Nation-State Law has been the focus of an increasing number of academic publications and policy papers. Some publications criticize multiple aspects of the legislation² while others focus on a single perspective or specific issue, self-determination,³ or settler colonialism.⁴ Another repercussion of the Law is its possible effect on the Israeli-Palestinian conflict, specifically, the likely annexation of the West-Bank by Israel.⁵ Some writers examine the origins and constitutional implications of the law,⁶ while others approach it from the perspective of international law and compare it to “Apartheid.”⁷ However, only one publication so far has addressed the Law’s bearing on the unique situation of the Druze.⁸

On August 4, 2018, a Druze-led protest against the new legislation was organized in Tel-Aviv. A week later, on August 11, an Arab-led protest was organized in Tel-Aviv as well. Although only one week separated the two protests, differences between the views of the Druze and other Arabs with respect to Israel and their place in it were clearly in evidence. At the Druze-led protest, Israeli symbols were on display, the Israeli flag along with the religious flag of the Druze, the Israeli anthem was sung and many Jewish Israelis were among the speakers, including veterans of the IDF, other security agencies, and the public sector. At the Arab-led protest, there was relatively limited participation by Jewish Israelis; the Palestinian flag accompanied the Israeli flag; the Israeli national anthem was not part of the agenda; and no prominent Jewish Israelis were among the speakers.

Following this introduction, the article will offer a comparison between the Druze narrative and that of Palestinian Arabs in Israel. This will situate the two within the context of the social self-identification and political behavior of both sectors of Arab society in Israel: the Druze, on the one hand, and Muslim and Christian Arabs on the other. The article is based mainly on what transpired in the Knesset and how Arab MKs and other representatives, including the Druze, reacted to the proposed bill.

THE PALESTINIAN-ARAB CASE AGAINST THE NATION-STATE LAW

Palestinian-Arab citizens of Israel were against the new legislation from the very start when the debates surrounding it were launched in 2011 during the 18th Knesset. By the time of the 2017 debates in the 20th Knesset, Arab representatives voiced their concerns against the law and labeled it as “racist,” “a green light to fascism,” and even “an apartheid law” echoing white supremacy in South Africa.⁹ They argued that although discrimination

against the Arabs already existed in Israel, the new legislation would bring about previously unimaginable changes such as 1) raising the designation of the state as the national home of the Jewish people to the level of a basic law, 2) downgrading the Arabic language, and 3) legally sanctioning discrimination against Arabs with regard to lands and housing.¹⁰

One of the main items of concern for Arab MKs was the meaning of the state and the state symbols. By defining the nationality of the Jews in Israel as the only one recognized by the state, Arab MKs argued, the bill denied their feelings of national affiliation as Palestinians and their “Right to self-determination.”¹¹ Arab MKs argued that defining Israel as Jewish by law was incompatible with its democratic principles and that it could not be simultaneously Jewish and Democratic, or as one Arab MK put it: “[...] the definition of the state as Jewish and democratic is an oxymoron. [...]”¹² As a solution to this, he suggested that Israel should be defined as “a state of all its nationalities” which would guarantee the individual and national rights of Arabs.¹³ Another Arab MK suggested specifying “Arab citizens” in the definition: “[...] I propose that we define Israel as a democratic and multicultural state that maintains complete civil and national equality among all its citizens. [...] Instead of calling it the National Home of the Jewish People, I suggest ‘the joint state of all Jewish and Arab citizens’, with fair and equal treatment for all with respect to institutions and resources... I have a democratic dream that stands in contradiction to the nationalist dream [...]”¹⁴

It was not just the Jewishness of the state that concerned the MKs, but the implication of anchoring the state’s symbols in a basic law: “Not just the Star of David, but the flag, the emblem, and the Law of Return.”¹⁵ Arab MKs argued that these symbols derive from the Jewish religion, its history, and its culture with total disregard for the feelings of Arab citizens. They spoke of the lyrics of the national anthem, *Hatikvah*, as something only Jews can feel attached to¹⁶ and suggested that in order to make Arab citizens proud in their country, there should be an acknowledgment of that in the state’s symbols.¹⁷

A few Arab MKs protested that the bill does not mention the minorities at all and focuses solely on the majority- on the Jewish side.¹⁸ The only place that mentions the Arab citizens indirectly is Section 10 of the Law where national holidays are defined as those of the Jewish religion and culture, and “non-Jews”, without naming Arabs or specifying their religious affiliations, are likewise provided an opportunity to observe their own religious holidays. One Arab MK argued that this is merely a continuation of the Zionist practice of not regarding the Arabs of Israel as a collective, but

only as separate religious groups of Muslims, Christians, and Druze. Here is an example of his rhetoric: “[The Law means that Arabs] have no political or national rights because they are individuals, they are not a national collective. And we, in fact, are a national collective [...]”.¹⁹ The only time the Law uses the word “*Arab*” is in relation to the Arabic language. The Law downgrades the status of the Arabic language, as objected to by Arab MKs. Many of them expressed outrage: “[...] No law will ever obliterate or diminish the Arabic language. It is the language of the land, the indigenous language. [...]”.²⁰

But the part of the Law that drew the most criticism, both among Arab and Jewish citizens, including President Rivlin, was Section 7. It focuses on the development of Jewish settlements, regarded as a national value, and ignores the need for Arab settlements. Arab MKs translated this as legally sanctioning “[...] the segregation of Arabs and Jews based on race and religion. [...]”.²¹ Arab MKs contended that this was tantamount to housing segregation which could later be extended to other areas. One Arab representative argued that: “[...] The rationale presented today as a reason segregation [in housing] based on nationality or religion should be permitted, could be used by you, MK Dichter, for more segregation one day, in hospitals, for instance, or perhaps in public transportation too, the same rationale doing double duties, who knows.”²²

Another concern Arab MKs voiced was the possible implication of the bill on the Israeli-Palestinian conflict. However, this was not the focus of their criticism. Their contention was that those who proposed the Law might try to steer the judicial system towards applying it in the West-Bank. That would legally bar Palestinians from claiming the right to self-determination. The problem, they claimed, is that the country’s borders are not defined either in Israeli laws or in the new proposed Law. This Law refers to the “Land of Israel” as opposed to the “State of Israel.”²³ Thus, it is not clear which territories are included where the Law applies, and which territories are excluded and where the law does not apply. In addition, Arab MKs objected to the statement that the capital of the State of Israel is “United Jerusalem”. This, they argued, would stymie a potential Palestinian-Israeli peace process, since the Palestinians claim East Jerusalem as their proposed capital of the future state of Palestine.²⁴ From the perspective of Arab MKs, a two-state solution is still viable. Therefore, one Arab MK suggested that: “[...] the boundaries of the State of Israel are those in which Israeli law was applied before June 5, 1967 [...]”.²⁵ In other words, Israel’s boundaries should be defined by the “Green Line”, which excludes the West-Bank and East Jerusalem.

In conclusion, the Arab MKs' disapproval of the new legislation focused on these issues: 1) the Law's definition of the state as the national home of the Jewish people, its Jewish symbols, and the contradictions between these and Israel's democratic values; 2) its disregard for Arab citizens in general, their rights as a collective, and the downgrading of the Arabic language; 3) its discrimination against Arabs regarding lands and housing and its effect on equality; and, 4) the possible implications of the Law on the Israeli-Palestinian conflict. Consequently, Arab MKs argued, it would not be possible to amend the bill in order to make it acceptable, given the level of discrimination it instituted. The Knesset must therefore reject it, or as one Arab MK stated: "[...] I disagree with all sections of this law, I thoroughly oppose it. The only thing I agree with is the date at the top of the page."²⁶ Others argued that the bill could not be amended by adding the word "equality" to it because other clauses grant exclusive rights to Jewish citizens. Another Arab MK argued that the bill as much as told Arab citizens, "You will get occasional crumbs and marginalized rights, not equal rights as citizens."²⁷ What Arab MKs demanded in fact was a more fair and democratic country. "... We will fight for a country where the two peoples can live in peace, democracy, equality, and universal values. [...]"²⁸

THE DRUZE CASE AGAINST THE NATION-STATE LAW

The Druze have been more integrated into the state, compared to their Arab counterparts. For that reason, many Jewish-Israelis struggled to understand why the Druze protested against the bill.²⁹ PM Netanyahu and other Israeli politicians who supported it seemed surprised and claimed at first that the protest did not represent the Druze and that its organizers were there mainly to protest the right-wing government.³⁰ However, Druze opposition to the bill was clearly expressed while the bill was being debated in the Knesset.

The absence of democratic components in the bill, and its potentially deleterious effect on minorities, and specifically on Israel's Druze population and their sense of identity and affiliation with the state, all contributed to Druze opposition as brought home multiple times to the special Knesset committee that debated the bill and prepared it for approval.³¹ As one Jewish speaker asserted in an attempt to justify the changes wrought by the bill: "[...] Though Israel is the nation-state of the Jewish people [...] it nevertheless wants both Arab and Druze citizens to feel that this is their country too, not just the country where they live, and that they are treated with equality

[...].³² This is similar to the argument put forward by a retired Druze IDF officer and a leader of the Druze protest: “[...] we want the state to belong to all of us [...]”,³³ very much as Arab representatives expressed their own wish for a state belonging to all its citizens, not just the Jews. Thus, the focus on both sides was to ensure equality for all citizens.

A former Druze MK, whose border policeman son had been killed during a terror attack two months before his statement to the committee, pointed to the fact that those who conduct terrorist attacks against Israel do not distinguish between the different origins of Israeli citizens. On those grounds, he asked the Knesset to reject the suggested bill, which, in his opinion, would not guarantee equality to all of Israel’s citizens.³⁴ His words are strikingly different from the discourse of the Arab MKs: “[...] I acknowledge the fact—with love—that the State of Israel is the state of the Jewish people and of all its citizens.”³⁵ Another contribution to the committee’s debates pertained to the Druze stance on state symbols: “[...] I have no problem with the flag. Believe me. I have no problem with “Hatikvah” [the national anthem]. I do not have any problems. I have no problem with the capital - Jerusalem. [...] However I do have a problem with two sections - Jewish and democratic, and equality for all its citizens [...]”.³⁶

This perspective here is different from that expressed by the Arab MKs, as described earlier, in two significant aspects. Druze accept the “Jewishness” of the state and do not challenge it. Moreover, unlike Israeli Arabs, they accept the symbols of the state. In both respects, the Druze perspective contradicts that of the Arabs, who oppose the Jewishness of the state and its symbols. However, the Druze ask to be compensated for this compromise by retaining the democratic component of the definition of the state alongside the Jewish component in order to ensure equality for all citizens.

The issue criticized most vocally by Druze representatives was that the new legislation had affected their very sense of identity as Israelis. The following are three examples of the feelings they expressed. As one Druze MK put it: “I am proud to have an Israeli identity card, I am a proud Israeli citizen, [...] I am a full partner in the life of the country. I think I am speaking for many here, many non-Jewish citizens of this country who see it as their country, want to live here, were born here. They just happened to born in this country, live in it, and do not intend to give up their citizenship. And that includes my Muslim brothers and my Christian, Circassian, and Bedouin brothers among others [...]”.³⁷ At the protest in Tel-Aviv, after the Law had been approved, Sheikh Tarif- the spiritual leader of the Druze in Israel, argued that: “Despite our unqualified loyalty, the state does not

see us as equal. [...] We fight alongside you for the survival and security of the state, and we are determined to fight alongside you for the integrity of the state and for equal rights and human dignity. [...] We are Israelis, we are brothers. [...] I see crowds of you identifying with us here, and it warms my heart. I thank you on behalf of my Druze brothers. This is the beautiful side of Israel and we are all proud to be citizens in true partnership.”³⁸ Another Druze speaker added that the principal demand of the organizers of the Druze protest was: “[...] full equality under the Nation-State Law, or else the establishment of Israel’s Declaration of Independence as the Nation-State Law [...]”.³⁹

This Druze discourse differs from that of the Arab MKs in the sense that it highlights the Druze identification as Israelis. Since the Nation-State Law defines the “Jewish Nation” and ignores Druze and Arabs citizens alike, it was perceived by the Druze as a blow to their dignity and sense of identity as Israelis. This sense of Israeli identity is absent from Arab discourse.

During the debates in the Knesset committee, Druze MKs did not focus on the downgrading of the Arabic language or discrimination with respect to lands and housing. However, these two matters were brought up as the most crucial ones by Meri, the Chairperson of the Druze and Circassian Mayors’ Forum in his letter to PM Netanyahu. In this letter Meri states that the proposed bill would affect the Druze in two important ways:⁴⁰ First, it gives preference to Jewish settlements and housing, while the Druze continue to suffer from a housing crisis which the government continues to ignore. Second, the bill downgrades the status of the Arabic language. These two objections are similar to those of Arab MKs.

Not all Druze opposed the Nation-State Law. A few, including some leaders, supported it publicly and were interviewed by the media. MK Amar, a Druze representing Yisrael Beitenu, was part of the group that introduced the bill.⁴¹ However, due to growing opposition among Druze citizens, and even though Yisrael Beitenu was a member of the coalition that supported the bill, ultimately MK Amar voted against it.⁴² He was joined in this by another Druze member of the coalition, MK Hasson, representing Kulanu, and an opposition Druze member- MK Saad, representing Labor.⁴³ The only Druze MK who voted in favor of the bill was MK Kara who was Minister of Communications at the time.⁴⁴ Moreover, MKs Amar, Hasson, and Saad, with the support of their parties, petitioned the High Court against the Law.⁴⁵

The solutions to the situation they offered were more focused on the Druze perspective, with the option of amendments and additions to the Law if it was not struck down. Their stated demands were to: “[...] repeal

the Nation-State Law or else introduce substantial amendments which would include: 1) The constitutional and legal status of the Druze community and the Circassian community; 2) Full equality; 3) Recognition the Arabic language as an official language, in addition to Hebrew [...].⁴⁶ This stood in contradiction to the demands of the Arabs, simply to repeal the Law, leaving no option to amend it.

CONCLUDING REMARKS ON THE DIFFERENT NARRATIVES

The demands of the Arabs, including those of the Druze, focused on a need to anchor the democratic character of the state in the Law. Both wanted more individual and collective equality with Jewish citizens, and both emphasized the importance of the Arabic language and opposed the attempt to downgrade it. Finally, both sides opposed discrimination in lands and housing which seemed liable to become one of the immediate outcomes of the Law.

As for their differences, the Druze approved of the “Jewishness” of the state, while this was the main sticking point of the Arab MKs. The focus of the Druze MKs was on the effect of the proposed Law on their sense of identity and pride in being Israelis, something not brought up by the Arab MKs. They objected to its disregard for the Druze and for their contribution to the security of the state whereas the Arab MKs focused on its disregard for Arabs as a collective that includes Muslims, Christians, and Druze, without reference to the fulfillment of civic or military duties. Finally, unlike the Arab MKs, the Druze did not take into account possible ramifications of the Law on the Israeli-Palestinian conflict. This was not an issue of importance for the Druze. Although the Druze too pressed to repeal the new law, they were willing to compromise if amendments were added to it granting them special status and equality with a focus on solving Druze-centered problems.

Having clarified the similarities and differences between the Druze and Arab approaches to the Nation-State Law, we may now examine this topic in the context of their social self-identification and political behavior. Palestinian-Arab identity has evolved in the course of Israel’s history. Recent scholarship refers to it as a multi-dimensional identity, which includes:⁴⁷ civic identity as Israelis, national and cultural identity, as Arabs and Palestinians, and finally, religious identity, as Muslims, Christians, or Druze. Despite some differences in the findings, other scholars have found

supporting evidence for this phenomenon, in which most Arab citizens in Israel self-identify according to their religion, as Arabs and as Palestinians, and also as Israelis, albeit with varying degrees of emphasis.⁴⁸

Only among the Druze, however, is the Palestinian component absent.⁴⁹ Most Druze self-identify as Druze, as Israelis, and as Arabs. This unique social self-identification of the Druze and its distinction from Muslim and Christian Arabs in Israel has affected their political behavior. Druze men are required to serve in the IDF and are well-integrated in other security organizations.⁵⁰ In the Knesset they generally align their votes with the Zionists rather than the Arab parties.⁵¹ This manner of self-identification and political behavior has produced a unique Druze narrative based on the actions, promises, and manipulations of the Israeli establishment.

The Palestinian-Arab's narrative is that they are the indigenous minority in Israel, and deserve equal rights as individuals and as a collective, and that in order to secure equality, they must contend against the Jewish character of the state. Thus, only as a "state of all of its citizens" can Israel become democratic, and only thus can Arabs become Israelis in any substantive way.

The Druze narrative on the other hand accepts the Jewishness of the state. It claims that as citizens the Druze must fulfill their duties to the state, and in return are entitled to full and equal individual and group rights and to be considered Israelis. Since Israeli society is highly militarized and its security is of high importance, military service has been the key criterion of civic duty. Therefore, the Druze narrative advocates military service in the IDF, commitment to the security interests of the state and strong self-identification of the Druze as Israelis. It is because they fulfill their part as individuals and as a group that they deserve full equality, they argue. This narrative is debated in Palestinian-Arab society. The Druze disapprove of the Arabs' self-identification as Palestinian, of their political segregation in Arab parties and their disregard for Israel's interests, particularly its security interests. They argue that like the Druze, all Arab citizens should serve in the IDF, distance themselves from Palestinian interests, self-identify as Israelis rather than Palestinians, and fully integrate into the Israeli polity. This is the only way, Druze narrative argues, that Palestinian-Arabs can justify their demand for individual and group rights and integrate more fully in all aspects of society.

Nevertheless, as the article shows, the Druze regard the Nation-State Law as a betrayal by the Israeli establishment and the majority of Israeli Jews. It suggests that the Nation-State Law destroys the very basis of the Israeli Druze consensus which has in fact collapsed. The Druze woke up to the fact that the Jewish-Israelis used their majority in the Knesset to approve

legislation that excludes the Druze as Israelis from the definition of the Nation-State and thereby neglects their rights. This signified to them that if you are not Jewish, you will be considered a second-class citizen and will not be seen and treated as part of the Israeli collective, even if you serve in the IDF, self-identify as an Israeli, support the interests and security of the state, or even approve of the Jewishness of the state. All this contradicts the basis of the Druze narrative- that if you fulfill your civic duties, you will be awarded full and equal rights, and become an integral part of the “nation.” In this the Druze narrative agrees with the Israeli Palestinian-Arabs that the Jewishness of the state has become an obstacle to equality and inclusion.

Moreover, from the Druze perspective, they have made many compromises. As shown earlier, they did not challenge the Jewishness of the state, and in return expected individual and collective rights. Despite evident discrimination against them and other Arabs, they had continued to hope, but the new legislation left no room for the hope of a more equal and inclusive Israel. On these grounds, the Druze outcry after the approval of the Law should come as no surprise.

The question is, what next? The Nation-State Law moves Israel away from its definition as a “Jewish and Democratic” state to a more Jewish, less democratic one. This is liable to result in less equality and greater segregation. In addition, the Druze narrative has collapsed with this legislation, and with it the notion of fulfilling one’s civic duties and identifying with the state in return for equal rights and inclusion. Jewish-Israelis already rejected the Palestinian-Arab aim of making Israel a state for all its citizens. Now, with the enactment of this legislation, the Jewish-Israelis have also rejected the Druze narrative, which they helped create in the first place. Therefore, Jewish-Israelis need to ask themselves: what model do they have to offer Arab citizens of the state, including the Druze? The model offered by the Nation-State Law holds the Jewishness of Israel above Democracy. Arab citizens, including the Druze, have decisively rejected this.

The suggested solution to this situation is made up of two steps. In the first, as a confidence-building measure, the Nation-State Law must be rescinded. In its place, the “Declaration of Independence” must be enacted as a basic law. The advantage of the “Declaration of Independence” is that it secures a primary demand for each side, the Jewish character of the state: “[...] The Land of Israel was the birthplace of the Jewish people” and “[...] a Jewish State in Eretz-Israel [...]” and the democratic character of the state, as it promises individual and collective rights to Arabs: “It will ensure complete equality of social and political rights to all its inhabitants irrespective of religion, race or sex [...]”, and “We appeal [...] to the Arab

inhabitants [...] on the basis of equal citizenship and due representation [...].”⁵²

However, in order to solve the more complex issue of identity along with the other contradictory demands, a second step is necessary, the revitalization of a social contract for the state of Israel achieved through negotiations between all segments of society through a consideration of their demands and by making compromises to reach an agreement that will secure a long-lasting peaceful co-existence between Jews and Arabs in Israel.

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10. MK Jabareen (Joint List), “Minutes of the Joint Committee of the Knesset Committee and the Constitution, Law and Justice Committee to discuss the Bill: Israel - The Nation State of the Jewish People”, Meeting no. 2, September 18, 2017 [Hebrew] <https://main.knesset.gov.il/Activity/Legislation/Laws/Pages/LawBill.aspx?t=lawsuggestionssearch&lawitemid=565913>

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12. MK Tibi (Joint List), “Minutes of the Joint Committee”, Meeting no. 4 October 23, 2017.

13. MK Tibi, “Minutes of the Joint Committee”, Meeting no. 17, July 12, 2018.

14. MK Jabareen, “Minutes of the Joint Committee”, Meeting no. 9, December 11, 2017.

15. MK Jabareen, “Minutes of the Joint Committee”, Meeting no. 3, September 26, 2017.

16. *Ibid.*

17. MK Jabareen, “Minutes of the Joint Committee”, Meeting no. 4, October 23, 2017.

18. MK Saadi (Joint List), “Minutes of the Joint Committee”, Meeting no. 2, September 18, 2017.

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20. MK Odeh, (Joint List), “Minutes of the Joint Committee”, Meeting no. 1, July 26, 2017.

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24. 24 MK Abu Arar, “Minutes of the Joint Committee”, Meeting no. 4, October 23, 2017.

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32. Rabbi Kariv, “Minutes of the Joint Committee”, Meeting no. 4, October 23, 2017.

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35. *Ibid.*

36. MK Saad (Labor), “Minutes of the Joint Committee”, Meeting no. 11, March 13, 2018.

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