

The Jewish Nation and State

by Michael Curtis



Since Plato political thinkers have addressed in different ways the reasons, basis, and conditions to explain why the many in any society are governed by the few. In the world today official power and government is exercised by the modern state, usually referred to as a nation-state. Yet the two terms, though often used interchangeably, as with the United Nations which is in reality an organization of nation states, are different in nature.

A nation is a group of people, bound together by various ties stemming from history: language, race, religion, culture, tradition, who have a particular character, and an emotional unity that has developed over time. The state is created, a political and juridical entity, with features: population, fixed territory, government, a legal entity possessing sovereignty. The state has legal rights to exercise power, the nation does not have official or police power.

However, terminology is made complex because of two elements. One is that a nation exists without necessarily being related to a state. Jews have been a nation for many centuries, and did have a state two thousand years ago, but only since 1948 have had a modern state of their own. Currently, the Kurds are a nation devoid of a state. The second factor is that different nations can exist within a single state, as in the case of the Austro-Hungarian Empire. Indeed, almost all states today are in effect multinational states, blending the different nations together in a state with sovereign power.

The interaction between nation and state has long been a controversial issue in the land of Israel with its mosaic of different peoples. The issue was raised by David Ben Gurion in his 1946 testimony before the Anglo-American Committee of Inquiry, when he argued that a "Jewish commonwealth" was in the making in the disputed land in which Jews would be free from fear and dependence, no longer objects of pity and sympathy. By a "Jewish state" he meant a Jewish country, Jewish agriculture, colony, industry, language, schools, and culture.

The problem is ongoing and is being addressed on a piece-meal basis. The State of Israel does not have a written constitution, but has a number of Basic Laws passed by the Knesset acting as a Constituent Assembly. They outline the role of the chief institutions of the State and relations between the authorities. They are intended to be part of a future constitution. The 14th Basic Law, "Israel as the Nation State of the Jewish People," on the character of the State, was passed by vote in the Knesset of 62 to 55 on July 19, 2018.

This Nationality Law states that the Land of Israel is the historical birthplace of the Jewish nation, and in it the State of Israel is founded. Israel is the national home of the Jewish people in which it fulfills its natural, cultural, religious, historical right to self-determination. The Law

also states that the realization of the right to self-determination in Israel is unique to the Jewish nation. Hebrew is the national language. Arabic has a special status: use of the Arabic language in or to government offices will be required by law.

In angry opposition, the 13 Arab members of the Knesset tore up copies of the bill, saying it was the official beginning of racism and fascism, and denounced Prime Minister Benjamin Netanyahu. More significant and unexpected was a large protest meeting of 50,000 Druze in Rabin Square in Tel Aviv on August 4, 2018 proclaiming their loyalty to the State of Israel and waving both Israeli and Druze flags but calling for the Law to be rescinded. A few Druze military officers said they would stop serving in the military. Druze lawyers filed a petition in the High Court to strike down the new Law.

Opponents of the Law contend it does not include a clause that guarantees equal protection for non-Jews, and that it allows discrimination against non-Jews. Saeb Erekat, the Palestinian official negotiator who never negotiates, stated that the Law is racist and imposes *apartheid*, although the reality is that the Law does not create two separate legal norms, even though it might annoy non-Jews. The Law states that Hebrew is the language of the State. Arabic has special status: the use of Arabic in or to government offices will be required by law.

Contrary to the critical view, by the Nationality Law no substantive rights of minority groups have been lost. The Law deals with the Jewish character of Israel not with other issues such as civil rights or equality. These are dealt with in another of the Basic Laws, *Human Dignity and Liberty* 1992, outlining the values of Israel as "a Jewish and democratic state." The 2018 Nationality Law does not imply any inequality of non-Jewish minorities in law, nor does it mean the existence of tension between Israel being both a Jewish and a democratic state.

Nevertheless the Druze people, part of the Israeli mosaic, are concerned by the Nationality Law. The Druze are an off shoot of Shia Islam since the 11th century. They are a distinct ethnic community in Israel, speak Arabic, and have their own flag. They number about 140,000, 1.6% of the Israeli population, a substantial increase from the 14,000 in 1948, due partly to the natural growth, and partly to the inclusion of Golan Heights Druze since the annexation of the area by Israel in 1981. Almost all the Israeli Druze live in one of 19 towns and villages, 17 of which are in the hill town towns in northern Galilee and Golan, and some live in the Carmel and Haifa area.

The education of Druze has been increasing. Currently, more than 5,500 Druze are enrolled in colleges and universities, including as graduate and doctoral students. Druze participate in various aspects of the country, as writers, in sports, culture, military generals, diplomats, and government ministers, since Salah Tarif was appointed in 2001. Theoretically, a Druze can be appointed prime minister.

In an important way Druze play a different role from Arab-Israelis. In 1948 when the newly created Israel was attacked by Arab armies and the Arab League, the Druze fought alongside Israeli Jews. Since 1956 Druze, unlike Israeli Arabs, are subject to the military draft, a compulsory conscription though Druze women are exempted, and they have participated in hostilities. They are prominent in combat units of IDF and as officers. More than 5,000 Druze soldiers and police officers have been killed in the line of duty.

Two aspects of Druze in Israel are interesting. One is the existence of a certain amount of tension between Druze and Muslims in northern Israel, and occasional friction as was shown in a school dispute in 2014 in Abu Snan, a town of mixed populations.

A second issue is that the 20,000 Druze in the Golan Heights,

the area of 60 square miles, captured by Israel in 1967 and annexed in 1981 are not as friendly as other Druze who are loyal to Israel. They retain Syrian nationality, and tend to be supportive of Syrian President Assad. In April 2018 they disapproved of western airstrikes against Assad's suspected chemical weapon sites. They complain of Israel's failure to help them though Israel provides medical aid to Syrian civilians and combatants.

As a result of the Druze criticism of the Nationality Law Prime Minister Benjamin Netanyahu has proposed a plan to be introduced in October 2018 relating to the legal status of Israel's minority communities serving in the IDF. It recognizes the contribution of the Druze community to the State of Israel, speaks of Israeli society as equal and varied, and calls for funding of towns and villages, residential construction, and preservation of the Druze heritage. It is based on social equality including ensuring benefits to minority community members who serve in the security forces.

Yet, in spite of these plans, the essential problem remains, acceptance of the Jewish nature of Israel. In 1896 Theodore Herzl wrote *Der Judenstaat*. It is still best translated as "The Jewish State." The Druze and others should acknowledge this.