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The impossible principle of equality

Israeli sociologist Natan Sznaider on the nation-state law and one-state solution

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On 19 July 2018, the Israeli parliament passed the so-called nation-state law or, as it is officially known, *theBasic Law: Israel as the Nation-State of the Jewish People*. The Israeli government hailed its adoption — important for reasons that also include the upcoming election campaign — as if it the Declaration of Independence of 1948 were being reissued. Parts of the opposition, and especially the Arab population, thought that democracy in Israel was finished for good. Expressions of concern also came from abroad.

What does this law entail? Wasn't Israel founded as a Jewish state? Wasn't Zionism always concerned with the exercise of Jewish sovereignty in its own country? So why the excitement, if the law only sets out what has been clear since the beginning of the Zionist enterprise, regardless of whether the government was left- or right-wing?

The land of Israel is the historical homeland of the Jewish people, in which the State of Israel was established: this is stated right at the beginning of the law, in order to enshrine the existing flag, anthem and national capital in law. But right from the start, the Arab population has also lived in Israel as an ethnic and religious minority and as citizens. Today, around 1.7 million Arabs live in Israeli territory, representing 21 per cent of Israeli citizens. And citizenship actually means formal equality.

Arab outsiders and Jewish insecurities

'As long as in the heart, within, a Jewish soul still yearns / and onward towards the ends of the east, an eye still looks toward Zion…' goes the opening of Israel's national anthem. Its Jewish content was and still is a bone of contention for many Arab citizens of Israel.

While the new law legally establishes this hymn as the Israeli national

anthem, the Arabs do not see themselves included in it. Ethnically and nationally, Israel's Arab population belongs to the Palestinians, but at the same time they are Israeli citizens. They are the true outsiders in the Zionist project because they cannot establish a symbolic relationship to the Jewish nation-state. This has been the case ever since the Israeli state was founded in 1948, except that until now this had never been set down in Israeli law.

For the Jews of Israel too, the presence of the Arab population means a constant reminder that Jewish sovereignty is not self-evident and that the 'Jewish state' has to deal with non-Jews in its midst. In this respect, the law expresses the Jews' own deep insecurity with their identity in their own country. The fear of losing national identity leads to a return to a rather non-liberal nationalism that is altogether comparable to current trends in Europe and the US.

A new generation of Arabs

Other changes are also taking place in society. Over the years, the Arab population has become part of the Israeli collective that constantly challenges the Jewish character of the state. A new generation of Arabs has grown up in Israel. Because of Israel's proximity to the West, the best educational system in the Middle East, and its democratic principles, this generation has grown into an ethnic group whose members are no longer willing to be second-class citizens. So the actual function of this new law is to restore past conditions of exclusion.

Especially in recent years, much has changed within the Arab population. The Arab leadership increasingly 'Palestinised' themselves and demanded that the Jewish state change into a 'state of all its citizens.' Oftentimes, the same leaders demanded both equality and cultural autonomy. For example, the Palestinian elite published so-called vision papers calling for this bi-national state.

So actually, the new law already foresees a time when the status quo of the occupation — which can indeed last for a very long time — will no longer work.

Allegations of irredentism — that Israel's Arab citizens see their loyalty as being more to the Palestinians and the Arabs beyond Israel rather than to Israel itself — have always been and continue to be present. The more that the Arab population is symbolically and practically, for example economically, excluded from the common good of the Jewish state, the more self-confidently it shows itself as a minority.

At the same time, the more similar the Arab becomes to the Jewish

population, the more likely this will cause confusion among those who insist on ethnic homogeneity. The ever-increasing equality then manifests itself in demands from the Jewish side for increasing discrimination. This is one of the deep-seated principles behind the new legislation. And that is also the reason why Palestinian flags were waved in demonstrations against the law. To the government, this 'confession' of allegiance to the 'enemy' right in the center of Tel Aviv must have seemed as a form of validation. Netanyahu was also quick to argue that the demonstration had merely confirmed the need for him to enact a law institutionalising the Jewish character of the state.

Illiberal Israel moving East

Israel was never a liberal state, however. Liberal principles are principles of equality. Ethno-national principles are principles of inequality. Liberal principles are principles of universality, while ethno-national principles are based on particularity. In this respect, Israel is more akin to Poland, Hungary, Slovakia, Estonia and Lithuania, who also see themselves as 'ethnic democracies'. Orbán's declaration that liberal democracy has ended is now reverberating in Israel.

The fact that Israel should be one of these illiberal democracies irritates many people, especially in Germany. But actually, that's only Zionism taken to its logical conclusion. Israel once began as a European island in the non-European Middle East, and is now distancing itself from a Western democratic model and moving eastwards to the non-liberal states of the 'new Europe' — a development currently supported by the US. It is no coincidence that Israel's political relations with these states have become closer.

But there is more at stake, of course. In Israel, there's the occupation, the sanctity of the conquered territories, and the externally supported so-called two-state solution — these differences set it apart from Europe. *The land of Israel is the homeland of the Jewish people.* That's what the law says. It does not say the 'state' of Israel. In Hebrew, this distinction is significant.

Two different but overlapping formations spatially co-exist: the state of Israel with its institutions and its citizens living their lives, and the 'land of Israel,' a sacred formation in which other laws and other temporal structures are in force. Until 1967, the 'land of Israel' existed outside reality and beyond any borders. Since 1967, in addition to the state of Israel, the land of Israel has existed and has freed itself from the embrace of the Jordanian border and now shares political space with the state.

The State of Israel speaks a political language. It speaks of democracy, borders, and the rule of law. The people who live in the state of Israel see themselves as 'enlightened' Jews who are trying to exist with their language on an equal footing with the 'sacred' language. For those who believe in the land of Israel, the term 'occupation' makes no sense whatsoever. You cannot illegally occupy your own country.

So actually, the new law already foresees a time when the status quo of the occupation — which can indeed last for a very long time — will no longer work: the country will become the homeland of the Jews, in which the ratio of majority and minority population will effectively not matter.



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