



ARABS IN THE JEWISH STATE: ISRAEL'S MINORITIES AND THE WAR IN GAZA

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Prior to October 7, Israel was experiencing unprecedented social protests over a judicial reform program that was perceived by many as threatening its professed democratic foundations. The proposed legislation has been largely paused during the Gaza war, as other issues have grown more salient and calls for national unity have put much of it, and the campaign for its adoption, on ice. Looking at Israel through the prism of its minorities, however, demonstrates that the internal debate around Israeli civic identity and belonging continues apace even as the country battles its external enemies. Frequently, steps taken against minority groups in the country appear to foreshadow policies against the wider public that some consider undemocratic or illiberal. In this respect, an analysis of how minorities in Israel are navigating the political landscape of the Gaza conflict provides a unique perspective on how a wider Israeli civic identity is being shaped.

At the end of 2023, according to Israel's Central Bureau of Statistics (CBS), Israel's population stood at 9.8 million. Of these, 73.2 percent are Jews, 21.1 percent are Arabs, and 5.7

percent are identified as "other." Those designated as Arabs include the Druze, Bedouins, and Circassian ethnic groups who are distinctive within the non-Jewish minority patchwork in Israel. They are numerically small and mostly concentrated in specific geographical areas, and many among them choose to participate in the Israeli state project through military service. Israel's relationship with its wider Arab population, sometimes referred to as Palestinian citizens of Israel, is more complex. For some Israeli lawmakers, they represent a challenge to visions of a Jewish state on account of their support for Palestinian rights and statehood.

This Brief examines the place of minorities within the Israeli legal framework, as well as how the country views the place of non-Jews in the Jewish State. It analyzes the challenges minorities face during the ongoing conflict in Israel/Palestine and their efforts to address them. Taking a broader view, it considers the implications of the minority experience in the country for Israeli society as a whole.

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MINORITIES IN THE JEWISH STATE: THE LEGAL FRAMEWORK

Understanding minority politics in Israel requires a sense of how they are positioned in the Israeli legal framework. Israel does not have a constitution but uses other legal instruments to substitute for it. One of these is its Declaration of Independence, proclaimed on May 14, 1948, the day on which the British Mandate over Palestine expired. Since then, Israel has enacted a number of what are called "basic laws," which help to define the country's political institutions and speak to various aspects of its identity and self-conception.

Israel's founding document, the Declaration of Independence, declares the country to be a Jewish State, one where Jews are "masters of their own fate." Yet despite having Jewishness at the center of its political vision, the Declaration also states that the State of Israel

will ensure complete equality of social and political rights to all its inhabitants irrespective of religion, race or sex; [and that] it will guarantee freedom of religion, conscience, language, education and culture....

These rights were further enshrined in the 1992 Basic-Law: Human Dignity and Liberty, which explicitly asserted universal rights of life, liberty, dignity, property, privacy, and bodily autonomy, among others.³ Article 1a states that its purpose is to

protect human dignity and liberty, in order to embed the values of the State of Israel as a Jewish and democratic state....

Yet working out the tensions between Israel's Jewishness and its universal and democratic ideals has been a constant struggle for the state. They lie at the heart of the country's political difficulties, whether with respect to its relationship to its own citizens, to the inhabitants of the Occupied Palestinian Territories, or to its neighbors and allies. Can a state that privileges Jewish self-rule make room for feelings of belonging and participation on the part of non-Jewish groups?

ARABS IN ISRAEL

Though theoretically equal with respect to their rights as citizens, Arabs of all ethnic identifications in Israel constitute some of the country's poorest and most disadvantaged populations. According to the Israel Democracy Institute (IDI), 95 percent of Arab localities are in the country's lowest socioeconomic bracket; and the IDI reports that in 2018, according to the National Insurance Institute, some 45 percent of Arab families in the country were living below the poverty line—more than three times the rate among Jewish families.⁴ These differences echo into the realms of employment, crime rates, and educational outcomes.

Electoral politics likewise reflect these socioeconomic realities. Arab turnout for elections is consistently lower than among Jews. (The disparity between Arab turnout and nationwide turnout stood at around 17 percent in the 2022 elections.⁵) Low turnout has in turn helped bring about a decline in the number of Arab Members of the Knesset, Israel's legislature: to ten across both Arab and non-Arab parties, down from seventeen in 2020 and fourteen in 2021.⁶ At the same time, the Arab Ra'am party made history in 2021 when it became part of the anti-Netanyahu coalition led by Naftali Bennett and Yair Lapid.⁷

Excluded from electoral politics altogether are, first, the roughly 350,000 Palestinian inhabitants of East Jerusalem, who are considered "permanent residents" and are not entitled to vote in national elections or receive a passport. They are also subject to the possibility of having their residency status revoked. Permanent residents may apply for full citizenship, but a majority choose not to. Just 5 percent of Palestinian residents have been granted citizenship since East Jerusalem's annexation in 1967. Only 34 percent of applications are approved, in a protracted process that can take years to finalize.

Excluded also are the roughly 5 million Palestinians living in the occupied West Bank and in Gaza. Though many aspects of their lives are controlled or influenced by the Israeli state, their predicament differs significantly from that of those living in East Jerusalem, and from that of Palestinian citizens of Israel (the latter group also known as Israeli Arabs or '48 Arabs, after the year in which Israel was founded with its pre-occupation borders). As noted in the introduction, however, this Brief's scope will be limited to conditions for minorities inside these borders.

Despite the liberal principles enshrined in Israel's Declaration of Independence and 1992 Basic-Law, recent Israeli governments have sought to emphasize the Jewish over the democratic in Israel's self-definition. Indeed, under successive governing coalitions led by Prime Minister Benjamin Netanyahu, attempts have been made to entrench the distinction between Jews and non-Jews in Israel. In 2018, the country passed a basic law dubbed "Israel - the Nation State of the Jewish People." The Nation State law made significant changes to the shape of the state. The law demoted Arabic from an official language to a "special status" language, and asserted that the Jewish people have the unique and exclusive right to exercise "the right to national self-determination in the State of Israel." It declared "the development of Jewish settlement" "a national value," and committed the state to encouraging and promoting it.¹⁰

Branded "racist" by Arab lawmakers at the time, the Nation State law underscored some of the foundational

difficulties of Israel's self-definition—and its application has illustrated some of its discriminatory potential. In 2020, Article 7 of the law (regarding the "national value" of Jewish settlement) was one of seven reasons cited to deny funding for Arab schoolchildren to travel to an Arabic-language school from the northern Israeli city of Carmiel, which lacked such an institution, on the grounds that "[e]stablishing an Arabic-language school . . . [and] funding school rides for Arab students . . . could change the demographic balance and damage the city's [Jewish] character." Israel runs a parallel education system with a distinct curriculum for its Arab population, but there are disparities with respect to both investment and student attainment.

Human rights NGOs in Israel cite numerous other examples of the practical alteration in the legal landscape brought about by the Nation State law. These include attempts to prevent entry to parks during public holidays and compelling municipal officials to swear to preserve the Jewish character of their towns.¹²

Alongside this experience of discrimination, Arab citizens of Israel continue to express mixed feelings with respect to belonging to the country. An October 2023 poll by the IDI showed that 70 percent of Arab citizens felt "part of Israel and its problems," a marked rise from the 48 percent recorded just four months earlier. Yet by November, this had declined to 65 percent. Meanwhile, 71 percent said they felt uncomfortable expressing themselves freely on social media.¹³

An element of this incomplete sense of identification relates to an observation by some analysts of the growth of an Arab middle class in the country in spite of widespread poverty in the population as a whole. The past thirty years have seen a marked rise in the number of Muslim and Christian Arabs who hold undergraduate degrees, as well as an increased presence of women in the labor force. Bank of Israel data suggest an increase of around 7 percent in Arabs belonging to the middle or upper middle class (with earnings of between 75 and 200 percent of the country's median income) between 2007 and 2018. This tracks with an increase in houses with two or more educated earners, along with a general trend of economic growth in Israel over the past two decades.

Yet issues related to the equal protection of rights in Israel touch Jews too, and have proven to be a powerful force for mobilizing sentiment against government overreach. A package of laws dubbed "The Judicial Overhaul," put forward in January 2023 by the Netanyahu coalition, attempted to significantly reduce the power of the Supreme Court and empower the government to overrule

constitutional protections. A proposed "Override Clause" would allow the Knesset to override judicial decisions with a simple majority, while politicians would have significantly more control over the appointment of judges.¹⁶

This Judicial Overhaul, civil society activists fear, would result in the appointment of judges favorable to government opinion and would decimate the checks and balances that help manage a political landscape sometimes polarized between liberal, traditional, and religious values. The Supreme Court, which has in the past upheld some of these liberal values more than others, particularly on matters of gender, would be weakened in the face of coalitions with an increasingly religious bent.

Opposition to the overhaul drew hundreds of thousands to weekly protests on Saturday nights and led to warnings of a general strike and to threats on the part of army reservists to withdraw their service from elite units. Only the calamity of October 7 was able to cause them to pause.¹⁷

The shrinking of minority rights in Israel that began with the Nation State law, then, presaged a wider assault on liberal values that struck at the institutional core of the state in the form of the 2023 Judicial Overhaul. Now, as the Gaza war rages on, we find these debates over Israeli civic identity not only continuing with regard to minorities but radiating outwards into Israeli society as a whole.

Druze and Bedouins: Militarism for Civic Belonging

Amid the greatest security challenge that Israel has faced in the twenty-first century and with hundreds of thousands of its citizens displaced from its northern and southern borderlands, plans have been made for the expansion of the country's already highly militarized landscape. A new recruitment law put forward in February 2024 extended compulsory military service to a full three years for men, and quadrupled annual duties for reservists. The law itself has faced internal critique, and minorities have since the war's beginning attempted to leverage this militarized environment to bring increased attention to their plight. Members of the Druze and Negev Bedouin communities in particular are hoping that the war represents a window of political opportunity in spite of its costs to their constituents.

Members of the ethnically Arab Druze community, who follow a distinct religion of their own and make up around two percent of the country's population, are an especially visible minority group in modern Israeli public life. Unlike most Christian or Muslim Arabs in Israel, Druze men are subject to conscription, and around six in ten serve or have served in the Israeli military, according to one survey.²⁰ They have gone on to serve in top military and security posts,

with prominent figures such as Major General Ghassan Alian formerly commanding the Golani Brigade, an elite infantry unit in the Israeli military that is frequently on the front line in conflict. In Israel, where the security of the state and its military is a fundamental element of national culture (in part as a result of continued conflict and a compulsory military draft), military advancement is seen as a highly significant role in public life.

At the same time, the Druze community has frequently criticized the Nation State law's vision of the state and has sought to push against a framing of their contribution to and position in Israel as exclusively military and security focused. After the deaths of several Druze servicemen during the invasion of Gaza, the community leader Muwafaq Tarif told an Israeli television network that "the Druze community's sharing in the burden [of the war]... on the battlefield, must also be [reflected] in civilian life."²¹

The discrepancy between the prominence of the image of the Druze warrior and actual Druze life during the Gaza war illustrates the gap that Tarif addressed. Even as Druze soldiers were lauded for serving and dying in Gaza, many faced discrimination. An investigative report by one Israeli newspaper showed that there were Druze soldiers on active duty who faced fines and demolition orders on their homes²²—this as a result of planning laws that rarely grant construction permissions to non-Jews and refuse to approve buildings retroactively. Article 7 of the Nation State law, along with other legal instruments that serve as legal obstacles to expanding non-Jewish construction, loom large here²³—not only in terms of the letter of the law, but in highlighting a discriminatory attitude that disfavors the flourishing of non-Jewish communities.

At least twenty-one Negev Bedouins were killed on the day of the October 7 massacre, many from the largest Bedouin city of Rahat. Six were abducted into Gaza. ²⁴ The Negev Bedouin are a traditionally nomadic group who primarily live in the desert areas in Israel's south. ²⁵ Of the total population of roughly 300,000, around three-fourths live in recognized Bedouin towns and the rest in unrecognized villages outside of them. A recent study found that 68 percent of the Bedouin population in Israel lived in poverty, over six times the rate for Israeli Jews. The lack of recognition for some of their villages, echoing the case of the Druze above, means reduced opportunities for education and social mobility within the wider Israel context. It is estimated that only 58 percent of Bedouins become eligible for high-school graduation certification. ²⁶

Much of this has worsened under the current Netanyahu administration, especially as far as land rights are concerned. According to a 2023 report, the ruling coalition has refused to recognize over thirty Bedouin villages (which

would give them access to improved services and funding), while committing to spending 1.6 billion shekels to establish fourteen Jewish towns in the Negev region. It is estimated that some 15,000 buildings in Bedouin villages were demolished in the six years prior to 2023.²⁷

Although Bedouins are not obliged to join the Israeli military, a 2020 estimate suggested that some 1,500 were in active service, and that more than 110 members of the community had died in combat between Israeli independence in 1948 and 2020.²⁸ Many serve in reconnaissance units in the country's south and have taken part in the past in Israeli offensive operations into the Gaza Strip. Indeed, one right-wing newspaper in the country cited Defense Ministry officials as saying that the months since the war's beginning had seen a significant uptick in Bedouin interest in enlistment to the military.²⁹ One of the casualties of the Gaza offensive was Ahmad Abu Latif of Rahat, who was killed in late January 2024. Ahmad volunteered as a reservist and had written in an online post after October 7: "We are all party to the same fate and we need to be united and together." His funeral was attended by Jews and Arabs alike.30

Such casualties have added strength to community leaders' critiques of the Nation State law and of Israel's attitude toward its minorities. Yet here again we find a divide between political forces in the country that want to forge a broad equality in Israeli civil society and those that prefer a piecemeal and conditional recognition on a group-bygroup basis. In November 2023, Yair Lapid's Yesh Atid party followed up its earlier critiques of the Nation State law and suggested an amendment that would describe the country as a "home with equal rights for all its citizens," return Arabic to its official status, and soften (but not revoke) Article 7.³¹

This unease about the law, and about the status of the Druze in particular, exists across the political spectrum in the country. At the funeral of one Druze soldier killed in Gaza, Welfare Minister Yaakov Margi of the Orthodox Shas party made his own reservations about the current state of the law clear:

I have always felt a sense of discomfort and unfairness... whether with respect to housing, land [or] employment. And above all, we must say with courage - also [regarding] the Nation State Law.³²

In practice, however, actual government policy has opted to take a narrower view of opportunities for reform. Rather than adopt the more inclusive vision proposed by Yair Lapid, the coalition led by Benjamin Netanyahu has

chosen an approach that limits the sense of belonging that community leaders have sought. By mid-December 2023, an initial draft of the bill for a Basic Law: Covenant of Life, recognizing the Druze contribution to Israel as a Jewish nation state, had been put forward. The bill also recognized the smaller Circassian minority group, who number in the thousands and also serve in the military.

The wording of the bill falls short of a full enshrining of equality, however, stating that

[t]he Druze citizens of Israel, as a community and not only as individuals, have tied their fate to the fate of the Jewish people in their country, and recognize the State of Israel as the national state of the Jewish people.³³

Military service, then, is made into a benchmark for the sort of belonging and recognition to which minority groups in the country aspire. But the bill falls short of offering a vision of what a non-Jewish sense of belonging might look like in Israel. Indeed, the limited outlook of the bill is confirmed by other opinions offered by its legal proposer, the Likud Knesset Member (MK) Ariel Kallner. In the days after October 7, Kallner called for a "Nakba that will overshadow the Nakba of 1948," referring to the exodus of three quarters of a million Palestinians from the land following Israel's founding.34 The proposed law's outward recognition of a variegated population in Israel, then, does not necessarily proceed from a liberal position of multicultural statehood, but rather envisions a conditional covenant between some minority communities and the Jewish majority.

Crucially, the Negev Bedouin were excluded from this bill despite requests by community leaders to be included in the proposed change.³⁵ A factor that may account for the discrepancy between the political will for the inclusion of Druze compared with Bedouins in any amendment or supplement to the Nation State law goes beyond the relatively small number of Bedouin army recruits: The community also suffers from an image deficit vis-à-vis the Israeli public. The right-wing Israeli press and the policy conversation frequently demonize the community, pointing to high crime rates (no doubt compounded by the systematic discrimination against it) and high birth rates, along with its presence on large swathes of coveted land in southern Israel.³⁶

The proposed law was severely criticized by parts of the Druze community, including by Druze MK Hamed Amar, who said the proposal lacked the equality the community sought. He referred to the coalition's proposal as "a joke law," and said it was "worse than the Nation State law that

prioritizes [certain] populations and [ranks] the Druze as second class."³⁷

There is a sense among some groups, then, of a mixture of possibility and frustration as the Gaza war emphasizes the complexity of belonging in Israeli political life. These groups' level of consistent sacrifice, commitment, and even loss have not been met by commensurate attention to their political demands.

Unfree Expression: Palestinian Citizens of Israel

Domestic tensions between the state and its population of Arab Israelis or Palestinian citizens of Israel often reflect the country's attitudes toward Palestinian statehood and sovereignty. These predate the current conflict and have continued into it. In early 2023, for example, the Netanyahu coalition, and National Security Minister Itamar Ben-Gvir in particular, moved to ban the flying of the Palestinian flag in public in the country.³⁸ February 2024 saw 99 of the country's 120 MKs vote against unilateral recognition of a Palestinian state.³⁹

May 2021 saw these tensions boil over into some of the worst intercommunal violence seen in the country for decades, triggered by a series of clashes in Jerusalem around the holy month of Ramadan.⁴⁰ Cities with mixed populations, including Lod and Acre (Akko), witnessed widespread unrest and states of emergency declared. Hamas and the Israeli military, meanwhile, exchanged missiles and air strikes. International rights groups accused Israel during this time of abusive policing targeting Arab protests and of failing to act evenhandedly in not defending Arabs from ultranationalist Jewish attacks.

To some extent, the October 7 massacre and the ensuing war have allowed these tensions to resurface much more publicly. Political analyst and journalist Raviv Drucker warned in November 2023 that "what happened on the seventh of October was that the concept of 'good Arabs' died.... there are still good Arabs who saved people and risked their lives, who died while trying to save other people. There are good people. If we don't believe [that], then we really don't have an existence here."⁴¹ Discrimination against Arabs in Israel has been on the rise since October 7, diminishing the sense of belonging discussed above. Yet it is in this changing treatment of Arabs within Israel during this round of conflict that we find echoes of the wider constitutional conflicts pointed to earlier.

The Israeli crackdown on expressions of sympathy with Palestinians and their aspirations for statehood, or concern for victims of the war in Gaza, has seen a marked uptick since October 7. In the month after the massacre, Israeli

authorities arrested, interrogated, or warned over 250 people for planning protests or posting online about the war in Gaza. According to Adalah (The Legal Center for Arab Minority Rights in Israel), almost half of these interactions were based on social media posts. ⁴² Such arrests were further facilitated by a November amendment to an Israeli counterterrorism law that seeks to impose harsher punishments on those consuming media produced by designated terrorist organizations. ⁴³

Incidents of discrimination extend into the world of labor and education, with the same organization disclosing that during the period above, it had received reports from more than ninety Palestinian citizens of Israel advising that they had been fired or suspended from their jobs owing to social media comments or other activity.⁴⁴ Arab doctors in Israeli hospitals described discomfort and discrimination as a result of the political environment among colleagues and patients alike, such as instances of Jews not wanting to be treated by Arab medical staff.⁴⁵

Even the country's most notable Arab figures have come under attack. In February 2024, colleagues rallied behind the much-beloved journalist Suleiman Maswadeh after commentator Dov Halbertal declared that there was something "outrageous" about Maswadeh's Arabic accent when pronouncing the names of Hamas leaders on Israeli television, given that he had "not served the State of Israel for one day." Maswadeh, previously hailed as a bridging figure who massively increased Arab visibility in Israeli news media, served as a reminder of forces that continue to seek to limit Arab involvement in the public sphere in Israel.

A counter-argument within Israel might present these steps and the heightened sensitivity around these issues as part of the country's simply being on a war footing, keen to maintain national unity and security during a time of crisis. Instead, they demonstrate that signs of narrowing freedoms are often first visible among minority populations.

In fact, this constraining of minority rights of self-expression has been echoed by a wider contraction of free speech in Israel throughout the period of the war. Israeli police have repeatedly denied permits for anti-war protests, though this has softened to some degree as the war has continued.⁴⁷ Late February 2024, for example, saw a protest pushing back against the government's policies on worship at al-Aqsa and calling for an end to the war. Other protests that week calling for elections to replace Benjamin Netanyahu saw mounted police and water cannons used against protesters, resulting in four people being hospitalized.⁴⁸

Students in Israeli institutions have been in the line of fire, with thirty institutions launching 120 proceedings against them, according to a January 2024 report.⁴⁹ The

severity of these complaints and their results may vary, but they are indicative of a heightened atmosphere of tension in educational institutions more than anything else.

The complaints against students were paralleled in some cases with respect to Jewish teachers as well. Dr. Meir Baruchin was fired from his teaching job and spent several days in jail over online posts in late 2023 criticizing the war in Gaza and taking note of the deaths of Palestinian children. The left-of-center daily *Haaretz* has pointed to these events and others as part of a "democratic decline" in Israel. Though the judicial reform legislation has been largely paused, the newspaper outlines an increase in civilian firearm distribution, crackdowns on protests, and increased surveillance rights for Israel's intelligence services as signs that even without the overhaul, a wider set of undemocratic policies are being enacted.

This much harsher policing of protest and opinion has extended into elite politics as well, beyond the Arab community. In January the Knesset House Committee voted 14-2 to expel the MK Ofer Cassif, the only Jewish representative for the mostly Arab Hadash-Ta'al party. Cassif drew the rancor of MKs for signing a petition submitted by South Africa to the International Court of Justice (ICJ) against Israel's actions in Gaza. ⁵² Ultimately, only 85 MKs voted in favor of the motion on the Knesset floor (5 short of the required 90), but Arab lawmakers in the legislature nonetheless referred to the move as "radical and antidemocratic" and an effort to "silence the minority." ⁵³

CONCLUSION

On the eve of October 7, Israeli society lay divided along the lines of debate on the country's democratic future and its vision of citizenship and belonging. Though there were calls to put these fault lines to one side after October 7, we may see their continuation in the treatment of the country's Arab population during the war and in that population's political mobilization. For Druze and Bedouin populations, the conflict has become a battleground for civic recognition in a militarized environment, as they search for inclusion within the country's constitutional framework. For Palestinian citizens of Israel, the war has brought an increase in discrimination against them and a disruption of their gradual and hard-won integration into wider Israeli society. At the same time, the greater policing of public dissent has affected Israeli Jews as well, making clear the joint stake of all citizens of Israel, Jews and non-Jews alike in upholding values of citizenship and belonging.

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