



PERSPECTIVES

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Israel's Nationality Law Does Not Discriminate Against Minorities

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EXECUTIVE SUMMARY: Some non-Jewish citizens of Israel continue to be upset by the passage of the Nationality Law over the summer. They needn't be: in concert with the Basic Law, the Nationality Law ensures the civic equality of all citizens regardless of religion or ethnic affiliation.

One wonders why there has been so much hue and cry over Israel's new Nationality Law (July 19, 2018). After the passage of this legislation, protests were held in Arab towns across the country. At a rally in Tel Aviv, Druze spiritual leader Sheik Mowafaq Tarif lamented: "Despite our loyalty, the state does not see us as equals." Several Druze officers threatened to resign from the army, and Druze Knesset members have petitioned the court against the new law.

Critics say the law discriminates against citizens of non-Jewish origin. This fear is unfounded. Indeed, there is hardly anything new in the Nationality Law.

The law declares the Jewish State "the national home of the Jewish people" and defines "the right to exercise national self-determination" in it as "unique to the Jewish people." It declares "Hatikva" Israel's national anthem and the flag and menorah its official symbols. It says Hebrew is Israel's official language; identifies a "complete and united" Jerusalem as its capital; and names the Sabbath the day of rest. It declares that the State shall regard "Jewish settlement as a national value" and "encourage and promote its establishment and consolidation."

The very creation of Israel was based on the principle that it is the national home of the Jewish people. Legal instruments, such as the 1917 Balfour Declaration, the 1922 League of Nations Mandate for Palestine, and the UN

partition resolution of November 1947 substantiate this claim. Defining the development of the Jewish National Home in Palestine in June 1922, then British Secretary of State for the Colonies Winston Churchill wrote in his government's White Paper: "It is not the imposition of a Jewish nationality upon the inhabitants of Palestine as a whole, but the further development of the existing Jewish community, with the assistance of Jews in other parts of the world, in order that it may become a center in which the Jewish people as a whole may take, on grounds of religion and race, an interest and a pride. "

Since its May 1948 Declaration of Independence, Israel's primary mission has been to serve the Jewish people wherever they live. Israel's Law of Return (1950) automatically grants citizenship to any Jew immigrating to Israel.

Clearly, the new law is just a symbolic codification of Israel's Jewish character in the face of persistent Palestinian refusal to recognize the Jewish right to statehood and recurrent international voices in this vein. Anyone with any awareness of today's international realities can see that this codification is necessary to protect the very existence of the Jews. Anti-Semitism runs deep in most Arab states, with Arab leaderships often whipping up passions against Jews. Most of the Arabs even within Israel treat Jews as outsiders. In the Western states, too, anti-Semitism has never ceased to exist. British Labour leader Jeremy Corbyn refers to anti-Israel, genocidal terrorist groups Hamas and Hezbollah as "brothers" and "friends," respectively. Familiar canards are once again being spread about Jews in the West, including the accusation that they are more loyal to Israel than to the countries they live in. Another holds that the Jews exercise a disproportionate influence over the business world, the international financial markets, the US government, and the global media.

The Jews have suffered and wandered for millennia on account of their religion and peoplehood. They had no place to stay with honor and dignity after most of them were driven away from their homeland in ancient times. After a tortuous millenarian struggle, they have returned to their ancestral homeland in Israel. They cannot afford to lose their permanent home.

Israel's Declaration of Independence assures development for the benefit of all its inhabitants and the equality of social and political rights for all, irrespective of religion, race, or sex. The new law does not impair this principle. It is not directed against the country's non-Jewish citizens. It clearly states that Arabic has special status, something that doesn't exist in any non-Arab majority state. It also gives non-Jews the formal right to observe their own days of rest on their Sabbaths and holidays.

Non-Jewish citizens of Israel will be reassured if they view the new law in the correct perspective. The Druze community has long had a special relationship

with the Jews in Israel – a “covenant of blood,” or *Brit Damim*. This bond is deeply valued by the state and must get stronger.

Non-Jewish citizens should bear in mind that the Nationality Bill is intended to define the national character of Israel. Along with it, there is another law – the Basic Law: Human Dignity and Liberty – which ensures civil equality of all Israel's citizens regardless of ethnic or religious affiliation. Both laws have equal standing and are constitutional complements of each other – one in the realm of national identity and the other in the realm of civil equality.

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