

A Multicultural Entrapment: Religion and State among the Palestinian-Arabs in Israel. By Michael Karayanni. Cambridge: Cambridge University Press, 2021. Pp. 322. \$110.00 (cloth); \$88.00 (digital). ISBN: 9781108485463.

A Multicultural Entrapment: Religion and State among the Palestinian-Arabs in Israel, the latest book by Michael Karayanni, law professor and former dean of the Faculty of Law, at the Hebrew University of Jerusalem, examines the arrangements regarding personal status as they affect Israel's Arab minority, or more specifically, as they are regarded and discussed in Israeli public discourse.

Karayanni leads the reader, by stages, into criticism of what he sees as a campaign by the Jewish hegemony in Israel to weaken the national identity of the Palestinian-Arab minority by dividing it into separate religious communities. Karayanni presents his argument in four steps:

1. The Israeli debate over religion and state and over some of the arrangements in that regard—especially in matters of personal status, where religious law is afforded a measure of exclusivity and independence—omits the “Palestinian-Arabs” as stakeholders.
2. The accepted explanation for this omission is that the demand for separating religion and state in Israel arises more strongly among Jews than among Arab society. But it is an incorrect explanation, both because there are Arabs who wish for such separation and because the issue of institutionalizing a minority religion is of interest to the majority in other countries even when the members of the minority are unopposed to it.
3. The omission is grounded in a pairing of concepts: first, that in a state defined as Jewish, matters of Jewish religion are understood as belonging to the public sphere whereas religious matters of minority religions are understood as personal; and second, the general belief that the demand for cultural and religious autonomy is legitimate with respect to the religions of minority groups but questionable with respect to the majority religion. However, that pairing of concepts is erroneous.
4. The reason for the omission is actually, albeit inconspicuously, the Jewish majority's interest in preserving religiously based segmentation in the sphere of personal status because such segmentation serves to strengthen Israel's identity as a Jewish state and to weaken the national identity of the Palestinian-Arab minority, which is subdivided according to religion.

HOW SOLID IS KARAYANNI'S CRITICISM?

At the start of the book, Karayanni claims that in Israeli discourse regarding religion and state, Palestinian-Arabs are ignored. He refers primarily to academic discourse, which almost entirely dissociates the interests of minorities from the relations of religion and state, but also to the public discourse, where both inside and outside the political system, the struggle against what is perceived as religious coercion focuses solely on the Jewish sector. As noted, Karayanni devotes a significant part of the book to attempting to clarify the underlying reason.

In the second step of his argument, Karayanni presents what he describes as the common explanation: Arab society is traditionalist and therefore it tends less to challenge the authority of religious

law. In Arab society's lack of protest against the existing order, academic and public discourse finds no topic to seize upon. Karayanni finds two reasons for rejecting that explanation: first, studies in other countries do discuss the situation in minority communities even if the members of those communities have not raised the topic; second, individuals from among the Arab community indeed have, from time to time, protested the existing order.

A look at some of the evidence with which Karayanni supports those two contentions elicits a certain bewilderment. In support of his first contention, Karayanni cites a series of US cases that have dealt with practices toward religious minorities although the minorities did not challenge the practices. But it is unclear how those cases support Karayanni's contention. The instances are fundamentally different. In the Israeli instance, the state *grants autonomy* to religious minority groups. The groups' members *do not challenge* the existing order, and yet Karayanni asserts that someone should attack it as posing a problem from the liberal standpoint. In contrast, the cases described involve members of religious minorities who challenged the state for (allegedly) infringing on their rights by violating their religious freedom.

In support of his second contention, Karayanni describes—among other things—two cases in which Israeli law intervened to forbid certain familial practices that were accepted in the Muslim community and Muslims appealed against the law on the grounds that it violated their freedom of religion. Those two cases fail to support his contention. In fact, they even contradict it. In both of them, the state intervened in a religiously based practice, and the members of the minority group demanded that the state, rather than intervening, permit them to continue the customary practices of their religious communities.

Karayanni's contention seems even odder as we are reminded, by Karayanni himself, that there are Arab parties in the Knesset and that they include some whose worldview is secular. Karayanni notes that nonetheless, even those parties do not concern themselves with matters of personal status among the Arabs. The question arises of itself: Why is it that even those parties do not criticize the existing order? (I return to that point later.)

An even greater curiosity is Karayanni's very choice of research question. If Karayanni believes that there is unjustified inattention, in public discourse, to the problems in matters of personal status among the Arab minority in Israel, then why does he focus on exposing that inattention and attempting to understand its cause rather than devoting (at least) a parallel effort, through writings or through public activism, to describing those problems? Why does he not focus on an attempt to change the arrangements? In essence, the question is the same one that I asked above about the members of the Arab political parties. If the Jewish scholars and politicians are not criticizing the arrangements pertaining to the Arab minority, why are the Arab scholars and politicians not doing so?

In the third step of his argument, Karayanni presents an interesting thesis, according to which the lack of attention to matters of personal status in the Arab context, in contrast to extensive attention to the corresponding matters in the Jewish context, arises from a differing conceptualization of two important aspects of those matters. First, because Israel is defined as a Jewish state, matters of Jewish religion are considered public whereas matters of other religions are considered to belong to the private realm. Thus, and in view of the prevailing differentiation between the amount of intervention appropriate for each of those realms, the lack of discussion regarding private matters appears legitimate and even proper. Second, the Jewish religion is the majority religion, and thus there is no obstacle to examining whether the arrangements concerning its adherents are suitable. In contrast, adherents of other religions belong to minority groups. The multicultural approach tends to attach importance to preserving those groups' autonomy, providing another reason for inattention to them.

Does Karayanni's thesis explain the lack of criticism targeting the arrangements relating to personal-status among the Arab minority? I believe it does not. As Karayanni himself states, if Israelis indeed accept that it is not legitimate to intervene in matters of personal status among the Arab sector, then it is to be expected that in consequence, not only Jewish academics and politicians would refrain from entering into such matters but so would the courts. Yet Karayanni himself presents a series of cases in which the civil court system does intervene in the decisions of non-Jewish religious courts, emphasizing its commitment to the liberal values of autonomy and of gender equality.

In the fourth step of his argument, Karayanni casts doubt upon the sincerity of those who raise the multicultural argument as grounds for not dealing critically with matters of personal status among the Arab minority. In his opinion, the multicultural justification is intended to serve (or at least serves in practice) to disguise another motivation that is the real reason for the inattention. Karayanni believes that the reason for remaining unconcerned with matters of personal status among members of minority groups is that the State of Israel has an interest in maintaining religiously based differentiations in the realm of personal status. In his view, a campaign is involved that has the goal of strengthening Israel's identity as a Jewish state and, in parallel, weakening the national identity of the Palestinian-Arab minority by means of divide-and-rule tactics coming to expression in the segmentation of that minority into religiously-based subgroups.

Some years ago, a research student at the Hebrew University of Jerusalem raised an interesting argument. Regarding the fact that Israeli soldiers serving on the West Bank do not rape Palestinian women despite having the opportunity to do so, the researcher argued that the reason was the Israeli soldier's failure to perceive West Bank Palestinians as human beings equal to Israelis. To accept that researcher's explanation is to conclude that the Jews can never do right. If they raped Palestinian women, they would be rightly accused of immoral behavior; but they would draw the same accusation if they did not.

Karayanni does not go to the same extremes as that researcher, but unfortunately his logic is no different. This logic is shared by many public figures among Israel's Arab minority. To offer a single example: The Israel police have long refrained from fully enforcing the law in Israel's Arab cities and localities. The Arab leadership harshly criticizes the police and claims, rightly, that this policy permits criminal elements to take control of the territory and threaten the lives, well-being, and property of the other Arab citizens. However, as soon as the police change their approach and confront those criminal elements, they find themselves under attack by that same leadership, which accuses them of discriminatory harassment and racism.

This situation illustrating the inconsistency of the Arab sector's leaders regarding the police, might provide an alternative explanation for the inattention of Israeli public discourse to issues of personal status in the Arab sector. The inattention may derive from concern that an attempt at intervention by Jews could be interpreted, and condemned, as an attempt to violate the rights of the Arab sector and to overcome the last vestiges of its independence.

This explanation can draw reinforcement from Karayanni himself. Throughout the book, Karayanni is careful to describe Israel's Arab sector as "Palestinian-Arab." However, as Karayanni doubtless knows, not all Israeli Arabs self-identify as Palestinians—especially in the case of the overwhelming majority of Druze, but also in the case of the many Christian Arabs who insist on not being considered part of the Palestinian nation. Thus the question arises of why Karayanni determinedly refers to the entire Arab-Israeli population as Palestinian. It seems that behind his terminology there is not mere inexactitude but something more substantive. Karayanni is connecting the unsatisfactory treatment of issues of personal status among the Arabs to the friction between the Jewish and Palestinian nations. From a problem that has to do

with relations of religion and state, the issue morphs into part of the national conflict. Karayanni perceives a sort of plot on the part of the Jewish majority to strengthen the national identity of the majority group and weaken the national identity of the minority group. My explanation resembles Karayanni's, except that mine removes the venomous sting from the behavior. The members of the Jewish majority group are inattentive to the arrangements in the sphere of personal status among the minority group not because they *wish* to weaken it but because they are reluctant to be *accused* of trying to weaken it.

According to Karayanni, the fact that the topic is colored with nationalism, or could be so colored, explains not only the behavior of the members of the Jewish majority but also that of the Arab minority's leaders who refrain from attacking the nettlesome status quo. Karayanni claims that the reason is fear that such an attack would awaken tensions among the minority group and thus weaken its sturdiness and solidarity as a national minority group. Here, too, I offer an explanation that resembles Karayanni's but departs a bit from it. Like Karayanni, I believe that the Arab public's leaders do indeed avoid the topic out of fear. However, they fear not a blow to the national solidarity of their group but rather the chance that a discussion of the topic might instigate the requested change. If a change occurs, and the rules of personal status among the members of the Arab minority are adjusted to match Western democratic standards (and incidentally, just such a mismatch regrettably prevails in rules of personal status for Israel's Jewish sector as well), then the Arab leadership will lose an important asset in its struggle against Jewish hegemony: it will no longer be able to use the unsatisfactory situation as evidence of bad faith on the part of the majority group's members.

At the start of his book, Karayanni announces that it will include five chapters. Actually, it includes six. In the sixth and last chapter, Karayanni rolls up his sleeves and suggests ways of changing the legal situation regarding matters of personal status among Israel's minorities. He thus provides a first welcome harbinger for a discussion not based (only) on recriminations but (also) revealing a measure of responsibility and focusing on the substantive question. In my opinion, Karayanni would have done well to begin the book with the sixth chapter.

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