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***Majority Nationalism Laws and the  
Equal Protection of Minorities:  
Experimental and Observational  
Evidence from Israel***

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# **Majority Nationalism Laws and the Equal Protection of Minorities: Experimental and Observational Evidence from Israel**

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Western societies are increasingly enacting majority nationalism laws, intended to strengthen majority culture. We propose that majority nationalism laws alter public attitudes about the equal protection of minorities and that their impact varies between majorities and minorities. To explore this issue, we examine the impact of Israel's recently enacted Nation Law on both the Jewish Majority and Arab minority. Experimental evidence from before the law's passage reveals that, when the Nation Law is presented as likely to pass, both minority and majority respondents perceive the law as permitting minority discrimination in housing, voting rights, and the labor market. Yet panel and cross-sectional data show that only minority respondents changed their perceptions after enactment of the Nation Law: they came to believe that its passage eroded their legal status. These findings expose the troubling political effects of majority nationalism laws, particularly on minorities, and highlight the law's heterogeneous expressive effects.

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## Introduction

Western societies have been experiencing increased ethnic and religious diversification over the last several decades (Brady and Finnigan 2014; Enos 2016; Putnam 2007). This demographic shift has raised the salience of debates over national identity and triggered a movement toward majority nationalism laws (MNLs), legal instruments intended to defend and strengthen majority culture (Orgad 2015). In Germany, England, Canada, and the Netherlands, citizenship tests now require demonstrating proficiency of the majority language, history, and values (Adamo 2008; van Houdt, Suvarierol, and Schinkel 2011). Estonia requires its native Russophone minority to pass a majority culture and language test as a precondition to citizenship (Jacobs and Rea 2007). About one-third of European countries—including France, Denmark, and Belgium, among others—ban Muslim citizens from wearing veils in public, in an effort to preserve the hegemony of Western values (Abdelgadir and Fouka 2019). Similarly, Switzerland banned the building of minarets on mosques (Helbling and Traunmüller 2016). And in Israel, the Basic Law: Israel the Nation State of the Jewish People, commonly referred to as the “Nation Law” (NL), was enacted to solidify the dominance of Jewish culture in the public sphere.

What is the impact of MNLs on the social fabric that they attempt to regulate? How do majorities and minorities understand the effect of MNLs on their interrelationships and legal status? Legal theorists have long argued that law can shape mass attitudes and behavior by structuring political and social discourse and conveying information about prevailing social norms (Cooter 1998; McAdams 2015; Sunstein 1996). But evidence on the causal effects of law—and particularly MNLs—has been scarce and limited. Previous studies of nationalist policies mostly examined time-varying correlations in cross-sectional studies. The few experimental studies of MNLs either found no attitudinal effect (Flores 2017) or documented reactance under certain conditions (Barak-Corren et al. 2018; Collingwood, Lajevardi, and Oskooii 2018). No study to date has examined the impact of MNLs on both majority and minority populations.

In this article, we examine the causal effects of MNLs by analyzing the recently enacted Israel’s Nation Law (NL) and its impact on Jewish (majority)–Arab (minority) relations. The NL is an apt case study for several reasons. First, Israel is a fertile ground for the study of intergroup relations (Canetti-Nisim, Ariely, and Halperin 2007; Enos and Gidron 2018; Zussman 2013), particularly within legal contexts and across national lines (Grossman et al. 2016). Second, the

NL shares important goals with other MNLs. Similar to the Swiss ban on minarets (Helbling and Trautmüller 2016) and the public restrictions on the wearing of Muslim veils in several European democracies (Abdelgadir and Fouka 2019), the NL seeks to preserve the hegemony of majority culture in the public sphere. More broadly, the NL follows the legal trend of incorporating and subsidizing majority culture and religion, which is widespread throughout Europe (Driessen, 2010; Fox, 2006; Grim & Finke, 2006). The NL's unique advantage is its timing: its passage in July 2018 provides a rare opportunity to conduct an experimental test of the effect of an MNL on majority and minority populations.

This study provides evidence that the enactment of MNLs erodes the perceived equal protection of law and constitute minorities as permissible subjects of discrimination. It also shows that the effects of MNLs are short-lived among members of the majority group but are stronger and more durable among members of the minority. Following previous work on legal effects on intergroup attitudes (Tankard and Paluck 2017), we combine three modes of empirical analysis to examine the impact of MNLs: an experiment, a panel (within-subjects over time) survey, and a cross-sectional survey. First, we took advantage of the ambiguity surrounding the law's prospects before its passage and examined whether information that the law is likely to pass or fail affects perceptions of the permissibility of minority discrimination in employment, housing, and voting rights. The experiment provides a unique opportunity to identify the causal effect of the law's passage. When told that the NL would likely pass, majority (Jewish) and minority (Arab) respondents perceived minority discrimination as more permissible. Second, to examine the durability of this effect, we ran a panel survey that repeatedly measured the same respondents before and after passage of the NL. Examining changes over time, we found stark differences in the impact of the NL across groups. Whereas Arabs' perception of the equal protection of the laws has been greatly eroded, we find no such over-time change among Jewish respondents. Third, we corroborate these results using a time-series cross-sectional analysis with new participants recruited after the law was enacted. Triangulating the three empirical strategies provides a comprehensive test of our theoretical expectations and bolsters the validity of our findings.

Our work makes several contributions. First, we present a novel empirical account of an MNL's expressive impact on minority members' perception as being equal under the law. MNLs are not new, but their increased presence across Western polities (Orgad 2015) calls for broadening their empirical investigation. We do so with respect to three principal components:

population, methods, and research questions. First, research on intergroup relations has tended until recently to focus on attitudes and behaviors among the majority group or the general public, to the exclusion of minority samples (see for instance: Collingwood et al. 2018; Flores 2017; Gibson and Gouws 2000; Tankard and Paluck 2017; Weldon 2006). Our research uniquely assesses the impact of the law on the majority and the minority populations simultaneously. This comparative assessment indicates that MNLs could have stronger and more lasting effects on the minority and stresses the importance of examining members of both minorities and majorities in the sociopolitical study of intergroup relations, notwithstanding the objective difficulties.

Second, we enhance existing research on the institutionalization of majority culture, which mostly focuses on cross-national correlations between citizenship regimes and attitudes toward minority groups (Gibson and Gouws 2000; Weldon 2006). Moving from correlation to causation, our multipronged empirical strategy assesses the impact of MNLs on intergroup attitudes directly in an experimental setting. Furthermore, our panel data go beyond capturing short-term experimental effects to provide evidence on longer-term changes in attitudes in a controlled and carefully designed setting. These methods and results contribute to the research on the impact of macrolevel institutional factors on microlevel intergroup attitudes.

Third, we expand the investigation of legal change to previously unstudied outcomes. Earlier research has examined the impact of change in the law on attitudes toward minorities (Abou-Chadi and Finnigan 2019), perceptions of the social norm toward minorities (Tankard and Paluck 2017), and expressions of anti-minority sentiment (Flores 2017). We consider how law affects individuals' understanding of rights and legal protections. We find that the enactment of the NL increased beliefs that excluding and disenfranchising minority members is legally permissible and that these effects are stronger among members of the minority.

In addition to our contribution to the research on MNLs, our work also advances theory on the expressive power of law. First, empirical studies have struggled to find a purely expressive effect of law, independent of sanctions or incentives. In addition, several studies suggested that a law's expressive effect is primarily the result of how it was framed by the media (Collingwood et al. 2018; Linos and Twist 2016). Our study establishes, in a controlled experiment, that a purely expressive effect of the law is possible and centers it on the outcome of the political process (i.e., whether or not a law received the support of the majority). Second, earlier studies mostly have not examined heterogeneity across majority and minority groups in the expressive effect of law,

focusing instead on its general effects. Our study exposes the divergent effects of the same law on different populations, suggesting that law operates as a prism, expressing something different to various segments of the population. Third, we draw on our work, as well as the recent work of others, to reflect more broadly on the necessary conditions for the law to change attitudes.

We proceed as follows. We begin with a general discussion of the research on the expressive effects of laws. We then introduce the concept of majority nationalism laws and apply the literature on expressive law to generate predictions on the effects of MNLs on intergroup relations. We present our empirical studies next: the experiment conducted before the passage of the law, followed by panel survey analyses with data collected before and after the passage of the law. We conclude by discussing the broader implications of our research for the politics of diverse societies and chart several avenues for further research.

### **How do laws shape majority–minority relations? Existing work and its limitations**

Scholars have long argued that legislative symbolic acts such as MNLs can influence public opinion through the *expressive function* of the law—that is, law’s ability to express shared values and norms (Sunstein 1996). From this perspective, the law not only sets sanctions and provides judges with guidance for their decision making but also guides everyday citizens in forming attitudes and behaviors and expectations about other people’s attitudes and behaviors (Geisinger 2002). The expressive function of the law lies in its ability to signal which views and behaviors are socially accepted and desirable and which are socially forbidden (Adler 1999, p. 1404; Anderson and Pildes 2000, p. 1506). Thus, the law influences peoples’ beliefs about what others will do (Bohnet and Cooter 2003; see also Cooter 1998, 2000; Feldman 2009; McAdams 1997, 2015; McAdams and Nadler 2005, 2008; Tyran and Feld 2002; Kouchaki et al 2019). Scholars have hypothesized about the processes through which laws affect attitudes and behaviors in various contexts, including voting rights (Pildes and Niemi, 1993), attitudes toward LGBTQ people (Goodman 2001; Van Der Burg 2001), and criminal punishment (Feinberg 1965).

In the context of majority–minority relations, recent research has examined the impact of legislative acts and judicial decisions on attitudes toward migrants, ethnic minorities, and LGBTQ persons (Abou-Chadi and Finnigan 2019; Flores 2017; Ofosu et al. 2019; Tankard and Paluck 2017). These studies suggest that courts and legislators can change public attitudes, signal what is common and accepted within society, and influence perceptions regarding the direction

in which public opinion is headed. Linos and Twist (2016) found that decisions of the U.S. Supreme Court increased public support of controversial policies, and Tankard and Paluck (2017) showed that the Court's decision to legalize same-sex marriage led people to view society as more approving of it. Comparative cross-national research similarly showed that states that legalized same-sex marriage experienced a positive shift in attitudes toward gay men and women (Abou-Chadi and Finnigan 2019; Ofosu et al. 2019). In a study that is more closely related to our substantive topic, Flores (2017) found that an Arizona anti-immigration law encouraged individuals who were critical of immigration to become more vocal, resulting in a negative impact on social media sentiment toward Latinos.

This literature provides a useful starting point for exploring the implications of MNLs, yet it is also often characterized by two limitations. First, the studies cited earlier focus on the effects of legislation on overall public opinion and behavior. Yet the effects of laws that deal with majority-minority rights are likely to differ across majority and minority groups. To illustrate, research on marriage equality examined how law influences the societal views of gay men and women, but not its influence on the attitudes and perceptions of those LGBTQ men and women themselves (Abou-Chadi and Finnigan 2019; Tankard and Paluck 2017). Similarly, Flores (2017) and Ryo (2017) examined the impact of anti-immigration laws on members of the majority group but not on the Hispanic minority. And Barak-Corren et al. (2018) examined the effects of a draft of the NL bill on majority attitudes but not on national minorities.

Scholars have only recently begun to pay closer attention to minority responses, particularly to laws that target minority culture. Fouka (2019), for instance, shows that when U.S. states banned the German language from schools in the aftermath of World War I, Americans of German origin developed a heightened sense of German national identity. Along similar lines, Abdelgadir and Fouka (2019) find that the 2004 French headscarf ban led to increased perceived discrimination and thus hindered assimilation efforts of the Muslim minority. Finally, Hobbs and Lajevardi (2019) show that negative rhetoric and policies fostered in the 2016 U.S. presidential election caused Arab and Muslim Americans to avoid public spaces. These findings call for close attention to variations between minority and majority responses to MNLs.

An additional limitation of the existing literature pertains to its methodology: few studies allowed for direct causal inference, and most of the experimental work that measured the causal effects of law on public opinion focused on short-term effects (Ryo 2017). Although some studies did explore long-term effects (e.g., Fouka 2019), they did not analyze whether law's

effects linger to different degrees across different groups in society. To be sure, measuring the long-term effects of any legislative act is incredibly difficult, because legal and political dynamics often make it impossible to isolate the effect of a specific law from surrounding events. Our methodological approach does not entirely overcome this limitation; however, by combining a measurement of the NL's causal impact in a controlled experiment with a measurement of its actual effect a month after its enactment in both the majority and minority groups, our study provides a richer perspective than did most earlier literature.

### **Majority nationalism laws and their impact across majority and minority groups**

Facing increased ethnic, racial, and religious heterogeneity, a growing number of Western democracies have adopted versions of majority nationalism laws (MNLs): legislative and quasi-legislative acts that state that the majority—its religious traditions, language, and/or national symbols—enjoys a privileged status. Following Orgad (2015), we adopt a broad understanding of MNLs. Policy makers face different types of (real or perceived) challenges to national identity triggered by a variety of developments, such as increased levels of immigration or growing demands of local national, ethnic, or religious minorities. Considering that the legal toolkits in the hands of policy makers vary across legal contexts, it is not surprising that MNLs come in diverse forms. Thus, we consider forced assimilation of ethnic minorities in the United States (Fouka 2019), state-level anti-immigration laws (Flores 2017), and the Israeli Nation Law as MNL cases, although they naturally vary in context, legal instrument, and types of minorities.

Expressive law theory suggests that MNLs may signal to people that the status of minority members is inferior, even if this is not directly stated in the law. This is because MNLs may increase the salience of different national identities among the majority and minority groups (Fouka 2019) or may legitimate or encourage the expression of negative attitudes toward outgroup members (Flores 2017). This suggests the following:

*H1: MNLs foster perceptions that minorities are not afforded the equal protection of law.*

Expressive law theory also provides us with theoretical rationales to predict that the effects of MNLs would be more pronounced and more durable among minority members. First, MNLs provide a stronger signal to the minority: they signal to the minority how it is perceived by the majority, but it does not signal to the majority how it is perceived by the minority. If



legislation shapes attitudes by “causing individuals to update their beliefs about the approval patterns in their community” (McAdams 2000, p. 342), then this process should be more pronounced among the minority. Such differences could be manifested both in terms of effect size and its durability. Second, minorities are likely to have fewer opportunities to update their information on majority norms from other sources because of fewer interactions with the majority, leading to a more durable and uninterrupted effect of the law on their views. This leads to our second set of hypotheses:

*H2: MNLs have a stronger effect on the perceptions of the minority.*

*H3: MNLs have a more durable effect on the perceptions of the minority.*

We test these hypotheses within the context of the Israeli NL, a prime and recent example of MNLs. Before presenting the research design and empirical strategies, we describe the Israeli political context and the public debates around the NL bill.

## **Israeli context**

Israel provides a unique opportunity for studying the impact of MNLs on majority–minority relations. Israel is divided between a Jewish majority and a substantial Arab-Palestinian (and mostly Muslim) local minority that constitutes around 20 percent of the population. Research on Israeli public opinion documents a trend of mutual rapprochement across Israeli Jews and Arabs since the 1970s, in contrast to prevalent claims in the media (Smootha 1987, 1992, 2002, 2004). Yet, scholars also point to “deep resentment toward the Arabs” within the Jewish Israeli citizenry, with strong opposition to Arab citizens’ equal rights (Pedahzur and Yishai 1999).<sup>1</sup> Arab Israeli citizens also receive less state resources than does the Israeli majority (Peleg and Waxman 2011) and are discriminated against in the labor market (Khattab and Miaari 2013).

The Israeli NL was enacted as a Basic Law (a chapter of the incomplete Israeli constitution) on July 19, 2018. The NL defines Israel as the nation-state of the Jewish people and proclaims that the right of self-determination in Israel is unique to the Jewish people. The NL

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<sup>1</sup> On the degree to which Arab Israeli citizens are discriminated against compared to other non-Jewish out-groups, namely foreign workers and non-Jewish immigrants, see Canetti-Nisim et al. (2007), Canetti-Nisim and Pedahzur (2003), and Raijman (2010). For more on intergroup relations in Israel, see also Bloom, Arkan, and Courtemanche (2015).

also enshrines Jewish state symbols, including the flag and the national anthem; defines Hebrew as the official language of the state and Arabic as a “special status” language; and sets national goals, including promoting the formation of new Jewish communities. Although many of its provisions were already part of other laws, the NL represents an explicit effort to cement Jewish values and culture, elevate them to the constitutional level, and strengthen their impact on the judiciary.<sup>2</sup>

The NL received broad coverage in the years and months leading to its enactment in both Jewish and Arab media. Jewish discourse framed the law as an effort to fortify the Jewish identity of the state, whereas Arab discourse framed it as an act of discrimination (Gigi and Gozansky 2018). Critics argued that the law’s focus on Jewish culture and privileges expresses alienation toward the Arab citizens of Israel (Fuchs and Kremnitzer 2014; Harel 2013). Even commentators who did not believe that the law would have much impact on constitutional law (e.g., Statman and Yaacobson 2014) expressed concerns that the NL would boost majority-privilege sentiments. Arab members of the Knesset (the Israeli parliament) strongly objected to the NL and challenged its constitutionality at the Israeli Supreme Court. After the NL was enacted, tens of thousands of protesters participated in two demonstrations organized against the law by Arab minorities and their Jewish allies.

## **Methods and research design**

We examined the effects of the NL among Israeli Jewish (majority) and Arab (minority) respondents using experimental and observational data. First, we conducted a pre-registered experiment before the NL was passed when the prospects of the law’s passage were still unclear. This experiment provided high internal validity but did not identify the effect of the actual bill. Therefore, we proceeded to collect panel data from the same respondents before and after passage of the law. Finally, we corroborated the panel results and compensated for the expected attrition of some panel participants by conducting a cross-sectional (between-subjects) survey, sampling different respondents before and after the passage of the law. The cross-sectional study results, which are reported in the online supplement, were fully consistent with the panel results. This research design triangulated different methods such that each method compensated for the limitations of the other ones, thereby increasing the reliability of the overall findings.

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<sup>2</sup> An English translation of the NL is included in Section S1 of the online Supplementary Information Memo.

### *Study 1: Pre-legislation experiment*

The design of the experiment follows Tankard and Paluck's (2017) work on the impact of institutional decisions on attitudes toward minority groups. Tankard and Paluck took advantage of the then-pending status of same-sex marriage before the U.S. Supreme Court to examine the impact of the decision on attitudes toward same-sex marriage. Similarly, we conducted an online experiment that took advantage of the fact that the NL was being debated in the Israeli legislature at the time of the study, during May–June 2018.

The experiment included three conditions. The first group read that the legislature is *likely to pass the Nation Law*; the second group read that the legislature is *unlikely to pass the Nation Law*; and the control group read about an uncontroversial and neutral law.<sup>3</sup>

**Participants.** We recruited Jewish (majority) and Arab (minority) participants. The Jewish sample was recruited by the Israeli Biorepository Network for Research (MIDGAM) and comprised a representative sample of the adult Jewish population. The sample size of 900 individuals was determined based on power calculations (80% power,  $d = 0.25$ ). Ultimately, 908 individuals were recruited online to participate in the experiment (441 women,  $M_{\text{age}} = 42.63$ ,  $SD = 15.8$ ). The Arab sample was recruited online through the iPanel survey company and comprised 413 Arab adults (241 women,  $M_{\text{age}} = 29$ ,  $SD = 8.6$ ). Because of difficulties in achieving a balanced minority sample in terms of gender, age, and geographical location, the Arab sample represents the maximal sample we were able to collect, after having solicited offers from several professional survey firms with online panels.<sup>4</sup> Respondents participated in the experiment in their own language: Jewish participants completed the experiment in Hebrew and Arab participants in Arabic. The materials for the experiment were written in Hebrew, then translated into Arabic, and back-translated to Hebrew as a quality check.

**Procedure.** After giving consent, participants were randomly allocated to one of the three conditions: NL Passes, NL Fails, and Control. In the first two conditions, participants read the following:

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<sup>3</sup> The experiment was registered before data analysis in aspredicted.org (<https://aspredicted.org/blind2.php>).

<sup>4</sup> The Arab sample also took longer to recruit, but all data were collected several weeks before passage of the NL. Section S3 in the online supplement provides additional demographic information on all of our samples.

*In the past year, the Knesset has debated Basic Law: The Nation. The law includes the following basic principles:*

*A. The Land of Israel is the historical homeland of the Jewish people, in which the State of Israel was established.*

*B. The State of Israel is the nation-state of the Jewish people, where it fulfills its natural, cultural and historical right to self-determination.*

*C. The realization of the right to national self-determination in the State of Israel is unique to the Jewish people.*

*Among other things, the draft law states that Hebrew is the language of the State and that the Arabic language has a special status in the State. In addition, the draft law states that the State may allow communities, including members of one religion or one nationality, to maintain separate communal villages.*

Then, participants continued to read the following text, depending on their allotted condition (*fail/pass*):

*Recent weeks have seen [un]successful efforts to amass a decisive majority in the Knesset that supports the Nation Law. The Knesset believes that given the [low] high support for the law among the House factions, the chances that the Nation Law will pass in the current session are very [low] high. Indeed, there is unanimity among the leading commentators on the left and on the right that Nation Law is expected to [fail] pass. One veteran commentator was quoted as saying: "I have no doubt that it will [not] pass. I have seen many incarnations of this Law, but the present version enjoys [poor] sweeping support in the house. This law will [not] enter the books. I'm sure it's going to [fail] pass."*

No deception was involved in the experiment. There were indeed contrasting expectations regarding the chances that the NL would pass: the law had been under discussion in the Knesset for several years, and similar efforts to legislate it failed several times in the past. In the control group, participants read about an early childhood education law (see Section S2 in the online supplementary materials).

Then, in a similar fashion to Tankard and Paluck's (2017) design, participants in conditions 1 and 2 were asked to imagine themselves watching the TV news, listening to news on the radio, or reading news on the internet after the passage/failure of the NL and to describe what they

might watch, hear, or read being said on the topic. We also asked for their opinion of the NL, following Barak-Corren et al. (2018).<sup>5</sup>

Our main outcome of interest was whether the law erodes the perception of the minority as equal citizens under the law. Participants read that they would be asked several questions about the impact of the law on different issues. They were then asked about the current status (in the control group) or the expected status (in the NL Pass/Fail conditions) of Arabs' equal rights of employment (are businesses allowed to have a policy of employing only Jewish workers?), housing (are communal villages allowed to refuse to accept an Arab family?), and voting (is it allowable to deprive the right to vote in the general elections from citizens who would not agree to declare that Israel is the nation-state of the Jewish people?). Notably, the NL has no legal bearing on employment and voting, and it does not alter the prohibition against discrimination in housing in Israeli law.<sup>6</sup> Therefore, under current Israeli law, even after the passage of the NL, the correct answer for each of these questions is no.<sup>7</sup> However, we expected the NL to shape perceptions of equal citizenship more broadly.

Participants provided their answers on a 7-point scale ranging from 1 (to a small degree) to 7 (to a large degree). In the control group, the questions were camouflaged in a longer list of items about the legality of early education issues (e.g., is it allowed to ban sex offenders from working in early childhood education?). Participants in all experimental groups then answered a series of other questions including demographics.<sup>8</sup>

A manipulation check showed that respondents who were randomly allocated to the NL Pass condition were more likely to believe that the NL would pass compared to respondents randomly allocated to NL Fail, although the difference between the two experimental groups was more pronounced among Jewish respondents (for the Jewish sample:  $t = 7.091$ ,  $p < 0.00$ ; for the Arab sample,  $t = 1.83$ ,  $p = 0.07$ ).

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<sup>5</sup> Section S5 in the online supplementary materials provide an analysis of the relation between NL position and equal protection perceptions.

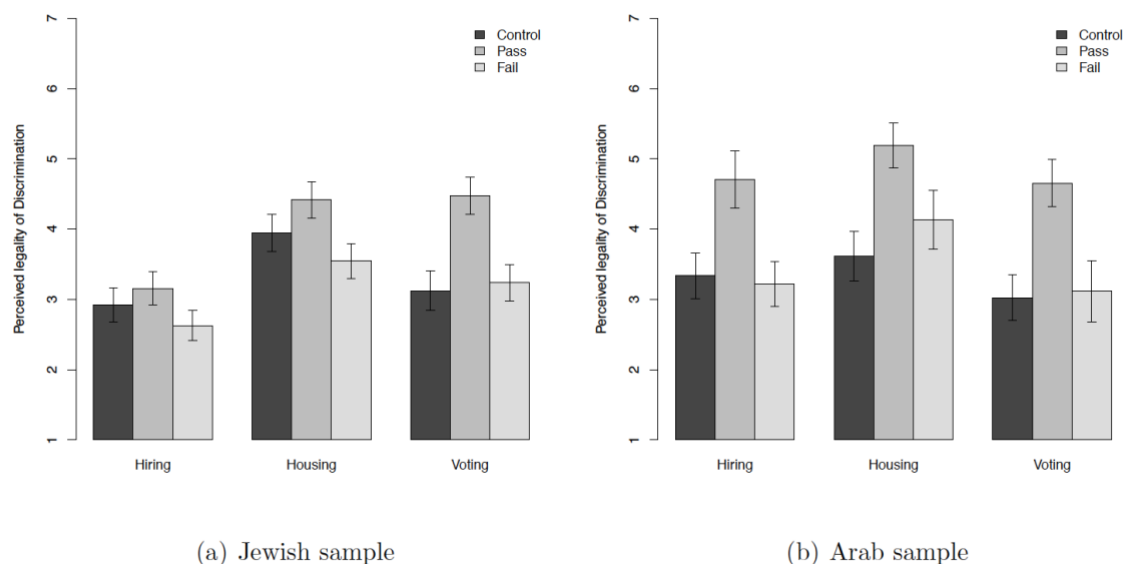
<sup>6</sup> The original NL draft did provide that the state may allow communities, including members of one religion or one nationality, to maintain separate communal villages. Therefore, we expected to see a greater effect on perceptions of equal protection in housing.

<sup>7</sup> Israeli law conditions voting rights only on age and explicitly prohibits discrimination on the basis of nationality, ethnicity, and religion (among other bases) in employment (Equal Opportunities in Employment Act, 1998) and in communal villages (Amendment 8 of the Cooperative Associations Ordinance, 2011). In *Sabah vs. Knesset* petitioners argued that, despite Amendment 8's explicit prohibition of discrimination, the vagueness and flexibility of the admission process allow for implicit discrimination in housing. The Israeli Supreme Court held that, absent concrete evidence of discrimination, the law is presumed constitutional due to its explicit commitment to nondiscrimination.

<sup>8</sup> We envision the present project as the first part of a series of projects about the NL and its influence.

**Results.** We examined the effects of the experimental treatment (whether the NL is likely to pass or fail) on the perception of the minority as equal citizens under the law, with the control group as the reference category. We hypothesized that passage of the NL would increase perceptions that discrimination against the minority is legal (H1), but with stronger and more durable effects among minority members (H2 and H3).

We begin by reporting the descriptive statistics across the three experimental conditions in Figure 1. For each of the two samples (Jewish-majority and Arab-minority), we present averages for equal citizenship perceptions in the control group, the group that read that the NL would likely pass, and the group that read that the law would likely fail. Higher values on the  $y$ -axis indicate that respondents had stronger perceptions that Arabs are not equal under the law. For the Arab sample, it is clear that respondents who were told the NL would likely pass were strengthened in their belief that Arabs do not have the equal protection of the law in all three areas: employment, housing, and voting. In the Jewish sample, respondents who read that the NL would likely pass showed similar trends, but the differences were smaller, with the exception of voting rights. As mentioned, the NL does not limit voting rights or any other political right of any group in Israel; in fact, the NL does not mention voting directly or indirectly.



**Figure 1.** Averages of perceived legal permissibility of Arab discrimination

To more directly examine differences across the control and treated experimental groups, we turned to regression analyses in which we regressed our measure of legal perceptions on the two

experimental conditions (the NL would likely pass and the NL would likely fail), with the control group as the reference category. The results are reported in Table 1. Examining the impact on the Jewish majority group, we find that Jewish respondents who read that the NL would likely pass were significantly more likely than the control group to believe that it would be lawful to discriminate against Arabs in the housing market (model 2). This perception was potentially shaped by public debates about whether the NL should include a clause that allows discrimination in housing based on ethnic identity—a clause that eventually was not incorporated into the NL. Jewish respondents who were told that the NL would likely pass were also significantly more likely to believe that it would be possible to disenfranchise Arab voters (model 3). In contrast, Jewish respondents who read that the NL would likely *fail* perceived discrimination against Arabs in the housing and labor markets as less legally permissible. To get a sense of the substantive magnitude of these effects, we compared them to the effect of the Right–Left political divide.<sup>9</sup> The expectation that the NL would pass had a large effect: in housing, it was 93 percent the size of the political divide effect (*d*'s ratio = 2.85/3.04); in voting, it was 135 percent the effect of the political divide (*d*'s ratio=8.0/5.92).

**Table 1.** The perceived legal permissibility of minority discrimination

	Jewish (majority) sample			Arab (minority) sample		
	Hiring (1)	Housing (2)	Voting (3)	Hiring (4)	Housing (5)	Voting (6)
<b>NL Passes</b>	0.235 (0.170)	0.471** (0.187)	1.351*** (0.194)	1.353*** (0.240)	1.467*** (0.248)	1.569*** (0.249)
<b>NL Fails</b>	-0.294* (0.168)	-0.398** (0.184)	0.113 (0.191)	-0.131 (0.267)	0.521* (0.277)	0.137 (0.278)
Constant (Control group)	2.923*** (0.120)	3.943*** (0.132)	3.123*** (0.1372)	3.391*** (0.169)	3.689*** (0.175)	3.073*** (0.175)
N	908	908	908	413	413	413
R-squared	.011	.024	.062	.098	.082	.104

Note: \*\*\*  $p \leq .01$ ; \*\*  $p \leq .05$ ; \*  $p \leq .10$ . Standard errors in parentheses. Reference category: control group.

<sup>9</sup> We dichotomized the 1–7 Right–Left worldview scale to rightists and leftists based on the midscale. Section S5 in the online supplementary materials report the results of a regression analysis of equal protection perceptions by political association in the Jewish and Arab samples.

When we turn to Arab respondents, the experimental effects are generally larger (hiring  $d = 6.5$ , housing  $d = 6.8$ , voting  $d = 7.2$ ), even compared to the effect of political association. The expectation that the NL would pass had a large effect: in hiring, it had 433 percent the effect of political association; in housing, 230 percent; and in voting 370 percent.<sup>10</sup> This supports our theoretical expectation that the NL would have a stronger effect on the minority. Arab respondents who read that the NL would likely pass were significantly more likely to believe that it would be legal to discriminate against Arab citizens in the labor market (model 4) and in housing (model 5). They were also significantly more likely to believe that they might be denied the right to vote following the passage of the NL (model 6). Interestingly, Arab respondents who read the NL would likely *fail* were also more likely than the controls to believe they would face legal discrimination in housing; yet the pass/fail difference was still highly significant:  $t = -3.4$ ,  $p < .001$ . All in all, minority respondents who read that the NL would likely pass believed that their status as equal citizens would be undermined in all spheres of life compared with the control group (and the NL Fail group)—despite the fact that the NL does not actually change their status in all these areas.

**Discussion.** The pre-NL experiment exploited the ambiguity regarding the prospects of the NL before its passage. When told that the NL would likely pass, both Jewish and Arab respondents came to believe that Arabs are not equal under the law—including in areas completely unrelated to the content of the NL. Nevertheless, the NL seemed to have a stronger effect on minority than majority participants.

### *Study 2: Panel survey*

About one month after the Nation Law passed in the Knesset on July 19, 2018, we resurveyed the participants who were part of the control group in Study 1. We returned only to those participants in the control group to guarantee that answers in the post-NL survey were not biased by the treatments regarding the NL's prospects of passage/failure. This allowed us to compare responses from before the NL was legislated to responses after its enactment.

Returning participants (Jewish,  $N = 240$ ; Arab,  $N = 114$ )<sup>11</sup> took the survey, which began with the following text:

<sup>10</sup> Hiring  $d$ 's ratio =  $6.5/1.5$ , housing  $d$ 's ratio =  $6.8/2.95$ , voting  $d$ 's ratio =  $7.2/1.94$ . Notably and expectedly, the political divide is narrower among the Arab minority, who mostly associate with the center-left. See Section S5 in the online supplementary materials.

<sup>11</sup> As typical in panel studies, we did not secure responses from the entire original sample (returning participants: 80% of Jews; 54% of Arabs; these retention rates are higher or comparable to those reported in Tankard and Paluck



*In recent weeks, the Knesset passed Basic Law: The Nation. The law includes the following basic principles:*

- A. The Land of Israel is the historical homeland of the Jewish people, in which the State of Israel was established.*
- B. The State of Israel is the nation-state of the Jewish people, in which it fulfills its natural, cultural and historical right to self-determination.*
- C. The realization of the right to national self-determination in the State of Israel is unique to the Jewish people.*

*Among other things, the law states that Hebrew is the language of the State and that the Arabic language has a special status in the State. In addition, the Law states that the State views the development of Jewish community as a national value and will act to encourage and promote its establishment and consolidation.*<sup>12</sup>

Participants then proceeded to answer the same questions about their perceptions of minority members as being equal citizens under the law. At the end of the survey we added exploratory questions about participants' exposure to the law and to the public discourse that followed its enactment. Participants were asked whether they had a chance to read the NL and how many of the reactions they heard about the NL were positive or negative. As in the experiment, each respondent participated in the survey in his or her native language.

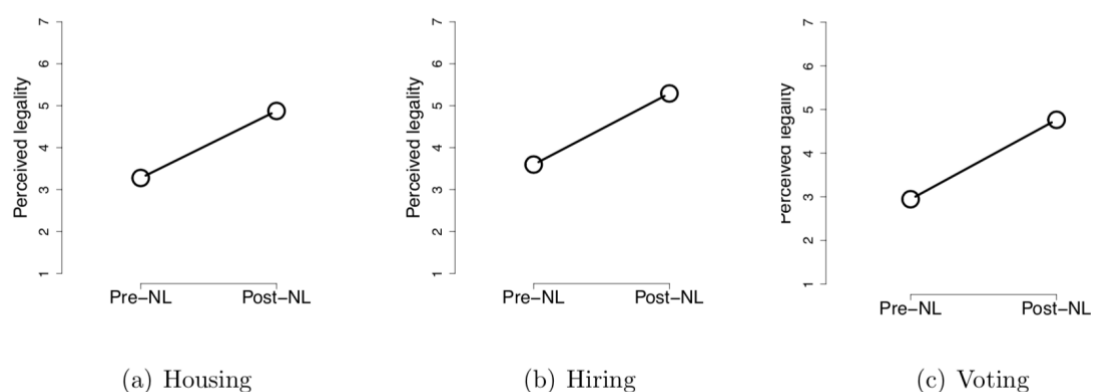
We found stark differences in the effect of the NL across Jewish and Arab respondents. In the Jewish repeated sample, there were no significant over-time differences in the perceptions of whether equal protection of the law applies to the minority in housing, hiring, and voting rights. Put differently, Jewish respondents did not change their perceptions about the legal status of the minority after enactment of the NL. In contrast to study 1, in which Jewish participants anticipated that the enactment of the NL would erode equal protection of the laws and would constitute minority members as permissible subjects of discrimination, we found no evidence that Jews' perceptions actually shifted over time.

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2017). Yet due to technical difficulties in the first few days of the panel survey data collection, the rates of complete responses decreased to 57% of Jews and 41% of Arabs. The analysis here focuses only on the 171 Jews and 74 Arabs for whom we have complete responses from before and after the NL.

<sup>12</sup> By including this text we sought to keep our post-NL measurement as comparable as possible to our pre-NL measurement (optimizing internal validity). We were not concerned that the text might function as a simple prime, because study 1 found dramatic differences between the groups that were identically exposed to this text but had received different information about its *likelihood of passage*. The passage of the NL was therefore the effective treatment in the experiment—which then materialized. The panel results also alleviate priming concerns, because they expose stark asymmetry between Arabs and Jews, in contrast to the pre-NL experiment in which Arabs and Jews responded similarly to the text (particularly in the NL Pass condition). The only substantive modification from the experimental text referred to communal villages and resulted from the change that was introduced to that provision in the final bill.

A very different picture emerged in the Arab repeated sample: here, passage of the NL dramatically shifted perceptions regarding the equal status of the Arab minority. Granted, our sample of Arab repeated respondents was limited in size because of the combination of the original smaller sample and technical difficulties in resampling this population. Nevertheless, there were stark changes in legal perceptions: after passage of the NL, Arab respondents were significantly more likely to think that the law permits discrimination against Arabs and disenfranchisement of Arab voters. Figure 2 presents the averages of the perceived legality of Arab discrimination among the Arab panel and shows that, in the three spheres, respondents came to believe that their equal rights have been greatly eroded. Table 2 summarizes the results for both the Arab sample and the Jewish sample (in which there are no significant changes between the pre-NL and post-NL waves).



**Figure 2.** Perceived legality of discrimination among Arab panel respondents.

**Table 2.** Within-subject over-time changes in the perception of the legality of discrimination

	Jewish panel respondents			Arab panel respondents		
	Housing	Hiring	Voting	Housing	Hiring	Voting
Have perceptions of the legality of discrimination changed after the Nation Law passed?	No	No	No	Yes	Yes	Yes
	$t = 0.750,$ $p = 0.45$	$t = 0.900,$ $p = 0.36$	$t = -0.688,$ $p = 0.49$	$t = -4.637,$ $p = 0.00$	$t = -4.765,$ $p = 0.00$	$t = -4.907, p = 0.00$

### *Study 3: Cross-sectional survey*

To validate the results of the panel analyses, we recruited new Jewish and Arab respondents after passage of the NL. These new participants (227 Arabs and 312 Jews) were recruited at the same time as the (repeated) panel respondents, read the same text, and followed the same procedures. This survey provided us with time-series cross-sectional data that were significantly larger than that provided by participants in the panel study.

Our results of the cross-sectional data, reported in Section S4 in the online supplementary materials, closely mirrored the findings from the panel data: again we found stark differences between Arab and Jewish respondents. Among Arab respondents, we found robust evidence for changes in attitudes between the pre- and post-NL samples, all in the direction of greater erosion of the perceived equal protection of the law. In contrast, among the Jewish respondents, there were no significant changes in perceptions of the legality of discrimination between the pre- and post-NL samples.

#### *Patterns of NL exposure among Jews and Arabs*

Analyzing the exploratory questions about participants' exposure to the NL provides additional depth to the results.

First, we found that Israeli citizens were widely exposed to information about the law, but exposure differed in several ways between Jews and Arabs. First, 62 percent of Arab participants compared with 45 percent of Jewish participants reported that they had read the law. Second, Arab participants were disproportionally exposed to more negative reactions to the NL than Jews. More than 80 percent of Arab participants heard more negative than positive reactions to the NL, whereas Jews were split: 51 percent heard more negative reactions, 29 percent heard a balanced mix, and 20 percent heard more positive than negative reactions. This suggests that the NL was salient in public debates, especially within the Arab community.

These results suggest that differences between the Jewish majority and the Arab minority extend to the information they consumed about the NL, as higher rates of Arabs reported to have read the law and to being exposed to negative reactions about the law. These results are in line with the findings of Gigi and Gozansky (2018) who found that Arab newspapers were more critical towards the NL than Jewish newspapers.

## General discussion and conclusions

This research triangulated experimental and observational data to investigate the expressive impact of an MNL on perceptions of both members of the majority and the minority of the equal protection of law. Using Israel as a case study and taking advantage of the uncertain prospects of the Nation Law during legislative debates, we find that the NL left a deep imprint on the Arab minority, but only a passing mark on the Jewish majority. Before the NL was enacted, both Jews and Arabs anticipated that it would erode the equal protection of law. But after it was enacted, only Arab participants came to believe that the equal protection of law had been eroded and that discrimination and disenfranchisement became permissible, whereas the Jewish majority perceived no such effect. These findings are in line with our hypotheses that MNLs have a stronger and more durable impact on minorities than on majorities. Although the pre-NL experiment suggested that the law could foster perceptions that minorities are not afforded the equal protection of law among both the majority and the minority, we detected a difference in the strength and durability of this effect using both the panel and the time-series cross-sectional data.

Our experimental and observational studies broaden the scope of the investigation of MNLs through their questions, methods, and populations sampled; they also document an effect of MNLs that has been ignored in the expressive law literature and in the emerging literature on majority nationalism laws. MNLs may have broader and overarching effects on minorities, far beyond the letter of the law. For example, the NL itself does not regulate voting rights or undermine the existing nondiscrimination protections guaranteed in Israeli law. However, minority participants apparently extrapolate from the NL's expression of majority superiority to spheres that the law does not cover and anticipate a general deterioration in their legal rights after its enactment. This gap between the actual content of law and how it is perceived by minorities suggests that a discussion that focuses only on the law's content ignores its broader expressive effects. Taking minority perceptions into account is particularly important, given our finding that minorities are especially sensitive to signals arising from such laws.

The minority's reaction to MNLs has implications for intergroup relations in ethnically and religiously diverse societies. If minority members perceive discrimination as permissible under the MNL regime, their willingness to integrate in society would likely be reduced. Minority members may be more reluctant to search for jobs with majority employers or choose to live in

majority-populated cities, fearing that they would experience greater discrimination and would have fewer options for legal recourse. Minority members may also be discouraged from realizing their political rights, either out of fear of potential repercussions or because they simply feel alienated from the legal process.<sup>13</sup> Such effects would be especially problematic given that MNLs are often promoted as means to enhance social integration around majority values or prevent the formation of cultural enclaves that keep minorities from integrating into society. But if MNLs lead minorities to believe that their legal status has deteriorated, as our findings suggest, they could backfire. These effects are urgent issues for future research.

Our findings also speak to research about the expressive impact of legislative and judicial acts on public opinion. First, empirical studies have struggled to find a purely expressive effect of law, independent of sanctions or incentives (Barak-Corren et al. 2018). Several studies have suggested that a law's expressive effect is primarily the result of how it is framed by the media (Collingwood et al. 2018; Linos and Twist 2016). In contrast, our work establishes, in controlled experiments, that information about the likely enactment of a law can change perceptions of legal rights and citizenship, independent from the law's framing in the media and from any sanction or incentive. This finding centers the purely expressive effect of the law on the outcome of the political process: whether or not a law received the support of the majority.

Second, although earlier work has focused on the effects of law on mass attitudes toward minorities (Abou-Chadi and Finnigan 2019; Flores 2017; Tankard and Paluck 2017), our study examines the Nation Law's effect across groups that are differently situated with respect to it. This empirical strategy proved valuable in uncovering differences in the law's impact across minority and majority groups. That MNLs would affect differently majority and minority groups is an intuitive yet important insight for the expressive law literature. Legal expressions of values and norms should not be assumed to yield unified reaction across the population. Had we only conducted our study on the Jewish majority, we would have concluded that the NL had no lasting effect on Israeli society.<sup>14</sup> Only because we examined both majority and minority populations were we able to compare and contrast the diverging impact of the NL across groups.

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<sup>13</sup> These findings also contribute to debates over whether to include an "equal rights" clause in MNLs in general and in the Israeli NL in particular. Although the framers of the Israeli NL stated that an equal rights clause was unneeded because the law did not refer to personal rights, the distortion in the perception of the law amplifies the need for strong clarifying messages, which are currently missing from the NL.

<sup>14</sup> To some extent, this is similar to Flores's (2017) findings that an anti-immigration Arizona law did not change majority attitudes toward immigrants and Latinos (see also Flores 2015). Flores did find that the law encouraged individuals who already had anti-immigrant attitudes to become more active, but it did not generally shift majority views toward immigrants.

This asymmetry in the expressive effects of law could be extended to other contexts in which the effect of law is expected to vary between subpopulations. In such contexts, the expressive effect of law may also linger longer among minority groups.

Third, a growing empirical literature has examined the relationship between change in the law and change in majority attitudes towards the underlying issue. Our research and recent work by others suggest that change in the law, in and of itself, may not suffice to change majority attitudes. The literature on this issue is mixed. Some analyses found that legal change is correlated with a change in personal attitudes of the general public (Abou-Chadi and Finnigan 2019, Ofosu et al. 2019). But these results may be context or issue dependent, because other studies did not find general effects for the studied laws, but rather more specific effects, limited to some groups or some attitudes but not others (e.g., Flores 2017; Tankard and Paluck 2017). In the present study, the NL's impact on the majority was general and substantial but it was short-lived. The conservative conclusion that can be drawn from the present state of the research is that MNLs' effects appear to be centered on strong-attitude groups: for instance, high identifiers with the state (Collingwood et al. 2018); people who have strong attitudes about minorities (Flores 2017); and, in the present study, those who believe that they stand to lose from legal change. Future research should explore the conditions that determine whether the effect of law is general or specific, long- or short-lived.

Our study has several limitations that should be addressed in future research. First, we focus on attitudinal variables rather than behavioral outcomes. Future work could examine the behavioral implications of changes in attitudes; for example, via economic decision-making games. In addition, our research focused on MNLs in the context of a local minority, rather than among immigrants. It remains for future studies to investigate potential differences between these contexts. Notably, the political and attitudinal lines between immigrants and local minorities may be spurious: for instance, anti-immigration laws in the U.S. South have spilled over to shape attitudes toward Hispanics more generally (Flores 2017), and Trump's 2016 campaign for the presidency, which promoted a Muslim travel ban and mosque surveillance, shaped behaviors among Arab and Muslim citizens (Hobbs and Lajevardi 2019). As Western countries increasingly adopt MNLs in varied cultural and ethnic contexts, understanding their societal implications should feature high on the agenda of social scientists.

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