

# Don't repeat the folly of 2013

The lesson is clear. The 2015 election campaign must not be allowed to reenact the crazy spin of the previous election and the insane turmoil of the outgoing government.

By [Ari Shavit](#) | Dec. 4, 2014 | 8:14 PM



Celebrating the swearing-in of Israel's 33rd government. Jerusalem, March 18, 2013. Photo by Emil Salman

The 2013 election campaign was crazy. The main issues supposedly on the agenda weren't discussed at all. The leading candidates were trendy screen-candidates without political experience or political maturity. The parties were fake or lunatic corporations that didn't represent the Israeli public.

With Iran on the verge of the bomb, the occupation on the verge of perpetuation and the Middle East in turmoil – the previous election was held as though Israel was situated in south California.

The election concentrated on the inane assumption that the great enemy was the ultra-Orthodox and the threat to Israel's survival was the budgets for yeshiva students. Less than two years after the great, impressive social protest of the summer of 2011, the protest's values were abducted, exploited and castrated. The result was a superficial, false and idiotic election campaign, which was completely cut off from reality and led Israel to an unprecedented slump.

The government that was set up after the 2013 election was also insane. Nobody headed it, nobody was loyal to it and nobody liked it. Nobody governed the government, and the government didn't

govern the state. The one who seemingly filled the prime minister's position (Benjamin Netanyahu) was a powerless person, who actually lost the election.

The one who stood at the government's power center (Yair Lapid) was the one who won the election, but wasted his victory and abused it by handing the power over to someone else (Naftali Bennett). Those three conservative white men loathed each other from the day the government was formed to the day it croaked. They didn't agree on anything and didn't do anything. Instead, from morning to night they were busy with positioning themselves. This is why the political, economic and social management faltered. This is why none of the cabinet's ministers worked seriously on the issues at hand with the others. The television and Facebook talents did what talents know how to do – advance themselves, instead of serving the general good.

The fanatics in Israel are still a minority. But when the central leadership is inferior and the political center is cynical the fanatics have a field day. When the officials elected by the middle class and the representatives of enlightenment betray their duty the fanatics triumph.

This is what happened during the short, grotesque term of the 2013-2014 government. Since Netanyahu and Lapid had no common agenda Bennett foisted his own agenda on them. Since Yesh Atid became addicted to excluding the ultra-Orthodox, it handed the state over to the settlers. Lapid's refusal to set up a strong center-left bloc and his decision to form a brotherhood with the leader of Habayit Hayehudi were the original sin.

After the crime came the punishment. The little brother Bennett swelled and grew into a big brother, while the big brother Lapid shrank and shriveled into a small brother. The ideological vacuum of a government centered around a man without ideology was rapidly filled with nationalist-religious fanaticism. The rapid crash of the great white hope led to deep despair and spreading darkness.

The lesson is clear. The 2015 election campaign must not be allowed to reenact the crazy spin of the previous election and the insane turmoil of the outgoing government. This time the parties must do the opposite of what they did two years ago. They must set up a broad center-left bloc and conduct a responsible dialogue with the ultra-Orthodox parties.

Anyone who didn't get it at the beginning of 2013 must get it at the end of 2014. The great threat to Israel today is posed by the fanatics. The 2015 election campaign must overcome the fanatics, isolate them and free Israel of their stranglehold.

# Proposed nation-state law crosses American Jewish red lines

by Rob Eshman LA Jewish Journal Dec 4

I wish I could draw.

A few years back, Israeli Prime Minister Benjamin Netanyahu stood before the United Nations General Assembly with a cartoonish drawing of a bomb meant to illustrate Iran's march toward achieving a nuclear weapon. He pointed to a red line across the top of the image, indicating the point of no return at which the mullahs were sure to go nuclear.

If I could draw, I would send the prime minister a picture that represents American Jewry — say, in the shape of the Liberty Bell — and draw a red line across some part of it. That line would represent how far Israel can push against its democratic principles before it loses American-Jewish support.

Netanyahu got a lot of ridicule for his picture, and I'm sure I'd get some for mine. But sometimes, as the prime minister must know, you just have to break it down for people, so they get it.

So, here goes: There exists, I believe, a red line in the relationship between American Jewry and Israel, and that red line is democracy.

The reason the nation-state identity bill, which the prime minister supports, has precipitated a crisis in Israel is that those red lines exist for the Israeli public, as well — both Jews and Arabs. They, after all, have the largest stake in this debate, which is about the very nature of their country.

The bill, called "Israel, the Nation-State of the Jewish People," would formally identify Israel as the nation-state of the Jewish people, affirm Jewish law as the inspiration for its legislation, and delist Arabic as an official language. Unlike the country's Declaration of Independence, the bill makes no mention of Israel as a democratic country or of the rights of its non-Jewish citizens.

As numerous commentators have pointed out, the law's intent cannot possibly be to affirm Israel as a Jewish state — something the country's Declaration of Independence already accomplished. That document also promises "complete equality of social and political rights to all its inhabitants irrespective of religion, race or sex and will guarantee freedom of religion, conscience, language, education and culture."

In the region where Israel thrives, those words are as rare and precious as water. Drain them of their power and Israel as we know it withers and dies.

Instead, the proposed law would seriously undermine those rights, privileging one group, demeaning others and, eventually, frighteningly, laying the legal groundwork to single out and mistreat Israel's minority. Can I be blunt? This proposed law lays the legal framework for apartheid.

And that, I'm certain, is the red line.

American Jews cherish the fact that Israel is a Jewish state. It may be hard for some to wrap their heads around, but a country can be a haven for one people, and utilize its symbols, holidays, and religious and cultural inheritance as the basis for civic life without disenfranchising other citizens who live there, or impeding their prosperity or religious practices. There are countries around the world with state religions that embody varying degrees of freedom and democracy, from Anglican England to Muslim Saudi Arabia to Buddhist Cambodia. By objective international measurements of democratic norms, Israel, within its Green Line, ranks pretty high among them.

Is Israel, at 66 years old, a perfect democracy? No. America at 66 was a slave-holding, white Christian male redoubt, with some beautiful words and ideals to live up to. And, as the news constantly reminds us, the United States is still a work in progress. Israel, too, is a functioning, struggling democracy.

As it strives to be a more perfect union, Israel has the moral, financial and political support of American Jews, who know from experience stretching back to 1776 that no country and no system of government, in the history of civilization, has done more to defend our rights, protect our heritage and unleash our potential.

The irony here is that it is democracy that protected American Jews and enabled them to flourish here. It allowed American Jews to express their identity by joining in the struggle for a Jewish state. They were not cheerleaders or even bit players; they were instrumental in procuring the funds, weapons and political support that made Israel possible. Because of the United States' political system that gave Jews a voice as a minority, they were the key to getting the world's largest and strongest nation to back one of the world's smallest and most vulnerable nations. In other words, the system of government so threatened by this proposed law is the same one that enabled the Jews who support it to thrive in the land of Israel in the first place.

Will American Jews support Israel no matter what? Some will — a minority of a minority. But it is a Jewish and democratic Israel that American Jewry signed up for, and it is only that Israel that will inspire, and deserve, their support.

I know Benjamin Netanyahu knows all this. He is a very smart man. He certainly doesn't need me to draw him any pictures.

## From Wikipedia Overview

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On 3 August 2011, Dichter filed, together with another 39 Knesset members, the proposed Basic Law proposal: Israel as the Nation-State of the Jewish People<sup>[1]</sup> which seeks to determine the nature of the state of Israel as the Jewish people, and as such it interprets the term "Jewish and democratic

state" which appears in the Israeli basic laws [Basic Law: Freedom of Occupation](#) and [Basic Law: Human Dignity and Liberty](#). According to the proposal, Israel will be defined as the [nation state](#) of the [Jewish people](#), and in order to prevent Israel from becoming a [Binational state](#), the proposal says that the right to self-determination in Israel would be unique to the Jewish people. The proposal also states that the state of Israel should establish ethnic communities where every resident can preserve its culture and heritage, that the [Hebrew language](#) would be considered the only official language of the state of Israel (while the [Arabic language](#) would be of a special status), that the [Hebrew calendar](#) would become the official calendar of the state of Israel, and that the [Hebrew law](#) would serve as an inspiration to Israeli legislators. The bill is currently in early legislative stages and still has not passed a preliminary reading.

## The bill's clauses

- Sections 1-2 of the bill detail the principles for which the law was established: "Israel is the homeland of the Jewish people in which the Jewish people fulfill their ambition to [self-determination](#) according to their cultural and historical legacy."
- Section 3 regulates the state's symbols - [the flag](#), [the anthem](#) and the [Emblem of Israel](#).
- Section 4 stipulates that [Hebrew](#) is the only official language of the state of Israel while the Arabic language would be of a "special status".
- Section 5 establishes the [Law of Return](#) as part of Israel's Basic Laws.
- Sections 6-7 deal with the relations between the state of Israel and the [Jewish diaspora](#) as well as Israel's responsibility for [in-gathering world Jewry](#).
- Sections 8-9 deal with the state's obligation to preserve the Jewish heritage.
- Sections 10-11-12 regulate the [Hebrew calendar](#), [holidays](#) and memorial days.
- Section 13 - provides that in a case of a [Laconic phrase](#) in the Israeli law, the Israeli court system would use the [Jewish law](#) as a source of inspiration.
- Section 14 - deals with the state's obligation to protect the holy places of all faiths located within the territory of Israel.

## Israel's Jewish nation-state bill: a primer

With sizable coalition factions threatening to vote against the bill when it comes to the Knesset, it is worth understanding what the fuss is all about.

Few pieces of legislation have aroused as much passion in recent years as the proposed [nation-state law](#).

With [sizable coalition factions](#) threatening to vote against the bill when it comes to the Knesset – thereby bringing down the government, in all likelihood – it is worth understanding what the fuss is all about.

The legislation, which was originally drafted by right-wing MK Ze'ev Elkin (Likud), is an attempt to resolve the tension between the country's dual Jewish and democratic character, as enshrined in the Declaration of Independence.

It does that by defining Jewishness as the default nature of the state in any instance, legal or legislative, in which the state's Jewishness and its democratic aspirations clash.

The bill defines the State of Israel's identity as "the nation-state of the Jewish people." That not only means that the country's national holidays are Jewish religious holidays or that the flag is the Magen David; it also means that Jewish law will be the inspiration for Israel's legal system and it enshrines the automatic citizenship granted by the Law of Return.

Crucially, while the bill affirms "the personal rights of all [Israel's] citizens according to law," it reserves [communal rights for Jews only](#). In other words, individual Arabs are equal in the eyes of the law, but their communal rights are not recognized.

Elkin's original version went even further. It would have defined Hebrew as Israel's only national language, reducing Arabic to secondary status, and it affirmed the importance of settlement throughout the country's borders — without defining what those borders were.

In order to make the new legislation more palatable to those who value the country's democracy, both Prime Minister Benjamin Netanyahu and Justice Minister Tzipi Livni have proposed [watered-down versions](#) of the bill. At this stage, it's not clear which version will be brought to vote in the Knesset plenum.

The nation-state law, if and when it is passed, will become one of the country's Basic Laws, which provide a foundation for the legal system in the absence of a constitution. Basic Laws can only be overturned by a special majority.

Proponents of the bill say that their intention is to anchor the sentiments of the Declaration of Independence and decades of praxis in law.

Opponents are concerned that it will further marginalize Israel's Arab minority and make it easier for discriminatory laws to pass the Knesset and stand up in court.

"Israel is a nation-state whose vision has three essential ingredients: Jewishness, democracy and human rights," Hebrew University law professor Ruth Gavison wrote in a government-commissioned report on the bill that was released this week. "The nation-state law is likely to upset the essential balance of safeguarding the entire vision."

# Ultra-Orthodox and Reform Jews share distaste for nation-state bill

Reform and Conservative Jews fear that the bill favors an Orthodox take on Jewish law, while the ultra-Orthodox say the spirit is more national and secular than religious.

In 2010, the Knesset discussed a bill to reform the conversion process. The coalition parties all supported it, so it seemed to be on a fast track. Then Prime Minister Benjamin Netanyahu suddenly shelved it.

This U-turn occurred because of one tiny clause that said conversions would have to be performed “according to halakha,” or Jewish law. This infuriated Reform and Conservative Jews in North America, and when Netanyahu grasped the magnitude of the outrage, he scrapped the bill.

Will this story repeat itself with the Jewish nation-state bill? Will the legislation be shelved or replaced by a softer version, as the conversion reform ultimately was?

Netanyahu has already prepared a compromise version of the bill. But it, too, runs into minefields that have generated a rare moment of agreement between the ultra-Orthodox parties and the American Reform and Conservative movements.

The non-Orthodox fear that the bill will bolster the status of Orthodox halakha. The ultra-Orthodox fear that it will let the High Court of Justice determine the state’s Jewish character, and complain that the bill’s “Jewish” content is mainly national and secular, not religious.

Given some coalition parties’ opposition and the U.S. State Department’s reservations about the bill’s implications for Israel’s non-Jewish minorities, some U.S. Jews are already voicing criticism.

Abraham Foxman, director of the Anti-Defamation League, termed the bill “unnecessary” on Tuesday, and stronger criticism is expected from other Jewish groups in the coming days. These groups are concerned not only about Israel’s democratic character but also about the clauses designed to strengthen its Jewish character.

In a letter sent Tuesday to Netanyahu, Justice Minister Tzipi Livni and Finance Minister Yair Lapid, Rabbi Gilad Kariv, Israel’s Reform leader, detailed his movement’s objections to Netanyahu’s proposal. He complained that the bill “grants unprecedented status to Jewish halakha, in its Orthodox interpretation.”

This letter is likely to set the tone not only for the non-Orthodox movements in the United States, but also for the Northern American Jewish federations and other American Jewish organizations. Kariv said he expects all these groups to issue statements against the bill in the coming days.



Kariv found several elements of Netanyahu's proposal objectionable, including the following: "All educational institutes that serve the Jewish public in Israel will teach the history of the Jewish people, its heritage and tradition"; "Jewish law will serve as a source of inspiration for the Knesset"; and "The Jewish calendar is the state's official calendar."

This bill, Kariv wrote, "grants unprecedented status to Jewish halakha, in its Orthodox interpretation, as a general source of inspiration for the legislative branch's activities." In a telephone conversation, he added: "This isn't a halakhic state, but it's a state that's giving halakha a constitutional foot in the door. This has no parallel elsewhere in the world."

Ultra-Orthodox MK Moshe Gafni said his United Torah Judaism party also opposed the bill because it would give the High Court the power to decide "what constitute the Jewish values of the Jewish people's state."

And Rabbi Ilay Ofran of the religious kibbutz Kvutza Yavneh criticized the bill from a religious Zionist perspective.

"My Judaism is first and foremost a religion, and the key elements of my Jewish identity are Torah, halakha, [religious] commandments and faith in God," Ofran wrote on his Facebook page. "None of these elements are even mentioned in the nation-state bill."

He said the Judaism referred to in the bill was "culture," "history" or "affiliation." Instead of the Torah's commandments, the bill talks about "the morality of the prophets" and replaces acceptance of the yoke of heaven with "the principles of freedom and justice found in Jewish tradition," he said.

"The bill puts great emphasis on the state's symbols – the anthem and the flag. But I'm not a man of symbols. (Did you know that every time the word 'symbol' appears in the Bible, it refers to idol worship?) The nation-state bill enshrines the image of a 'Judaism' that in many respects isn't my Judaism. It's written in a half-secular, half-Reform language and doesn't give expression to the core of my Jewish identity," Ofran wrote.

"In some senses, the only clause in the bill that allows a religious man like myself to see himself as part of the Jewish state is the clause promising that 'the state will enable every resident, irrespective of his religion or nationality, to work to maintain his identity' – in other words, the clause stating that the Jewish state will also be democratic."

Kariv predicted that Monday's statement by the State Department would help mobilize American Jews against the bill, as would a [New York Times editorial](#) that termed the bill "heartbreaking" and said it would "erode Israel's standing among democratic nations."

"Perhaps the ones who will once again rescue Israeli society are U.S. Jews, who will signal to the prime minister that the bill is unacceptable," Kariv said. "We're translating the document I sent to



the prime minister – the position paper we drew up against the bill – into English and will send it to all the relevant parties in North America.”

# Israel Narrows Its Democracy

New York Times Editorial

Since its founding in 1948, Israel’s very existence and promise — fully embraced by the United States and the world of nations — has been based on the ideal of democracy for all of its people.

Its Declaration of Independence, which provides the guiding principles for the state, makes clear that the country was established as a homeland for the Jews and guarantees “complete equality of social and political rights to all its inhabitants irrespective of religion, race or sex.”

That is why it is heartbreaking to see the [Israeli cabinet approve](#) a contentious bill that would officially define Israel as the nation-state of the Jewish people, reserving “national rights” only for Jews.

This is not for us just a theoretical concern. The systematic denial of full rights to minorities — principally African-Americans and disproportionately in the American South — well into the 1960s caused great harm to our own country, is not fully resolved yet and is a remaining stain on American democracy.

The bill, which emerged from a stormy session of Prime Minister Benjamin Netanyahu’s government and has been bitterly disputed across Israel, is likely to be softened before it comes to a vote in the Parliament. In any form, it should be defeated. At best, the law would have no useful effect; at worst, it would seriously antagonize an already seething Arab minority and erode Israel’s standing among democratic nations.

Israel’s courts and laws have consistently defined Israel as “Jewish and democratic,” giving equal weight to both, and on paper, at least, the Arab Israelis who constitute about a fifth of the population have full rights. To go back and emphasize nationality and religion in defining the country, moreover, runs counter to the long-term movement among liberal democracies toward a more inclusive vision of a state.

A nationalities bill has long been sought by Israel’s right wing, and the initial draft they produced downgraded Arabic from an official language to one with “special status.” That and other antagonistic elements are likely to be dropped from the version that reaches Parliament.

But in this time of high tensions and violence between Jews and Arabs, incited by competing claims to the sacred site in the heart of Jerusalem — called the Temple Mount by Jews and Noble Sanctuary by Muslims — any measure that claims a pre-eminent status for Jews can only add fuel to the fire.

Mr. Netanyahu says that the nationality bill is necessary because there were so many challenges to Israel's existence. But it is hard to see how a law would put a stop to that. There is also speculation in the Israeli press that the prime minister has been pushing the bill as a political sop to right-wing members of his fractious coalition — indeed, the cabinet vote was split 14 to 6 along ideological lines, with two centrist parties opposing it.

The political battle could yet bring the government down. Neither argument justifies a fundamental change to Israeli law and guiding principles.

Having experienced the grievous legacies created when a government diminishes the rights of its people, we know this not the path that Israel should take.

## Is the 'Jewish nation-state' bill good for anyone at all? 972magazine

***A law seeking to prioritize and designate Israel as the Jewish nation-state is exposing the crazies in Israel's government. This proposed basic law would codify and demarcate the state as something that belongs only to a subset of its citizens.***

The cabinet on Sunday [passed a preliminary reading of a law](#) — with the weight of a constitutional amendment — that would declare Israel to be the nation-state of the Jewish people. In order to pass the vote, Prime Minister Netanyahu put forward 14 principles on which the basic law's final wording will be based. Democracy is in there as an afterthought, equality treated weakly by guaranteeing individual rights, and allowing all people to preserve their culture and language.

Here are seven of the main reasons why “Basic Law: Israel – the National State of the Jewish People” is wrong for Israel and should not be passed.

**No solutions.** The prime minister's 14 articles do not deal with cost of living and they do not protect the residents of Sderot or the woman [whose house was burned yesterday](#) by violent Israeli extremists. It doesn't lower tuition fees for students or the price of chocolate pudding, connect Negev Bedouin to the water grid or create jobs for factory workers laid off in Arad. It doesn't address the growing chasm with the Western world and the crisis of relations with the U.S. Yet this is what the government is doing while its citizens wait, and suffer.

**Freeze a flawed reality.** While the proposed basic law will effect little tangible change, it will go a long way toward anchoring the current situation of *de factodiscrimination* into law. I recently got into a big argument with a foreigner who accused Israel of being racist in its “DNA.” I was heated. “Like all human beings, people can change,” I shot back. “Bad regimes can turn to other directions.” Now the law is making exclusivity and inequality part of Israel's legal DNA. Yes we are changing — but not in the right direction.

**Clinging to crazy.** The debate over the proposed Jewish nation-state law exposes the deepening isolationism of the small clutch of extremists at the country's helm. They long ago isolated Israel from the Western and Arab worlds. Now, just as the prime minister and his henchmen contradict their own security chiefs [when the latter don't fall into line](#), this bill pits its plotters against Israel's attorney general, Yehuda Weinstein. Weinstein said the proposed Jewish nation-state law dilutes

democracy, sharply criticizing the government's intention to support it. To which Likud MK Yariv Levin, one of the bill's sponsors, snarled back:

The attorney general's statements are arrogant and have nothing to do with his position as attorney general or with the legal world. The question of the image of the state and its fundamental values on which it will continue to be built, are given, in a democracy, to the public and only the public through its elected representatives, and under no circumstances must it become the private realm of a group of jurists who are trying to place themselves above the Knesset. (As [quoted in Haaretz](#) — my translation.)

It seems that Levin, and probably numerous other ministers, has lost his marbles. The attorney general has overstepped his boundaries by providing a legal opinion to the government about the *imminent passage of a law with constitutional status*? The character of the state is to be determined in a way that rejects checks and balances? The Hebrew term for attorney general is “legal advisor to the government,” for crying out loud.

Then there's Levin's imaginary cabal of jurists levitating themselves above the Knesset. In fact, there is a very real gang of supremacist thugs leading the country into an abyss.

**Constitutional-coup.** The bill is part of a minority imposed creeping constitution instead of a healthy participatory process. Other basic laws were passed this way too, but those were more amendments; this one involves national self-definition that reads like the body of a constitution. The kind that should be put to wider public debate or at least not by an extremist coalition as part of coalition horse-trading.

What could the law mean if passed? Theoretically, but quite realistically, it could enable the High Court of Justice to uphold a law that violates the equality of Israeli citizens, since the Jewish nation-state law would provide constitutional foundations for privileging Jews over all others.

**As normal as ethno-nationalism.** Some insist that it is hypocritical and maybe even anti-Semitic to protest a simple law of national self-definition, when ‘France is for the French people,’ or ‘Germany is the land of the German people.’ Can we lay this argument to rest already? In those examples citizenship overlaps with nationhood. Yes, France is for the French. But what makes someone French is not birth or ethnicity alone, but citizenship.

This proposed basic law would codify and demarcate the State of Israel as something that belongs only to a *subset* of its citizens. State rights will not overlap with citizenship; they privilege a subset of citizens. Non-Jewish citizens have no route to sharing in the privileged national group. Being Israeli won't be enough to live equally in this country. In fact, the state has consistently rejected the very idea that there is an Israeli nationality.

The true comparison is simple: the law says Israel is for the Jews, just as America once said America is for whites.

**Avalanche of inequality.** This is a time of worsening relations between Jews and Arabs/Palestinians in Israel.

Anyone who says this law is mainly a cover for coalition and electoral politics that won't make a difference in real life, should look at another recent example. In 2009 a politician invented a fictional concept of Arab disloyalty, to arouse nationalist jingoism and get elected. The slogan itself, “No loyalty, no citizenship,” was a political marketing ploy. Once that politician entered the halls of power,

it became his legislative vision, leading to a string of nasty, exclusionary, hate-inspired bills linked to this concept. Some of them passed.

The Nakba Law rejects the history of the Arab population; the Acceptance Committee Law rejects housing integration, the amendment to the Citizenship Law rejects their presence by keeping families apart. Now the foreign minister — [recently joined by the prime minister](#) — calls to strip their citizenship altogether, for no crime at all.

What will the nationality law be the beginning of?

**Stoking rage.** The prime minister says the law was devised to anchor Jewish identity in the face of growing challenges to the character of the state. Here is the challenge to my identity in Israel: rising strife, and the fact that a football match between Jewish and Arab teams requires one security person for every seven fans; frenzied chants of “death to Arabs” in a growing number of situations. Doesn’t the need for peaceful relations among fellow countrymen mean anything, or is the government only concerned with the phantom threats of “delegitimization,” which if it happens, is primarily due to developments like this?

This law is fearful. It is not closing the chapter on Israel’s tense relationship between Jewish identity and the State, as [I once hoped possible](#); it is opening the window to acid rain.

It is creating a false god, a Judaism that is primarily political, material, imposed, devoid of humanity or humility.

## Israeli lawmakers peeved by U.S. criticism of ‘Jewish state’ bill

November 25, 2014 2:37pm

WASHINGTON (JTA) — Israeli officials hit back at U.S. criticism of their country’s proposed “Jewish state” law.

“I say to the Americans, we will manage Israel’s affairs,” Israeli Economy Minister Naftali Bennett of the right-wing Jewish Home party told Army Radio on Tuesday. “In the end it’s our problem, it’s a domestic problem and I don’t think anyone has the right to get involved.”

Knesset member Zeev Elkin of the Likud party was quoted saying in Yisrael Hayom, “We can safeguard our democratic principles without any joint assistance from across the ocean.”

The Obama administration and the Anti-Defamation League both expressed reservations about the proposed law, which would define Israel constitutionally as a Jewish state.

“We would expect any final legislation to continue Israel’s commitment to democratic principles,” Jeff Rathke, a State Department spokesman, said Monday at the [daily briefing](#) for reporters.

In a [statement](#), the ADL said the bill was “well-meaning but unnecessary,” and that “some have sought to use the political process to promote an extreme agenda which could be viewed as an attempt to subsume Israel’s democratic character in favor of its Jewish one.”

Critics of the [controversial bill](#) say that it could conceivably provide the underpinning for legislation that would marginalize Arab-Israelis and other minorities. It has divided Netanyahu’s government and could potentially split apart his governing coalition should it reach the Knesset as early as next week.

On Sunday, the Cabinet approved the bill in a 14-6 vote.

# President Rivlin comes out against Jewish nation-state bill as Netanyahu, Lapid spar over it

PM plans to present a final version in coming days; Lapid threatens not to back the bill unless it includes the word 'equality.'

By Jonathan Lis, Revital Levy-Stein and Revital Hovel | Nov. 26, 2014 | 12:42 AM

As the political battle over the Jewish nation-state bill escalated, President Reuven Rivlin came out strongly against it on Tuesday, saying the framers of the Declaration of Independence “in their great wisdom, insist that the Arab public in Israel not feel like the Jews felt in the Diaspora.” Attorney General Yehuda Weinstein and State Prosecutor Shai Nitzan also reiterated their opposition to the controversial proposal.

Prime Minister Benjamin Netanyahu plans to present a final version of the bill in the next few days. But his largest coalition partner, Yesh Atid, led by Finance Minister Yair Lapid, is threatening not to support it unless it explicitly includes the word “equality.”

The bill is aimed at enshrining Israel’s character as the nation-state of the Jewish people. Netanyahu’s version is a compromise aimed at satisfying the conflicting demands of his coalition partners, and is supposed to replace other versions of the bill that have already been submitted to the Knesset.

Rivlin, commenting publicly for the first time on the bill, told a conference of prosecutors in Eilat, “The Declaration of Independence, in its depth and greatness, bound together two components of the state as Jewish and democratic, democratic and Jewish.” The two terms were meant to be kept together, he added, but the nation-state bill could goad people to seek contradictions between the state’s Jewish and democratic character. The president said he opposed the bill and that he feared that even if another bill is passed in its stead, the antagonistic atmosphere surrounding the law would not soon dissipate.

Rivlin said the use of the term “minority” in regard to Israel’s Arab citizens “when nearly a quarter of first-graders are Arab and a fifth are ultra-Orthodox, could be wrong and misleading.” Both the Arabs and the ultra-Orthodox, he said, were “citizens, flesh of the flesh of this land, which is their homeland.”

Meanwhile, coalition sources said Netanyahu hopes to finalize his proposal in the next day or two. But sources in the Likud Knesset faction said they expected Yesh Atid to have trouble supporting it.

By contrast, Likud isn’t expecting problems from Hatnuah, the coalition’s other centrist party. Its leader, Justice Minister Tzipi Livni, “has been taking care to send us messages in recent days,

including via the media, that she sees Netanyahu's proposal as a mirror image of her own bill," a Likud source explained. "So the points of dispute with Hatnuah aren't considered significant."

Lapid has made it clear that his party supports enacting the nation-state bill in principle, but objects to all the versions proposed to date. The party is now trying to promote a new version sponsored by party MK Ruth Calderon based on a bill prepared by former Likud minister Benny Begin. However, such a bill is considered unlikely to pass.

Yesh Atid MKs have already criticized the 14 basic principles of the bill that Netanyahu presented at Sunday's cabinet meeting. Yesh Atid's key demand is expected to be that the bill explicitly include the word "equality." Netanyahu's 14 principles didn't promise complete equality to all citizens; instead, they guaranteed the civil rights of all citizens "according to law."

The Attorney General's Office said in a written opinion that Netanyahu's bill includes the principle of equality even though the word doesn't appear explicitly. It based this conclusion on two other elements of the bill – its commitment to Israel's democratic nature and its guarantee of civil rights. Still, in his opening remarks at the Eilat conference, Weinstein reiterated his opposition to the bill, noting that such legislation "dealing with the core of the constitutional regime in the State of Israel, should be legislated by the government, not in private members' bills.

Nitzan, who said the bill "should not be passed, not in this form and not at this time," made a veiled criticism of the political leadership. Noting that Justice Ministry officials were giving anti-racism lessons in the schools, he said, "Educators will do this only if the leaders of the country preach tolerance, equality and anti-racism. And we are all proud of the president who, from his first day in office, has spoken of this and educated toward this as the main value. Would that all of our leaders follow his path."

Yet another disagreement between Yesh Atid and Netanyahu relates to the so-called "heritage" clauses. The first of the prime minister's 14 principles says, "The state will work to preserve the heritage and the cultural and historical tradition of the Jewish people and to instill and cultivate it in Israel and the Diaspora." The third principle says the state will "enable" other religious or ethnic groups to strive to preserve their own cultures. Yesh Atid says this is discriminatory, because it essentially requires the state to invest money in preserving Jewish heritage but doesn't require similar investments in preserving the heritage of other minorities.

Aside from the debate over the contents of the bill, there is a separate dispute over Netanyahu's demand that the coalition support two earlier versions of the bill in preliminary reading, with the understanding that they will later be shelved in favor of his own proposal. Hatnuah and Yesh Atid consider these other versions, sponsored by MKs Zeev Elkin, Yariv Levin and Ayelet Shaked, unacceptably extreme.

Hatnuah and Yesh Atid have suggested that this dispute could be solved by allowing all coalition members to vote their conscience on these bills, instead of imposing coalition discipline. That would spare them the need to vote for bills they oppose.

Another possibility is to scrap the other versions entirely and wait for Netanyahu's proposal, since the sponsors of the other bills have already agreed to support the prime minister's bill in place of their own once it is finalized.

But it's not yet clear whether Netanyahu would agree to waive coalition discipline in the votes on the other versions of the bill. On Sunday, following a stormy debate, the cabinet decided that coalition discipline should be imposed. But its decision also stated that the other versions will be shelved immediately after they pass their preliminary reading, and will eventually be merged with Netanyahu's bill.

Livni and the Yesh Atid ministers have already said they will not vote for the other versions. But if they voted against these bills despite the decision to impose coalition discipline, Netanyahu could fire them for doing so.

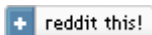
A senior Likud source said it's not yet clear whether the two more extreme versions even have a majority in the Knesset. Therefore, Likud agreed to postpone their preliminary readings, which were originally planned for today, by one week.

Knesset sources said another reason for the delay is that Netanyahu is still trying to persuade the ultra-Orthodox parties to join his coalition in place of Yesh Atid, even though they publicly announced last week that they wouldn't do so. Likud sources confirmed Tuesday that Netanyahu has sent envoys to these parties in an effort to persuade them to publicly name him as their candidate to form the next coalition.

## Why the U.S. Constitution is everything the Jewish nation-state bill is not

Unlike the American document of great vision and farsightedness, the Israeli bill is petty and political, and serves the interests of the moment.

By Yuli Tamir | Nov. 25, 2014 | 9:18 AM |  1







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### **President Rivlin comes out against Jewish nation-state bill as Netanyahu, Lapid spar over it**

By Jonathan Lis, Revital Levy-Stein and Revital Hovel

Nov. 26, 2014 | 12:42 AM

Since the U.S. Constitution was signed in 1787, it has been the basis of American democratic values. Its power rests in the ambiguity that typifies it, in what it does not define clearly and unequivocally. Even its opening words, “We the people of the United States,” leave room for interpretation. For example, who are the “we” who “do ordain and establish this Constitution for the United States of America”? If the American Constitution were to begin with an exact definition of this “we” – white, male, Protestant landowners – the preamble of that historic document would have required profound changes, because every group added to that “we” would have demanded the wording be adapted to include it as well.

The term “people,” which is not clear either, includes the individual and the collective at one and the same time. Even the term “United States” is flexible enough to include the 13 original colonies that ratified the Constitution and the 50 states that comprise the United States of our own day. One of the Constitution’s main goals, “to form a more perfect Union,” also leaves room for flexibility. The preamble’s brilliance lies in its authors’ ability to keep it ambiguous – an ability that gave birth to a political stability that has lasted for more than 200 years.

The [Jewish nation-state bill](#), in its various versions, does the opposite. It tries to pin down what cannot be pinned down, encourages controversies and requires debate on subjects that are best served by silence. The bill is coming up at a time when the very definition of the Jewish nation-state is in dispute. Do the ones who vote in favor of the bill accept the definition of Jewishness as laid down in the Law of Return? If not, then the Jewish nation-state bill removes many of Israel’s citizens from the nation’s boundaries. If the bill is based on the Law of Return, it stands in contradiction to family law and the laws of conversion, and artificially, if not hypocritically, broadens the concept of “nation” for political ends.

Putting Israel's Jewish character before its democratic one disrupts a delicate balance that has been kept for years, in which Israel has wisely not committed itself to a clear order of priorities. This has enabled laws such as the Law of Return, in which the Jewish component takes precedence over the democratic one, to exist alongside the Basic Law on Human Dignity and Freedom, in which the liberal-democratic values come before the national ones.

The decision not to heighten the tension between the two approaches has allowed Israel to continue belonging to the democratic world, which has room for the structural preference of a specific nationality that is anchored as a "condition of acceptance" into the country rather than the status of its citizens.

While Israel has never recognized the collective rights of its Arab citizens, it has not revoked them either. The obvious expression of this is Arabic's status as an official language in Israel and as the language of instruction in the Arab school system. We can see from this that Israel acknowledges that another nation with a different language lives here – a nation that must be respected not only on the individual but also the public level.

The attempt to deprive Israel's Arab citizens of their rights as an ethnic minority in such a blatant way will give rise to grievances, with good reason, and could ignite a struggle that will sharpen the tensions that already exist between both national groups.

If the Jewish nation-state bill should be passed into law, the next struggle will be not only over the collective rights of Israel's Arab citizens, but also over their rights as an indigenous people – a definition, according to international compacts, that includes a requirement to recognize the minority's culture, language and religion, as well as its rights to land and governmental autonomy.

Last, but certainly not least, is the absence of any mention of the principle of equality, which is supposed to derive – according to a professional opinion in the Justice Ministry – from the statement of Israel's democratic character. If Israel intends to grant equality to all its citizens, why not say so explicitly? If it is not stated explicitly, the suspicion arises that the state's intention is to chip away at the principle of equality.

On top of that, the term "democracy" has lost some of its charm in recent decades. There have been quite a few cases in which democratic processes resulted in regimes that did not respect the rights of minorities or individual liberties. The naive assumption that a democratic government will necessarily, by democratic process, strengthen the liberal values of equal rights and the protection of human dignity, has been proven false. Therefore, the assertion that the principle of equality is inherent in the concept of democracy is a weak statement that removes equality from the regime's fundamental values and opens it up to interpretation. This is particularly serious when the law gives power and influence to a majority that could use its power to harm the minority's rights.

If the Jewish nation-state bill should pass, it will turn Israel from a democratic state that was established on the basis of a universalist, national worldview to an ethnic democracy that bases its

existence upon the additional rights of the ruling nation. This change, which seems insignificant – from an ambiguous situation in which a balance between the state’s ethnic and democratic character is kept, and an unambiguous one in which the ethnic component is given more weight – reduces the democratic ability to handle social tensions by political means.

Contrary to the preamble of the U.S. Constitution, that document of great vision and farsightedness, the Jewish nation-state bill is petty and political, and serves the interests of the moment. It has no power to encourage governmental stability or mobilize Israel’s citizens to create “a more perfect Union.” It is not motivated by the hope of creating a new and just society, as the U.S. Constitution was, but rather by fear and lack of confidence in the State of Israel’s ability to continue existing in its present form.

A bill that causes contention rather than encouraging unity is unnecessary and dangerous. Anyone who votes for it in the cabinet or the Knesset should know that he is undermining Israel’s definition as a democratic state, and speeding up its distancing from the Western world.

*The writer served as education minister as a member of the Labor Party.*

## What’s in Netanyahu’s ‘Jewish State’ bill?

Prime minister’s legislation, up for vote this week, will seek to underline Israel’s Jewish character and highlight the country’s commitment to democracy  
BY [ADIV STERMAN](#) November 23, 2014, 11:36 pm 23

A final draft of a controversial bill that would define Israel as a Jewish state is set to be presented by Prime Minister Benjamin Netanyahu for a Knesset plenum vote by the end of this week, following the [cabinet’s approval](#) of two earlier versions of the contentious legislation on Sunday.

While the cabinet did not officially endorse Netanyahu’s version of the Jewish State bill — but rather two drafts presented by coalition chairman Ze’ev Elkin (Likud), and MKs Yariv Levin (Likud) and Ayelet Shaked (Jewish Home) — the ministers agreed to back the pieces of legislation provided that the final version of the law will square with the prime minister’s requirements of the measure.

Elkin, Levin and Shaked, on their part, have committed to halting the advancement of their respective bills and supporting the prime minister’s revised formulation in the Knesset vote.

A draft of Netanyahu’s bill, published as an appendix to the earlier versions, lists 14 different principles, each consisting of several clauses regarding the proposed nature and character of the state. In its second principle, Netanyahu’s version says that “the right to national self-determination in the State of Israel is unique to the Jewish people.”



Likud MK Yariv Levin in the Knesset plenum, February 24, 2014 (photo credit: Miriam Alster/Flash90)

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In that, the prime minister's bill echoes the versions presented by Elkin, Levin and Shaked, though there are some differences in the other phrasing it employs. First, Netanyahu's version defines Israel, among other things, as "a democratic state, founded on the principles of liberty, justice and peace, in accordance with the vision of Israel's prophets, which upholds the individual rights of all of its citizens according to the law."

Levin and Shaked's version, however, noted that the state would uphold "the individual rights of all of its citizens according to Basic Laws."



Jewish Home MK Ayelet Shaked, March 11, 2013 (photo credit: Miriam Alster/Flash90)

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Despite the fact that the above clause is an almost precise quote from Israel's Declaration of Independence, both the prime minister's version, as well as that of the three MKs, omit the word "equality," though it is noticeably present in the same sentence as inscribed in the state's founding document. Nevertheless, Netanyahu told the cabinet Sunday that the bill vouchsafes "equal individual rights" for all citizens.

The prime minister's bill further asserts that "Jewish law will serve as an inspiration for the Knesset," while the two other versions expand the clause, noting that Jewish law will guide both "legislators and judges." The term "Jewish law" refers to the legal discourse practiced by Talmudic scholars and rabbis throughout the ages. When a particular judicial quandary cannot be derived directly from

Jewish law, the prime minister's draft continues, the Knesset may decide on the matter based on "the principals of liberty, justice, integrity and peace, in light of the heritage of Israel." There, the wording is identical to the documents put out by Elkin and Levin and Shaked.

Another detail that differs between the various versions of the bill concerns Israel's official language. In Elkin's version, Arabic would be demoted from its current status as an official language of the state and instead be defined as being in a "special class" of its own. In Netanyahu's draft, the issue of language, Arabic or otherwise, does not come up at all.

The prime minister's amended bill goes on to assert the "national rights" of the Jewish people, such as the flag and anthem and right to immigrate. The legislation also determines that Israel will establish the Sabbath as a national day of rest, and states that the government will work to strengthen its connection with Jewish communities in the Diaspora.

Other clauses in the bill include a state pledge to protect and rescue Jews across the globe who are facing imminent danger or persecution, and a directive that would require Jewish schools to teach the history, culture and customs of the Jewish people.

The proposed law also vows to allow each and every citizen of Israel, "regardless of religion, race or nationality, to act to preserve their culture, legacy, language and identity."

Finally, the bill mandates the protection of holy sites within Israel's borders, and determines that the state must work to ensure believers access to such sites.

"There are those who want the democratic (nature) to take precedence over the Jewish, and there are those that want the Jewish (character) to take precedence over the democratic. And the principle of the law that we are proposing here today — both of these values are equal and we must consider them equally," Netanyahu said Sunday ahead of the coalition vote, according to a statement from his office.

## Rivlin comes out against Netanyahu's 'Jewish state' bill

President says proposal undermines Israel's Jewish character, warning democracy and Judaism must remain equal; calls for referendum

BY [MARISSA NEWMAN](#) November 25, 2014, 9:26 pm

Proposed legislation that would enshrine in law Israel's identity as a Jewish state is unnecessary and casts doubt on the state's Jewish character, President Reuven Rivlin said Tuesday, registering for the

first time his opposition to the measure and taking a position diametrically opposed to that of Prime Minister Benjamin Netanyahu.

Rather than the usual Knesset process of approval for the legislation, Rivlin also called for a national referendum on the bill, whose protagonists, led by Netanyahu, are seeking to create a constitutional “Basic Law” defining Israel’s identity as a Jewish state.

Insistently backed by Netanyahu, the measure has drawn fierce internal criticism, with ministers threatening to bolt the coalition. It also came under fire from the US State Department on Monday. In an address at an Eilat conference, the president — who has no legislative powers — asked what the point of the law was.

“Does promoting this law, not in fact, question the success of the Zionist enterprise in which we are fortunate to live?” asked Rivlin, formerly a veteran Knesset member from Netanyahu’s own Likud party, who took over as state president from Shimon Peres in the summer.

The legislation has seen multiple versions, including from a number of hardliners, but is awaiting the drafting of a final cabinet-sponsored proposal that is to be presented in the Knesset next week.

The president decried the elevation of the state’s Jewish dimension over its democratic sensibilities proposed in some versions of the legislation, arguing that the two elements should remain equal, as in the Declaration of Independence, which also ensured the rights of its non-Jewish citizens.

Rivlin also said that a “full and comprehensive referendum” to weigh the legal repercussions of the bill would be in order for a change of this significance.

“Even if another law would eventually pass through the current Knesset, I am afraid that the atmosphere which led to the formation and proposal of this law will not quickly pass through either the Knesset of the Israeli public,” he said.

‘Judaism and democracy, democracy and Judaism, said as one utterance, are combined, and continue to be so. These are not merely words. This is the beating heart of the State of Israel’

— President Reuven Rivlin

The bill has yet to be presented to the Knesset, but a raft of clauses on which it is to be based, approved by the cabinet Sunday, aim to put Israel’s democratic and Jewish natures on equal footing, while reserving the right of national determination within the state to “the Jewish people” alone.



The “hierarchical approach, which places Jewishness before democracy, misses the great significance of the Declaration of Independence, which combined the two elements together – without separating them,” Rivlin said.

“Judaism and democracy, democracy and Judaism, said as one utterance, are combined, and continue to be so. These are not merely words. This is the beating heart of the State of Israel. A state established on two solid foundations; nationhood on the one hand, and democracy on the other. The removal of one will bring the whole building down,” he said.

The president argued that the so-called “Jewish state” bill pits the two components at odds, rather than seeking a reconciliation. “Jewish is democratic and democracy is Jewish,” he reiterated.

“Our combined efforts must be invested not in drawing differences between Judaism and democracy, but in the mutual development and empowerment to be found where they meet,” he said.

In the speech, the president also called for a formal legal delineation of the judicial and legislative branches of government, outlining the roles and limitations of both.

Responding to both US and internal criticism on Tuesday, the prime minister had said the proposed legislation would not undercut Israel’s “vibrant” democracy.

“Israel is a democratic state, as it was and always will be,” Netanyahu said during a press conference with Czech Prime Minister Bohuslav Sobotka in Jerusalem. “I don’t know a country that is more democratic, or a more vibrant democracy than Israel in the world, certainly not in our region. What is being challenged today is Israel’s existence as the nation-state of Jewish people, and therefore we will anchor in the law this national right of the Jewish people alongside a guarantee of individual rights for all its citizens.”

Coalition leaders decided on Monday to delay a preliminary vote on two drafts of the proposed bill by one week, as some ministers vowed to continue to oppose the measure even if it meant their jobs — and the future of the coalition.

Yisrael Beytenu MK Robert Ilatov initially proposed the week-long delay, which was backed by the Jewish Home party at a meeting of coalition leaders in the Knesset Monday.

The decision came just hours after Justice Minister Tzipi Livni reiterated her intention to fight the bill, and challenged the prime minister to decide whether he was willing to break up his coalition over the measure.

“This bill will not pass because we are not ready and I am not prepared to be a fig leaf for something so problematic,” Livni told the Ynet news site on Monday. “And if it goes [to a vote, as had originally been scheduled] on Wednesday, I will not let it pass and will not compromise regarding its wording.

“The prime minister will have to decide whether he will fire ministers in his government and topple his coalition over their opposition to a law that goes against a Jewish and democratic Israel,” she said. “If he wants elections over this, no problem.”

*Lazar Berman and Times of Israel staff contributed to this report*

## Jewish State bill is precisely what makes the prophets weep

MICHAEL MELCHIOR November 25, 2014, 2:17 pm 12

The Prime Minister is convinced that he is acting to strengthen the Jewishness of the state. His supporters extol and praise him. Those who oppose him criticize him for the same reason. Only I feel like the little boy who is challenging the basic theme and saying out loud: “The emperor has no clothes!” There is nothing in this motion that resembles Judaism. It’s not only that this bill grossly crushes the democratic basis of the state, it is damaging — yes, damaging — our Jewish basis.

Of all the mitzvot (religious laws) in the Torah, Hillel the Elder chose to tell the convert, while he was standing on one foot, that the entire Torah in a nutshell comes to: “That which is hateful to you, do not do to your fellow.” Haven’t we learned anything from that? The attempt to oust the other — the Arab minority — from Israeli democracy is not a question of nice clothes or ugly clothes. It’s just not clothes at all. And it’s not only the mitzvot in the Torah that teach us that this motion is anti-Jewish. Jewish history itself, in which the Jews lived as a minority in lands not their own, shows the way, beginning with: “Love the stranger: for you were strangers in the land of Egypt.”

And if this was said regarding the Israelites in Egypt, then it is all the more true regarding Arabs in Israel who are a part of this place. Here is their home and here is their future — along with us. That is why I maintain that the “Jewish State bill” is a ringing slap to any Jewish basis of the state.

The gravest warning that Moses gave the Israelites on the verge of entering the Promised Land was against worshipping “my strength and the power of my hand.” I live amongst my people, and it is clear that sometimes there is a need to use force in order to protect life, but this is not a case of “Kill

or be killed.” This is about exerting power in order to bend, humiliate and crush the other. This is a power play. This isn’t Judaism.

And thus said the prophet:

Not by might, nor by power, but by my spirit, says the Lord of hosts. (Zacharia, 4:6)

## A Ready Alternative to the Nation-State Law

AMIR FUCHS November 23, 2014, 7:56 pm 1

The Israeli government is being asked to weigh in on a truly fundamental issue that is a matter of principle, concerning the identity of the State of Israel, democracy, and relations between religion and state.

The proposed Basic Law: Israel as the Nation State of the Jewish People (in all of the versions brought before the Knesset to date, whether the original bill by MK Zeev Elkin or the other by MKs Ayelet Shaked and Yariv Levin), is not simply a declarative bill intended to formally anchor the current situation in Israel in law. It is a revolutionary bill that undermines the current definition of Israel as a “Jewish and democratic state” and may undermine the foundations of constitutional law and protection of human rights in Israel. This legislation aims to strengthen the “Jewish” dimension of the state at the expense of its democratic dimension, and is liable to lead to institutionalized exclusion and discrimination. It will also strengthen the connection between religion and state, a connection that is very strong in Israel in the first place.

Some people argue that even if the claims cited above are correct, it is still very important to anchor the definition of the State of Israel as the nation state of the Jewish people in law. This is both because there is no statutory basis for Israel’s status as a nation state and because Israel must make this statement itself before it can demand such recognition from other political entities.

As for the claim that there is no statutory basis for Israel’s status as a Jewish state, this is simply not true. Two existing Basic Laws from 1992 (Basic Law: Freedom of Occupation and Basic Law: Human Dignity and Liberty) clearly state that Israel is a Jewish and democratic state. Moreover, there are many other laws that anchor Israel’s status as a Jewish nation state even if they are not Basic Laws. These include the Law of Return, laws pertaining to the Sabbath, laws related to the Jewish Agency, laws pertaining to the flag, the official emblem of the state of Israel, and the national anthem, and many more.

If a foreigner were to arrive in Israel it would be very clear to him that the country he is in is a nation state.

The law that seeks to assert that Israel is a Jewish state reveals a fundamental lack of security regarding this question on the part of its proponents. It is an attempt to anchor the obvious, and it will only provoke controversy and raise doubt. Is there any question that in 1948, the state that was established was the Jewish state?

How, then, should Israel's status as a nation state be anchored on the constitutional level? The best way to do this would be to use the method most common in democratic nation states: to include this status in the preamble to the country's Constitution. That is where the identity of a state is defined and where the fact that it is a nation state is declared. But in the same breath, that is also where equal rights for all citizens and for all minority groups in the country are guaranteed.

And if it seems that there is no chance that a constitution by consensus that includes a complete Bill of Rights will be enacted in the near future, there is a way to resolve this issue partially, which would anchor Israel's status as a nation state and the principle of equal rights for minorities at the same time. This could be done by enacting a Basic Law that would make Israel's Declaration of Independence the preamble to Israel's Constitution.

Despite the fact that the Declaration of Independence is not built in a manner that would enable it to serve as a law or Constitution on its own, it could certainly serve as a preamble to a Constitution that would set out principles of interpretation for the Constitution in the future. This type of anchoring (which is similar to an initiative proposed by MK Ruth Calderon of Yesh Atid) could simultaneously serve two functions. On the one hand, it could reassure those who feel that constitutional anchoring for the national character of the State of Israel is vital, since the Declaration of Independence includes very clear statements of Israel's status as the national homeland of the Jewish people and clearly affirms the historical right of the Jewish people to self-determination. At the same time, the Declaration of Independence includes statements that ensure equal rights to all residents of the State:

“[The State of Israel] will ensure complete equality of social and political rights to all its inhabitants irrespective of religion, race or sex; it will guarantee freedom of religion, conscience, language, education and culture; it will safeguard the Holy Places of all religions; and it will be faithful to the principles of the Charter of the United Nations.”

Only one question remains: Are the Knesset members who so passionately assert that the proposed law is merely an attempt to anchor the identity of the State of Israel in a Basic Law, without damaging democracy in any way, prepared to “sign” an unequivocal statement to that effect with regard to ensuring complete equality for minorities in Israel as well?

*Dr. Amir Fuchs is head of the Defending Democratic Values project at the Israel Democracy Institute. Fuchs is also the co-author, with IDI VP Prof. Mordechai Kremnitzer, of a legal opinion on one of the drafts of the "Nation-State Law."*

## **Netanyahu presents principles of 'Jewish nationhood' bill**

**Prime minister announces contentious legislation to be brought to government vote Sunday, as MKs clash during lively session debate.**

Prime Minister Benjamin Netanyahu was forced to attend a Knesset plenum on Wednesday evening, after legislators invoked the "40 signature" rule. While the scheduled debate centered on the cost of living, MKs used the opportunity to challenge the prime minister on the "Jewish nationhood" bill.

Throughout the session, members of Knesset were called to order, with several opposition legislators being directed to leave the plenum by Knesset Chairman Yuli Edelstein.

Netanyahu took to the podium towards the end of the session to defend his decisions on the controversial legislation, officially defining Israel as a Jewish state, and to present the principles of his proposal. "The bill I will present will be based on Israel being a Jewish and democratic state. Israel guarantees equality of personal rights to all its citizens without discrimination based on religion, race, and gender."

- **Israel is the historical birthplace of the Jewish people and the place where the State of Israel was established**
- **The State of Israel is the national home of the Jews, where they realized their right to self-determination**
- **The right to self-determination in the State of Israel is exclusive to the Jewish people**
- **The State of Israel is a democratic state which guarantees the personal rights of all its citizens before the law**

Netanyahu said the bill would be brought to a government vote on Sunday.