

29.07.2018

Basic Law: Israel as the Nation State of the Jewish People

On Thursday, the 19th July, the Israeli Knesset passed the *Basic Law: Israel as the Nation State of the Jewish People*. This new law defines 'Israel' as both the historic homeland of the Jewish people and the site of their nation-state in which the right of national self determination 'is unique to the Jewish people.' As the *One Democratic State Campaign* has argued, 'The law denies the existence of a Palestinian nation in historical Palestine and attempts to erase the Palestinian identity of the people and the land.'

Speaking moments after the bill was passed (by 62 votes to 55 with two abstentions), Prime Minister Benjamin Netanyahu exulted: 'This is a defining moment – long live the State of Israel.'

The state of Israel does not and never has acknowledged 'Israeli' as a nationality. The new law makes clear that the state of Israel does not belong to its citizens, more than 20 per cent of whom are not Jewish. Instead, Israel is the state of the Jewish people, more than half of whom live elsewhere. As of April 2018, the world's core Jewish population was estimated at 14,511,000. Of these, just over 6.5 million live in Israel. In 2013 the state of Israel's Palestinian population was estimated at 1,658,000. *Clause 5* of the Law enshrines the 'right to return' for Jewish immigrants whilst denying that right to the Palestinians exiled by the 1948 Nakba and subsequent events, as well as their descendants.

The state of Israel currently maintains a system in which there are several de facto classes of citizenship: one class for those who are classified in law as 'Jews', and, thereby, have privileged access to the material resources of the State, and a second class for those who are classified in law as 'non-Jews', namely, as 'Arabs', with each class also including a number of sub-sets, each subject to further discriminatory distinctions.

The *Legal Center for Arab Minority Rights in Israel (Adalah)* described the Nation-State Law as 'a colonial law with features of apartheid, It creates various avenues for segregation in land and housing and incentives based on the principle of 'advancing Jewish settlement''. *Adalah* already identifies 65 Israeli laws that discriminate against the Palestinian citizens of the state of Israel and/or the Palestinian residents of the Occupied Palestinian Territory.

The *Nation-State Law* was first proposed in 2011 by Avi Dichter (who was then a Kadima Member of the Knesset [MK] but is now a member of Likud) with the explicit intention of thwarting the aspirations of those seeking to 'establish a binational state here'.

In June, the Knesset presidium rejected out of hand a counter-proposal submitted by the mostly-Palestinian, *Joint List* party: the *State of All its Citizens Law*. This sought 'to anchor in constitutional law the principle of equality for every citizen, while recognizing the existence and rights of two national groups, Jews and Arabs, who live within the state's internationally recognized borders.'

On the 16th July, the *Joint List* MKs again submitted a constitutional alternative to the *Jewish Nation-State Law*, this time called the *Democratic, Multi-Cultural, and Egalitarian State Law*. It, too was rejected by the Knesset without debate.

After the vote, Dichter declared that the *Nation State of the Jewish People Law* was the 'clearest answer' to Palestinian legislators and explained: 'We are enshrining this important bill into a law today to prevent even the slightest thought, let alone attempt, to transform Israel to a country of all its citizen [sic]'.

The state of Israel has, of course, always defined itself as a 'Jewish state' - its *Declaration of Independence*, for example, does not refer to 'democracy' once, but repeatedly refers to a 'Jewish state'. Netanyahu has been trying to pass a Jewish nation-state law for almost a decade. In a speech at Bar-Ilan University in 2009, he declared that one of the two conditions for his acceptance of the two-state solution - along with the Palestinian state being demilitarized - was that 'the Palestinians recognize Israel as the state of the Jewish people.' This insistent and unacceptable demand became, as it was intended to be, a major obstacle to progress in the so-called 'peace process'; it was repeatedly reiterated by Netanyahu in his discussions with John Kerry in 2014. Mahmoud Abbas responded, as he was bound to do, that the Palestinians would never recognize Israel as a Jewish state, accusing Israel of wishing to establish an apartheid government. Netanyahu's intransigence effectively put an end to Kerry's doomed and failing attempts at mediation and formed the background to Israel's onslaught on Gaza, *Operation Protective Edge*.

Clause 7 of the Nation-State Law sets out Israel's ambition and determination to colonise and settle the 'historic homeland'. 'The state views Jewish settlement as a national value and will labor to encourage and promote its establishment and development.' Already excluded from hundreds of Israeli communities by 'Jewish-only' residential admission committees, Palestinian citizens will rightly suspect this article - originally worded as a far cruder endorsement of segregation - can only intensify the discrimination they face over land and housing.

Since the state of Israel consistently refuses to define its geographical, political or military boundaries, and increasingly talks explicitly about the occupied West Bank as part of its territory, a law which discriminates against Palestinian citizens could also prove significant if or when Israel annexes part, or all, of the occupied West Bank. As recent events at Khan al-Ahmar have shown, the state of Israel already has in its sights the annexation of 'Area C' which constitutes 61% of the occupied West Bank and includes most of the Jordan valley. Area 'C' is home to 385,900 illegal Israeli settlers and approximately 300,000 Palestinians.

Israel's *Declaration of Independence* spoke of 'full and equal citizenship' and stated that it would 'ensure complete equality of social and political rights to all its inhabitants irrespective of religion, race or sex'. The new law makes no mention of these principles. In any event, 70 years of history have clearly demonstrated that 'words on the page' have little value for the state of Israel compared to 'facts on the ground'.

For those who wish to read it, the *Basic Law: Israel as the National State of the Jewish People* can be found [here](#).

Israel's *Declaration of Independence* can be found [here](#).