

# **A two-tiered system of rights: Israel passes 'Nation State' law enshrining Jewish supremacy**

Tuesday 24 July 2018, by [BEAUMONT Peter](#), [Middle East Eye \(MEE\)](#) (Date first published: 19 July 2018).

**Palestinian lawmakers ejected from Knesset by security after vote, shouting 'you are racist' at the speaker.**

Israel passed a law on Thursday giving Jews supremacy over all non-Jewish Israeli citizens, which critics and members of the state's Palestinian minority called racist, likening the legislation to apartheid.

The "Nation State" law passed by a vote of 62-55 and two abstentions in the 120-member parliament after months of political argument. Following the vote Palestinian lawmakers shouted and tore up papers.

Parliament Speaker Yuli-Yoel Edelstein called on security to eject the Palestinian MPs, who were led out crying "You are racist".

"This is a defining moment in the annals of Zionism and the history of the state of Israel," Prime Minister Benjamin Netanyahu told the Knesset, Israel's parliament, after the vote.

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## **What is Israel's Nation State law?**

- Less than 500 words in length, the law says Israel is the "historical homeland" and the "national home" of the Jewish people
- It says that only Jews have the right to exercise national self-determination in Israel
- It says that Jerusalem is Israel's capital and Hebrew is its language
- It describes Jewish settlement as a "national value" to be promoted by the state

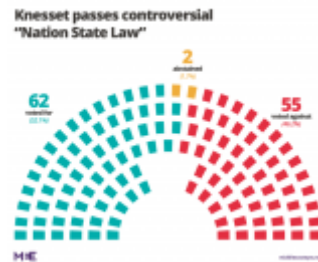
*Read in full: [Israel's Nation State of the Jewish People Law \[1\]](#)*

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said the law features key elements of apartheid, which he said “is not only immoral but also absolutely prohibited under international law”.

“The new law constitutionally enshrines the identity of Israel as the nation-state of the Jewish people only - despite the 1.5 million Palestinian citizens of the state and residents of East Jerusalem and the Golan Heights - and guarantees the exclusive ethnic-religious character of Israel as Jewish,” he said.

“By defining sovereignty and democratic self-rule as belonging solely to the Jewish people - wherever they live around the world - Israel has made discrimination a constitutional value and has professed its commitment to favouring Jewish supremacy as the bedrock of its institutions.”



Mazin Qumsiyya, a writer and activist, told Middle East Eye that Israel was moving down a dark path.

“Colonial settler states like Israel move towards more and more extremism before they arrive at one of the three known outcomes of colonialism: the Algerian outcome (a two-tiered ethnic system), the Australian/USA outcome (genocide of natives), or the rest of the world model (coexistence in one pluralistic state),” he said.

“The Nation State law is written mostly for self-validation by racists who know the third outcome is inevitably arriving soon.”

## Two tiers

Less than 500 words long, the Nation State law accords exclusive “national self-determination” rights - the right to decide Israel’s national priorities, of both symbolic and practical importance - to Jewish people, wherever they may live, in Israel or abroad, and whether or not they even hold Israeli citizenship.

The law does not, notably, say that Palestinian and other non-Jewish citizens of Israel are entitled to equal treatment under the law.

*Israel has made discrimination a constitutional value and has professed its commitment to favouring Jewish supremacy as the bedrock of its institutions*

- Hassan Jabareen, general director of Adalah

The law also gives Hebrew superior status over Arabic, making the former the state’s only official language and demoting the latter to merely a language with a “special status”.

In effect, the Nation State law, which as a basic law holds constitutional power, means Israel’s ethno-religious character supersedes its democratic one.

The bill has been criticised by Palestinian citizens of Israel, liberal Jewish Israelis, Israel’s president

and rights groups, some of whom have said the law would amount to apartheid.

“Twenty percent of the citizens will be discriminated against, by definition. What is that if not apartheid? This is racist and unprecedented legislation from a government that has lost all shame,” tweeted Joint List party chair Ayman Odeh earlier in the week, anticipating the law’s passage.

“This is a mortal wound for Arab citizens [of Israel], and for democracy, no less.”

Fellow Joint List lawmaker, Aida Touma-Suleiman, slammed the bill, saying it would “establish Jewish supremacy” and “wipe the word ‘equality’ from the political lexicon in the State of Israel.”

*No country in the world today is defined as a democratic state where the constitutional identity is determined by ethnic affiliation that overrides the principle of equal citizenship*

- Adalah

The Palestinian members of the Knesset, Israel’s parliament, were joined by Jewish liberal lawmakers and about 2,500 demonstrators on Saturday night, in a march through the main streets of downtown Tel Aviv to protest the bill.

Rights groups say Israel has been discriminating against its non-Jewish citizens ever since the state was founded in 1948, pointing to dozens of Israeli laws that mandate preferential treatment to Jews.

However, the law will have greater, more lasting impact as it enshrines a two-tiered system of rights in a basic law.

### **Coalition concessions**

While Netanyahu’s government has ignored the protests of Palestinian parliamentarians and left-leaning Zionist lawmakers, it altered the law’s language in recent weeks in order to secure common ground between the centre-right and far-right factions of the cabinet.

The far-right religious bloc insisted on altering a clause committing the government to “strengthen the affinity between the state and the Jewish people,” ensuring that it would only apply to foreign Jews. The religious parties feared that if, as in its original language, the bill applied to Israeli Jews as well, it would legitimate liberal streams of the Jewish religion, and weaken their own monopoly on issues of synagogue and state.

The centre-right members of Netanyahu’s coalition government worried that, were the law to include language which could be easily understood as enshrining racial discrimination into law, it could further sour Israel’s relations with the world’s western democracies, who are still its most important international allies and largest trading partners.

One clause in particular, 7b, had attracted much concern from Israel’s allies and even its president, Reuven Rivlin.

Clause 7b would have allowed Jewish-only communities, and said the “state can allow a community composed of people of the same faith or nationality to maintain an exclusive community”.

Rivlin condemned the clause, saying it would “allow any community to establish residential communities that exclude Sephardic Jews, ultra-orthodox people, Druze, LGBT people”.

Under such pressure and encouraged by the centre right, 7b was removed, with the article

concerning Jewish settlement changed to: "The state views the development of Jewish settlement as a national value and will act to encourage and promote its establishment and consolidation" - mandating state support for Jewish-only communities.

*'This is a model of undisguised racism, suited only to corrupt rulers who have lost all shame'*

- MK Dov Khenin

However, MK Dov Khenin from the Joint List indicated that the new wording, which was drafted by ultra-nationalist Naftali Bennet, is even worse than the original.

"While the earlier wording pretended to be neutral, stating that separate communities were possible for each group, now the cat is out of the bag and it's stating explicitly that only Jewish communities will get priority," he said. "This is a model of undisguised racism, suited only to corrupt rulers who have lost all shame."

Prior to the law's passing, over 900 locales in Israel - approximately three-quarters of all townships in the country - already forbade non-Jews from living within their municipal borders.

Sanctioning the state to diminish the property rights of Palestinian citizens of Israel is seemingly backed by widespread popular support. An Israel Democracy Institute poll published in November found that two-thirds of Israeli Jews believe that the right of Palestinian citizens of Israel to buy land in the country should be curtailed, while a quarter of Israeli Jews said any such purchases should be forbidden altogether.

In recent weeks, a family of Palestinian citizens of Israel who purchased a home in the northern city of Afula was protested by hundreds of locals, including the former mayor, who told local press, "the residents of Afula don't want a mixed city, but rather a Jewish city, and it's their right. This is not racism."

Adalah has panned the Nation-State law, saying it "discriminates against the Arabs in the fields of citizenship, property and land, language and culture, and justifies their inferiority in all spheres of life by excluding them from the political community that constitutes the sovereign in their homeland".

"No country in the world today is defined as a democratic state where the constitutional identity is determined by ethnic affiliation that overrides the principle of equal citizenship," the group said in a statement.

### **MEE staff**

\* Middle East Eye, Wednesday 18 July 2018 16:34 UTC. Last update: Thursday 19 July 2018 19:33 UTC:

<http://www.middleeasteye.net/news/israel-pass-law-enshrining-jewish-supremacy-878258111>

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## **EU leads criticism after Israel passes Jewish 'nation state' law**

### **Legislation stipulates only Jews have right of self-determination in the country.**

The European Union has led a chorus of criticism after Israel passed a controversial law declaring that only Jews have the right of self-determination in the country.

Adding that the legislation would complicate a two-state solution to the Israel-Palestinian conflict, the EU joined Israeli Arab political leaders, Israeli opposition politicians and liberal Jewish groups in the US in flagging up concern, with some saying the law amounted to "apartheid".

The legislation stipulates that "Israel is the historic homeland of the Jewish people and they have an exclusive right to national self-determination in it".

It also strips Arabic of its designation as an official language alongside Hebrew, downgrading it to a "special status" that enables its continued use within Israeli institutions.

"We are concerned, we have expressed this concern and we will continue to engage with Israeli authorities in this context," said a spokeswoman for the EU foreign affairs chief, Federica Mogherini.

"We've been very clear when it comes to the two-state solution, we believe it is the only way forward and any step that would further complicate or prevent this solution of becoming a reality should be avoided," the spokeswoman added.

The law was also condemned by the Turkish foreign ministry, which said the legislation trampled on the principles of universal law and disregarded the rights of the Palestinian citizens of Israel.

Some of the strongest language was used by the head of the Israeli Arab Joint List group of parties, Ayman Odeh, who denounced it as "the death of our democracy".

He added: "[The Knesset] has passed a law of Jewish supremacy and told us that we will always be second-class citizens."

In a moment of ironic timing, the legislation was passed just hours before Israel's prime minister, Benjamin Netanyahu, welcomed a visit by Hungary's far-right leader, Viktor Orbán, who Israeli critics have accused of praising Nazi-era antisemitic collaborators.

The "nation state" law, backed by the rightwing government, passed by a vote of 62-55 with two abstentions after months of political argument. Some Arab MPs shouted and ripped up papers after the vote.

"This is a defining moment in the annals of Zionism and the history of the state of Israel," Netanyahu told the Knesset.

Last week he said: "We will keep ensuring civil rights in Israel's democracy but the majority also has rights and the majority decides. An absolute majority wants to ensure our state's Jewish character for generations to come.."

The law was condemned by Yohanan Plesner, the head of the Israel Democracy Institute, who described it as "jingoistic and divisive" and an "unnecessary embarrassment to Israel".

The legislation, which will become part of Israel's "basic laws" that make up its quasi-constitution,

was also condemned by the president of the Union for Reform Judaism, which represents the largest Jewish denomination in the US “This is a sad and unnecessary day for Israeli democracy,” said Rabbi Rick Jacobs.

“The damage that will be done by this new nation state law to the legitimacy of the Zionist vision and to the values of the state of Israel as a democratic – and Jewish – nation is enormous.”

There are 1.8 million Arabs in Israel, about 20% of the total population.

Early drafts of the legislation went further in what critics at home and abroad saw as discrimination towards Israel’s Arabs, who have long said they are treated as second-class citizens.

Clauses that were dropped in last-minute political wrangling – and after objections by Israel’s president and attorney general – would have enshrined in law the establishment of Jewish-only communities, and instructed courts to rule according to Jewish ritual law when there were no relevant legal precedents.

Instead, a more vaguely worded version was approved, reading: “The state views the development of Jewish settlement as a national value and will act to encourage and promote its establishment.”

Even after the changes, critics said the law would deepen a sense of alienation within the Arab minority. “I announce with shock and sorrow the death of democracy,” said Ahmad Tibi, an Arab MP.

In Ma’alot-Tarshiha, a municipality in northern Israel that was created by linking the Jewish town of Ma’alot and the Arab town of Tarshiha, there was anger among Arab residents.

“I think this is racist legislation by a radical rightwing government that is creating radical laws and is planting the seeds to create an apartheid state,” said Bassam Bisharah, a 71-year-old doctor.

Adalah, the legal centre for Arab minority rights in Israel, called the law an attempt to advance “ethnic superiority by promoting racist policies”.

## **Peter Beaumont**

\* The Guardian, Thu 19 Jul 2018 17.00 BST First published on Thu 19 Jul 2018 06.22 BST:  
<https://www.theguardian.com/world/2018/jul/19/israel-adopts-controversial-jewish-nation-state-law>

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## **Footnotes**

[1] <http://www.middleeasteye.net/news/read-full-israels-nation-state-jewish-people-law-78930933>

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