

Inconsistent Outrage: Responding to the Jewish Nation State Bill

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Global Research, December 04, 2014

Region: [Middle East & North Africa](#)

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Netanyahu turned Israel into a ghetto. – Tzipi Livni, Ynet News, Dec 4, 2014

Israeli Prime Minister Benjamin Netanyahu's proposed law which establishes Israel as a Jewish nation-state has been deemed everything from gratuitous to dangerous. The scope, and the punch, is what counts here. As Bernard Avishai notes in *The New Yorker* (Dec 2), this is not just another law on the books.[1] It constitutes a basic law, a grundnorm that grants it constitutional heft. For that reason, it is "so charged, so offensive not only to the Arab citizens of Israel but even to some members of Netanyahu's ruling coalition, that it is likely to collapse that fragile alliance and result in new elections."

Israeli press outlets *Haaretz* and Ynet have noted various clashes within an already seething coalition rife with skirmishes. Former President Shimon Peres has expressed the direct view that the proposed bill would "destroy Israel's democratic status at home and abroad."

The feeling by some is that Israel's leader has lost the plot. The leader of Hatnua, Tzipi Livni, has had more freedom to speak on the subject of the Prime Minister's behaviour lately, having been fired from the government. (We can always speak about the corrosive nature of complicity, but the comments have a grim freshness to them.) "The public needs to understand that it has been brainwashed. We have become a paranoid country" (Ynet, Dec 4).[2]

But what form is the bill going to take? In its raw, unvarnished form, we see the voted on version, passed 14-7 in cabinet, drafted by Ze'ev Elkin, the ultra-right coalition partner of Netanyahu's grouping. In the bill, Israel is affirmed as "the nation-state of the Jewish people".

By itself, a law protecting culture and national identity is hardly unique, something human rights commentators term "third generation" collective rights. They have the rather unfortunate tendency of admitting that a particular group, or custom, might be endangered. Netanyahu gives the impression that the law will merely inspire the necessity for a rigorous Jewish curriculum, instructing children about culture and mores. However, it goes much further than that, degrading the status of Arabic, asserting the primacy of Judaism in the system.

In its effects, it assumes the gravity of other racial, linguistic laws that isolate and diminish the scope of citizens of various other nationalities within the borders of states. It is a perverse form of elite ghettoisation which simultaneously cages privileged citizens, even if the cage be golden, while excluding those who are not. The policy preamble here should read: we are all members of a ghetto now.

The fangs of the bill are also directed at a key government institution. In its application, it will politicise the judiciary, forcing them to, in the Prime Minister's own words, "recognise that Israel is the nation-state of the Jewish people." Unfortunately, such specific readings of law, adding the gloss of ethnicity and colour that should, by their very definition, be free of specific application, undermines the function of open judicial deliberation.

There has also been a stark inconsistency between the attitude towards the proposed law from conservative groups, notably the large Jewish following in the United States, and the problems facing Palestinians more broadly speaking. Prejudice can fracture into various types, distinct for its selectiveness.

The Anti-Defamation League is worried that, in the words of its national director, Abraham H. Foxman, "the foundational principle of Israel and a Jewish and democratic state" is being challenged (ADL, Nov 24).[3] He notes that the equality principle, irrespective of religion, is enshrined in the Declaration of Independence and various legal statutes.

Such a position on equality is hard to reconcile with policies that insist on intrusive checkpoints, the separation barrier, and the legality of the settlements under international law. The justification of self-defence is constantly evoked by the ADL hierarchy. "The closures and checkpoints are instituted by the Israeli government to protect its citizens." [4]

Such mechanisms are the only ones supposedly available to the government against aspiring suicide bombers. Similar views have been expressed by the Conservative/Masorti movement. In a sense, the extreme bill seems a rather smooth continuation of an already repressive regime, simply granting legal conformity to the legal order as it stands.

Peter Beinart, writing for *Haaretz*, noted with some pleasure that otherwise conservative groups found the bill dangerous and unjust, seeking in effect to marginalise Arab rights within the state.[5] But surely, such reservations were inconsistent with the broader treatment of Palestinians in the West Bank.

For Beinart, there is no noticeable outrage about Israeli policy in the West Bank from Jewish-American groups, where millions of Palestinians continue to remain without citizenship. In other words, the Jewish-American battle for Israeli democracy has its limits – it "stops at the Green Line."

The most glaring inconsistency between the legal order that supposedly reflects Israel's diverse and democratic character, and the actual application of rules to the Palestinian populace, is the existing of an acutely policed parallel system. Palestinians in the West Bank have no rights to due process, freedom of mobility, and rights to vote. They "live under a military law so draconian that it forbids ten or more of them from assembling for a political purpose – even in a private home – without prior government permission."

The one partial exception to this inconsistent outrage seems to have come from the Reform movement. President Rabbi Rick Jacobs has kept the position clear against Israeli settlements, while still noting "existential threats" to Israeli citizens (Jun 19, 2014).[6] But in truth, there is disturbing evenness to the proposed nation state bill, one that internalises the emergency practices exercised against those in the West Bank. Repressive legacies do have a habit of coming home to roost.

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Notes

- [1] <http://www.newyorker.com/news/news-desk/netanyahus-nation-state>
- [2] <http://www.ynetnews.com/articles/0,7340,L-4599568,00.html>
- [3] <http://www.adl.org/press-center/press-releases/israel-middle-east/adl-calls--proposed-jewish-nation-state-legislation-unnecessary.html>
- [4] <http://www.adl.org/israel-international/israel-middle-east/content/AG/inaccuracy--israeli-checkpoints.html#.VH3yWd5CjZt>
- [5] <http://www.haaretz.com/opinion/.premium-1.629793>
- [6] <http://blogs.rj.org/blog/2014/06/19/rabbi-rick-jacobs-bds-letter-to-delegates-at-the--presbyterian-church-usa-general-assembly/>

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