

FAQ ABOUT WEAKENING DEMOCRACY IN ISRAEL

Q: What exactly did the Knesset pass this summer that's so concerning?

A: The Knesset passed four problematic laws:

- 1. Judicial Reform:** Previously, Palestinians and human rights groups could take cases concerning the occupation directly to the High Court of Justice. Now, these cases will go through Israel's regular administrative courts. Extending the courts' jurisdiction into the West Bank is a step towards annexation.
- 2. Policing Speech in Israeli Schools:** This new law gives the Education Minister sweeping powers to blacklist any group or individual from being invited to speak or lead programs at Israeli educational institutions. The law does not name specific organizations, but in Knesset debate it was made clear that the primary target is Breaking the Silence, a group of IDF veterans that educates people about the occupation.
- 3. Reducing Campaign Funding for Arab Members of Knesset:** Knesset campaigns are publicly funded, based on the party's current share of seats in the Knesset. The new law caps the funding of "joint lists" (combined parties), which will effectively cut a third of the funding for the Joint List, a combination of the various Palestinian Israeli parties that make up the Knesset's third-largest bloc.
- 4. The Nation-State Law:** A "Basic Law," which carries the force of a constitutional amendment. (More info about this below.)

Q: The Nation-State Law drew the most attention. How many Members of Knesset voted for it?

A: The bill passed 62-55, with two abstentions and one absent.

Q: I'm hearing from friends further to my right that the Nation-State Law just codified many things we all knew to be true. What's the big deal about it?

A: It does seem that the law was meant to look innocuous, as it defines things like Israel's capital (Jerusalem), national anthem (Hatikvah), and flag. But if this law were just about formalizing the status quo, passing it wouldn't have been a priority for the government. Beneath these seemingly benign items are potentially tectonic changes. (More on this below).

Q: My friends further to my left are also saying the law simply acknowledges the status quo. What do they mean?

A: Palestinian-Israeli advocacy groups and legal centers are emphasizing this point—rightly, in our opinion. Longstanding discriminatory policies that the government had either legislated piecemeal or simply tacitly accepted now have the weight of constitutionality behind them.

Q: Give me some specifics.

A: The law defines Israel as the "nation-state¹ of the Jews," which is problematic in two ways: It leaves out the roughly 1/5 of Israeli citizens who are not Jewish, and it claims that Diaspora Jews who are not citizens are nonetheless somehow part of Israel's base of sovereignty. And remember that when the Israeli government legislates about Jews, it doesn't have the egalitarian movements in mind but rather the Ultra-Orthodox who control the Chief Rabbinate (a government body). The law also explicitly states, "The right to exercise national self-determination in the State of Israel is unique to the Jewish people." The word "democracy" appears nowhere in the law.

¹The unofficial translation published by the Times of Israel softens this to "national home," but the Hebrew is quite explicit.

Q: And what's the deal with this "Jewish settlement" clause I keep hearing about?

A: An affirmation of "Jewish settlement" as a "national value" that the state will promote was substituted in at the last minute for a more explicitly discriminatory clause allowing Jewish-only settlements (which current law has allowed since at least 2010). This new clause is vague and will likely be litigated in the courts for years to come, each time an action is taken based on it. So, at this point, we can't know its impact for sure (including how it will affect settlements in the West Bank)—only its intent and its rhetoric, privileging Jewish Israelis over other Israelis.

Q: I'm hearing conflicting things about the State Education Law. How bad is it?

A: Though the law lays out various criteria for groups being banned from schools, the real problem is the wide discretion the Education Minister now has to interpret and apply these criteria. Parents, students and organizations will be able to submit requests to the ministry to investigate and blacklist organizations and individuals. Therefore, even though Breaking the Silence says it does not meet the criteria, it will likely be banned; other groups the right wing dislikes, like B'Tselem and the Bereaved Families Forum, are also at risk. It's important to note that the far-right parties were not the law's only supporters; vehement support came from the center-left Yesh Atid party.

Q: What else is on the government's agenda that we should be worried about?

A: There are six other bills currently before the Knesset to be wary of. These include attempts to:

- undermine the High Court
- transform government legal advisors from apolitical professional appointments to political ones
- ban filming of military activities
- restrict free speech when it comes to boycotting settlements (on top of the existing law that prohibits supporting BDS [boycott, divestment and sanctions against Israel] in general)
- approve a Jewish settlement to be built by the extremist settler group Elad on a state park in East Jerusalem
- allow Israeli towns to transfer funds to settlements in the West Bank.

Q: Taken all together, what does this mean?

A: These look like a concerted effort to weaken Israel's democratic institutions, further entrench the occupation and the current administration, and promote a nationalistic form of Judaism that approaches fundamentalism.

Q: Where can I learn more?

A: This FAQ is based on a more detailed [fact sheet from the New Israel Fund](#), which includes links to the English text of the law and a position paper from ACRI (Association for Civil Rights in Israel). This position paper from [Adalah: The Legal Center for Arab Minority Rights in Israel](#) may also be of interest.

Q: I'm practically speechless. What can I say about all this?

A: The accompanying pages offer some quotes from classical Zionist thinkers and contemporary Jewish leaders that offer a reminder of why democracy was so important in Israel's founding. Hopefully they will inspire us to continue working to bring Israel back in line with its founding values.

DEMOCRACY IN ZIONIST THOUGHT

- 1. Rabbi Abraham Isaac Kook (1865-1935),** Palestine's first Ashkenazi Chief Rabbi
(Translation by Ben Zion Bokser, *Abraham Isaac Kook: The Classics of Western Spirituality*, pg. 277-280)

From "The Soul of Nationhood and Its Body"

The love for the nation... is adorned at its source with the purest ideals, which reflect humanity and nationhood in their noblest light...They are in a state of continuing progress, which brings joy to every noble heart. This is how they appear in the conceptual world.

But when they enter the world of action, and are set within boundaries, at once some elements of the higher light disappear. The large *aleph* becomes a small *aleph*...Humanity, on the practical level, robes itself in soiled garments... And when then particular nationalism robed themselves in the thick garment of worldliness, humanity, too, descended from its heights...This is the vision of the evil kind of nationalism that we encounter...

This is the narrow state to which the community of Israel will descend prior to an awakening to the true revival... With the cleansing potency of the original soul of our people, with hidden divine influences and with the light of mercy and a higher pleasure hidden within it, will they come and also cleanse all the outer garments in which the soul and spirit of the nation robed itself.

- 2. David Ben-Gurion (1886-1973), first Prime Minister of Israel**

From testimony before the Peel Commission (1936)

If Palestine is our country, it is not to the exclusion of other inhabitants; it is also their country, the country of those who are born here and have no other homeland, and we can come in without any limit except the limit not to displace the existing inhabitants. ...

Our aim is to make the Jewish people master of its own destiny, not subject to the will and mercy of others, as any other free people. But it is not part of our aim to dominate anybody else. If Palestine were an empty country we could say a Jewish State, because the Jewish State would consist of Jews only and our self-government in Palestine would not concern others. But there are other inhabitants in Palestine who are here and, as we do not want to be at the mercy of others, they have a right not to be at the mercy of the Jews.

- 3. Horace Mayer Kallen (1882-1974), American Jewish philosopher**

From "Zionism and Liberalism" (1919)

Democracy is anti-assimilationist. It stands for the acknowledgement, the harmony, and organization of group diversities in cooperative expression of the common life, not for the assimilation of diversities into sameness. Zionism is anti-assimilationist because it is democratic, because it has enough faith in "the progress of the slow movement known as enlightenment," to apply its teachings to groups as well as to individuals...If enlightenment has meant anything at all, it has meant the progressive confirmation of these two rights[, freedom of thought and of association]...Democracy and nationalism make up a single engine of liberation; they work together against the oppressor.

From "Jewish Unity" (1933)

It is necessary for Jews to realize that the rule, which, because of Jewish effort, has been written into the law of nations in order to safeguard for religious and cultural minorities their rights to life, liberty, and the pursuit of happiness, is infallibly, inescapably the rule for Jews also. No individual can be emancipated through, in, and for himself. He can only be emancipated for himself in and through his group. First and foremost, he must have freedom of association with the members of his group, he must have the right to express himself through the common life of his group...That any individual should be penalized because of [a national] relationship is repugnant to the ideals of democracy and to the existence of free institutions...

Culturally, the people of the world have been interdependent so long as culture has existed among men, and the recognition of this interdependence has been continuous and frank till Hitler came...Indeed, today the economic interdependence of mankind is a commonplace of our thinking...

Proper organization can only be democratic and representative organization...And the councils of Israel in which they speak must be as public, as open to the scrutiny and the criticism not only of their constituencies but of the enlightened public opinion of the world, as the councils of peoples, free churches, or learned societies...Alone the open processes of democracy can make this call and win the right answer.

4. Rabbi Rachel Sabath Beit-Halachmi, PhD (contemporary), President's Scholar and National Director of Recruitment and Admissions, Hebrew Union College-Jewish Institute of Religion

From "An Evolving Covenant: Renewing the Liberal Commitment to the Jewish Democratic State," in *The Fragile Dialogue: New Voices of Liberal Zionism*, eds. Davids and Englander, 2018 (pp. 41-42, 45-46).

...[A]s some of my Israeli colleagues have argued, Israel can *only* be as Jewish as democracy allows. Conversely, Israel cannot only be as democratic as Jewish law allows, for running a theocracy according to traditional Jewish laws would profoundly compromise Israel's founding principles and *raison d'être*...

...In the 1951 letter that Martin Buber wrote to Mordecai Kaplan in honor of his seventieth birthday, Buber considers how we will continue to be transformed and transformative:

Liberalism and tradition are contrasts, liberty and tradition are none. Tradition is true and living only if it renews itself constantly in liberty and the will to preserve brings forth inner transformations. And as to liberty, from where shall it take the substance of its work, if not from the depths of tradition? This cooperation manifests itself most strongly in times of great crises.

Liberal Judaism, with its multiple covenantal commitments, thoroughly embodies this cooperation between liberty and tradition. Such a mutual upholding is how our covenant has evolved and will be how our commitment to a Jewish democratic State of Israel will continue to be renewed.