

The 18th Knesset

Draft Law submitted by Members of Knesset

Avraham Dichter, Ze'ev Elkin, David Rotem, Einat Wilf, Haim Katz, Roni Bar-On, Shaul Mofaz, Ruhama Avraham-Balila, Ze'ev Bielsky, Yoel Hasson, Gideon Ezra, Arie Bibi, Nahman Shay, Moshe (Motz) Matalon, Otniel Schneller, Marina Solodkin, Uri Orbach, Zevulun Orlev, Hamad Amar, Robert Ilatov, Doron Avital, Eli Aflalo, Zion Finian, Julia Shmuelov-Berkovic, Orli Levi-Abuksis, Arie Eldad, Ofir Akunis, Ronit Tirosh, Carmel Shama, Miri Regev, Anastasia Michaeli, Tzipi Hotovely, Israel Hasson, Shay Hermesh, Yaacov Edri, Meir Shetrit, Uri Ariel, Yariv Levine, Binyamin Ben-Eliezer, Shlomo Mula.

P/3541/18

Draft Basic Law: Israel -- the Nation-State of the Jewish People

A Jewish State	1	(1) The State of Israel is the national home of the Jewish people, in which it realizes its aspiration for self-determination based on its cultural and historical heritage.
		(2) The right to national self-determination in the State of Israel is uniquely that of the Jewish people.
		(3) The text of this Basic Law or any other legislation is to be interpreted in light of this clause.
A Democratic State	2	(1) The State of Israel has a democratic regime.
State's Symbols	3	(1) The State's national anthem is "Hatikva."
		(2) The State's flag is white, with two azure stripes close to its edges and an azure Star of David at its center.
		(3) The State's emblem is the seven-branch <i>Menorah</i> [candelabrum], olive branches on both its sides, and the word "Israel" below it.
Language	4	(1) Hebrew is the official language of the State.
		(2) The Arabic language has a special status, and its speakers have the right to linguistic access to State services, all as will be stipulated in law.
Right of Return	5	Every Jew has the right to immigrate to Israel and acquire a citizenship of the State of Israel in accordance with the law.
Ingathering of the Exiles and Jewish Settlement	6	The state shall act to gather the Jewish diasporas and to promote Jewish settlement within its boundaries, and will allocate resources for these purposes.
The Connection with the Jewish	7	(1) The State will work to strengthen the affinity between

People in the Diaspora		Israel and the Jewish communities in the Diaspora.
		(2) The State will extend assistance to members of the Jewish people who are in predicament or in captivity because of their Judaism.
Jewish Heritage	8	(1) The State will work to preserve the cultural and historical heritage of the Jewish Nation and to foster it in Israel and in the Diaspora.
		(2) All educational institutions that serve a Jewish public in Israel will teach the history, heritage, and tradition of the Jewish people.
The Right to Preserve Heritage	9	(1) Every resident of Israel, regardless of religion or nationality, may work to preserve their culture, heritage, language, and identity.
		(2) The State may allow a community, including members of one religion or nationality, to establish a separate communal settlement.
The Official Calendar	10	The Hebrew calendar is the official calendar of the State.
Independence Day and Memorial Days	11	(1) Independence Day is the State's national holiday.
		(2) The Memorial Day for Israel's Fallen and the Holocaust And Heroism Memorial Day are official State's memorial days.
Sabbatical Days	12	The State of Israel's official days of rest are Saturday and the Jewish holidays, in which a person cannot be employed except under terms to be specified in legislation; members of legally recognized communities may refrain from work on their holidays.
Hebrew Law	13	(1) Hebrew Law shall serve as a source of inspiration for the legislator.
		(2) Should the court encounter a legal question demanding a ruling and be unable to find a solution in legislation, in legal precedent, or through clear deduction, the court should rule in light of the principles of freedom, justice, integrity, and peacefulness of Israel's heritage.
Protection of Holy Sites	14	The holy sites shall be protected from desecration, other harm, or anything that might impair on the freedom of access of religion members to places they consider sacred or hurt their feelings toward those sites.
Durability	15	This Basic Law shall not be altered except through a Basic Law passed by a majority of Knesset members.

Explanatory Notes

The First Zionist Congress approved the Basel Program, according to which it is the goal of Zionism "to establish a national home for the Jewish People, in the Land of Israel." The Declaration of Independence declared that the newly-established State to be a Jewish State and the national home of the Jewish people. In 2001, the Kinneret Covenant was published, endorsed by public figures from the entire political spectrum, the first chapter of which states that "the State of Israel is the national home of the Jewish People." Despite the fact that the definition of the State of Israel as a Jewish state is extensively accepted by the Israeli public, the characteristics of the State of Israel as the nation-state of the Jewish people have never been anchored in the State's Basic Laws.

The necessity of the Basic Law: Israel – the Nation-State of the Jewish People assumes greater validity at a time when there are those who wish to abolish the Jewish people's right to a national home in its land, and to deny the recognition of Israel as the nation-state of the Jewish people. Anchoring the Jewish nature of the State of Israel in a Basic Law will allow for a broad agreement in the future with the establishment of a complete and comprehensive constitution.

The first clause states that all other state laws shall be interpreted in light of the said clause. In this context, it is appropriate to cite the former President of the Supreme Court, Justice Aharon Barak: "The values of Israel as a Jewish state possess a constitutional, supra-legal status. They influence the interpretation of all Basic Laws, and thus affect the constitutionality of all statutes. They affect the interpretation of all legal texts, for they should be viewed as part of the fundamental values of the State of Israel, and as such they are also part of the general purpose underlying every legal text in Israel. Thus, for example, it is presumed that every law passed by the Knesset and every order issued by the government are meant to realize the values of the State of Israel as a Jewish state (*A Judge in a Democratic Society*, 2004, p.89).

Throughout the bill one can find practical aspects that express the fact that the State of Israel is the nation-state of the Jewish people, some of which are already expressed in current legislation: the State's symbols (anthem, flag, emblem), its language, the Law of Return, the Ingathering of the Exiles, Jewish settlement, the bond with the Jews of the Diaspora, the Jewish heritage, the Hebrew calendar, and the protection of holy sites.

The assertion that the State of Israel is a democratic as well as a Jewish state is anchored in clause 2 of the proposed bill, and is an underlying motif in its various clauses, such as those

dealing with language, preservation of heritage, communal settlement, days of rest, and the protection of holy sites.

Presented to the Knesset speaker and his Deputies

And tabled in the Knesset

3 August 2011