

Jewish heritage	8	The State shall act to preserve and instill the cultural and historical heritage and tradition of the Jewish people and shall act to foster it in Israel and in the diaspora.
The right to preserve heritage	9	The State shall act to enable all residents of Israel, irrespective of religion or nationality, to act to preserve their culture, heritage, language and identity.
Official calendar	10	The Hebrew calendar is the official State calendar.
Independence Day and memorial days	11	(a) Independence Day is the State's national holiday.
		(b) The Memorial Day for Israel's Fallen Soldiers and Holocaust and Heroism Remembrance Day are official State memorial days.
Days of rest	12	The established days of rest in the State of Israel are the Sabbath and Jewish holidays; an employee shall not work on these days unless under conditions established by law; members of legally recognized ethnic communities are permitted to refrain from work on their holidays.
Jewish civil law	13	(a) Jewish civil law shall serve as a source of inspiration to legislators and judges in Israel.
		(b) A court that has determined that a dispute that cannot be resolved by existing statute, by judicial precedent, or by strict legal analogy, shall render its decision in accordance with the principles of freedom, justice, equity and peace embodied in Jewish heritage.
Preservation of holy sites	14	The holy sites shall be protected against desecration and all other damage and against anything that would interfere with freedom of access of religious groups to places holy to them or would injure their sensibilities regarding said holy sites.
Violation of rights	15	The rights granted by this Basic Law shall not be violated unless by a law consistent with the values of the State of Israel, not excessive and with a legitimate purpose, or by such a law by virtue of authority explicitly stated in it.
Safeguard	16	This Basic Law shall not be changed except by a Basic Law passed by a majority of the Knesset.

Explanatory notes

The First Zionist Congress approved the Basel program, according to which the goal of Zionism is to “establish a national home for the Jewish people in the Land of Israel.” The Declaration of the Establishment of the State of Israel declares the new state a Jewish state and the national home of the Jewish people. In 2001, the Kinneret Convention was published, signed by public figures from throughout the political spectrum, in which the first paragraph states: “the State of Israel is the national home of the Jewish people.” Despite widespread consensus amongst the Israeli public about the definition of the State of Israel as a Jewish state, the character of the State of Israel as the nation-state of the Jewish people has never been enshrined in the State’s basic laws.

This bill emphasizes the traditional and historical bond between the Jewish people and the Land of Israel and the national rights granted to the Jewish people as expressed in the Declaration of the Establishment of the State of Israel: the Land of Israel was the birthplace of the Jewish people. Here their spiritual, religious and political identity was shaped... After being forcibly exiled from their land, the people kept faith with it throughout their Dispersion... Impelled by this historic and traditional attachment, Jews strove in every successive generation to re-establish themselves in their ancient homeland... This right was recognized in the Balfour Declaration of the 2nd November, 1917, and re-affirmed in the Mandate of the League of Nations which, in particular, gave international sanction to the historic connection between the Jewish people and Eretz-Israel and to the right of the Jewish people to rebuild its National Home.” The righteousness of the Jewish people in the Land of Israel is based on political, national and historic course and all of the laws stemming from the Jewish people’s right to self-determination apply.

The need for the Basic Law: Israel – The Identity of the State as the Nation-State of the Jewish People is particularly apparent during this time in which many are attempting to deny the right of the Jewish people to a national home in its land, and deny recognition of the State of Israel as the nation-state of the Jewish People. Enshrining the Jewish character of the State of Israel in a basic law will enable a widespread acceptance of a complete and comprehensive constitution in the future.

Throughout the bill, practical aspects are included which express the character of the State of Israel as the nation-state of the Jewish people, some of which are expressed in existing law: state symbols (in the Flag, Emblem, and National Anthem Law, 5709-1949), its language, the Law of Return, ingathering of the exiles, Jewish settlement, bond with Diaspora Jewry, Jewish heritage, the Hebrew calendar and holy sites.

According to this law, Jewish civil law and the principles of Israeli heritage shall serve as a source of inspiration to the legislature in passing legislation and to the courts in their interpretations. Former Deputy President of the Israeli Supreme Court, Menachem Elon, defined this concept (in *Hendels v. Bank Kapat Am* (Rehearing of Civil Appeal 13/80), Decisions, vol. 35(2), p. 795): “Referring to Jewish civil law as a source of inspiration is permissible and second to none in interpretation of Israeli law, and when this referral is conducted with proper consideration and necessary caution, according to the need of the times and the matter of the law, it shall grant to Israeli law its own historical roots and open this synthesis between Jewish civil law and the legal system of the Jewish state.”

The determination that the State of Israel is a democratic state aside from its Jewish character is enshrined in paragraph 3 of this bill and threaded throughout its various provisions, including those covering language, preservation of heritage, community settlement, days of rest and preservation of holy places.

Bills similar in principle have been placed on the 18th Knesset's docket by MK Avraham Dichter and a collection of MKs (3541/18/P) and by MK Aryeh Eldad (4096/18/P).

Submitted to the Speaker of the Knesset and the Deputies
And placed on the Knesset's docket on
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