

The Law of Jewish Nationalism in Israel and its Impact on the Palestinian Cause: Role of Palestinian Woman.

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Abstract. The Jewish National Law issued by the Israeli Knesset is one of the most dangerous factors on the Palestinian issue, for several reasons, including political and religious, the research **problem** that this article seeks to answer is centered on a **question**: What are the political implications of the law of Jewish nationalism and why are the Palestinians rejecting it? What are the possible scenarios for the Palestinian people and leadership to deal with the Jewish national law? The study is based on a **basic premise**: The Jewish National Law, which was approved by the Israeli Knesset, destroys any opportunity to reach any solution to the Palestinian issue and opens the way for the establishment of states of a religious nature in the Middle East. The **methodology** adopted is analysis and comparison through the study of law in context with a content analysis of the political statements of the Palestinian leaders in addition to studying some texts and reports. The article will be divided into several topics. The first deals with the **theoretical** framework and then the political context of the law of Jewish nationalism. Then moves on to the political implications of the law and then discusses the position of the Palestinian forces and parties to reject the law. Plus the role of Palestinian women activities against this law.

Keywords: Israel, Palestine, the Law of Jewish Nationalism, Hamas. Palestinian women.

1 Introduction.

The Israeli Knesset approved the "National Law" which enshrines the Jewishness of the state and grants the Jews alone the right to self-determination in Israel. The law was approved by 62 deputies out of 120, 55 against and two abstentions [1].

The bill, first introduced seven years ago (2011), was introduced by MK Avi Dichter, the former head of the Internal Security Service, and approved by the ministerial committee of legislation last year. He was referred for preliminary reading in the Knesset before its final approval in July Of 2018 [2].

The new Israeli law includes 11 items under the following headings: basic principles, state symbols, state capital, language, diaspora, relationship with the Jewish people, Jewish settlement, Independence Day and Remembrance Day, rest days and holidays [3].

It states that "the right to self-determination in the State of Israel is limited to Jews, and the migration that leads to direct citizenship is for Jews only" and that "Greater and unified Jerusalem is the capital of Israel" and that "Hebrew is the official language of the State and Arabic loses its status as an official language." [4].

The State of Israel is defined as the national state of the Jewish people, in which it exercises its natural, cultural, religious and historical right to self-determination. It also affirms that "the exercise of the right to self-determination in the State of Israel is exclusive to the Jewish people." In its third clause, "full and unified Jerusalem is the capital of Israel".

The law also distinguishes Arabic from official language alongside Hebrew and makes it a second-class language. The number of Arabs in Israel today is about 1.8 million, about 20% of the

total population of about nine million, and they are constantly complaining about the forms of discrimination and racist practices that have turned them into second or third class citizens [5].

The law seeks to close the door of return to the Palestinians and to keep it open to Jewish emigration. It states that immigration leading to direct citizenship is for Jews only and that the state remains open "to the arrival of Jews and the diaspora." This means that the new law does not only undermine the hopes of the Palestinians, but also the UN resolutions that affirmed the right of return and compensation, including UN General Assembly Resolution 194 of 11 December 1948.

This law incites Palestinian women through ethnic and religious discrimination between Palestinians and Israelis, which led to the existence of Palestinian feminist activities against the law of Jewish nationalism.

2 The theoretical framework of the law of Jewish nationalism.

The approach of the study is that the political system in Israel is based on the apartheid system, and this basis is taken from the nature of life that Jews lived in Europe through the so-called Jewish ghetto, since the Jewish community is distinguished by the closure of itself and the attempt not to mix communities Customs, traditions and other religions.

The Jewish National Law contains several clauses, the most important of which is that Israel is a national state of the Jews, and the authority of the Jewish religion must be higher than the concept of democracy (in other words, the basis of the political system in Israel must be manifest on religion rather than politics), As the land of Palestine as a national homeland for the Jews, Hebrew law is the basis of the judiciary, the adoption of the Hebrew calendar and Jewish festivals as official holidays of the Jewish state.

Since the speech of Israeli Prime Minister Ariel Sharon on June 4, 2003, in which he demanded recognition of Israel as a Jewish state, and President George W. Bush's affirmation of this idea, Until the return of Israeli Prime Minister Ehud Olmert to the Annapolis conference in 2007, and the insistence of Benjamin Netanyahu's government on passing the "Jewish nation-state" [6].

There are many crises that will go through the Middle East peace process, especially with regard to the Palestinians; The first was to close the door to the return of Palestinian refugees displaced by the ethnic cleansing of 1948, when the Israeli Knesset passed a resolution on July 16, 2003 to deepen the idea of the Jewish state, which was presented by the parliamentary members of the Likud bloc. The West Bank and the Gaza Strip are considered "territories not occupied, not historically, in terms of international law, nor under the agreements signed by Israel." The resolution called for "the continued strengthening and development of the Zionist colonies and adherence to the principles of Zionism Foremost of which is "absolute sovereignty over the city of Jerusalem" and the preservation of western security zones and eastern security zones.

A) Jewish national law and its impact on Palestinians cause and peace process.

It must know that nearly two million Palestinians living in Israel have Israeli citizenship. Since the nature of the Jewish national law is aimed at converting everything in Israel into Jewish character, this law negatively affects the rest of the parties living in Israel that they do not have Jewish religion or origin. The real danger is the displacement of Palestinians living inside Israel into areas outside Israel (a new transfer of the Palestinian people) [7].

"Today we are facing this most extreme government in the history of Israel," said Ahmad Tibi, a member of the Israeli Knesset of Palestinian origin. "We face the racist race and the unbroken laws and laws. Stressing that it is the summit of racism that began in the Nakba in 1948 and is still in other aspects and forms until today.

"We cannot accept the Jewishness of the state, which cancels the entity and the rights of one fifth of the non-Jewish population, especially since we are a real population. We did not immigrate to this country, we were born there," Tibi said. "We did not come here by ship or plane. Because it is absent in its true meaning... And its value is the basis: equality" [8].

The law, once declared that no one have the right in the State of Israel except the Jewish people, this completely cancels all the Oslo Accords and all current and future negotiations, because a new Israeli government (in the future) will not be able to engage in serious negotiations with the Palestinian side, based on the interest of the Palestinian people right of establishing their Palestinian State, because it would be contrary to Jewish national law, unless it was changed. This requires, according to the law, an absolute majority, that is 61 members of the Knesset out of 120, but it seems unrealistic at all. This, of course, applies even to settlement proposals in occupied Jerusalem, not in the spirit of Clinton's path, nor even in the spirit of the Abu Dis alternative Jerusalem as an alternative to occupied Jerusalem and the capital of the Palestinians [9].

The Jewish national law is the beginning of the road to rejecting any proposal on the right of return (the return of Palestinians to their homes that were displaced in the middle of the last century) in exchange for opening the door to continued Jewish immigration. It also opens the way for the implementation of the law of settlement legitimization. Which is intended to legislate the thousands of housing units established by the occupation in the West Bank, either in "official" settlements according to its law or in outposts that, according to the existing law, prior to the enactment of the national law, are illegal, because their removal or prosecution, Until now, it will be contrary to the seventh article of the new Basic Law, which states: "The State considers the development of Jewish settlement of national value and works to promote and develop."

The law of Jewish nationalism states that the absolute self-determination of Jews only in "the Land of Israel" and does not say "the State of Israel", as this will begin Jewish settlement in the West Bank (occupied and considered as Palestinian land under international law and UN resolutions) With the support of the Israeli government and the legal system in Israel in all areas of the occupied West Bank, In other words, the law will help the occupation accelerate and intensify the imposition of facts on the occupied territory [10].

The most serious of the law is in the area of political activity and political organization of the Palestinians within the State of Israel. Previously, the Israeli Supreme Court was forced to cancel the decisions of the Central Election Commission to prevent the Arab parties, specifically

the National Democratic Rally, from running for the elections The definition of a "state" as the "state of the Jewish people" opens the way for an additional amendment to the electoral law in the context of the addition of an item obliging every political party or organization, even at the level of elections for municipal councils and municipalities, Accept " Defining the state "as the" national state of the Jewish people ". Otherwise, the court will also be able to prevent the party from participating in the elections.

3 Factors that helped pass the law of Jewish nationalism.

1- One of the most important reasons for the promulgation of the law of Jewish nationalism in Israel is the absence of strong Palestinian methods of confronting this law. The Palestinian divide, especially between Fatah and Hamas, paved the way for Israel to implement its occupation policies in the West Bank and siege of the Gaza Strip, Israel has been given the opportunity to legislate laws that contravene the peace process. The most important of these is the Jewish National Law, which was enacted during the period of Palestinian division between the Gaza Strip and the West Bank. The Palestinians are preoccupied with the conflict between themselves and the State of Israel exploits this conflict to pass its laws and implement them on the ground [11].

The Fatah and Hamas movements issued several statements denouncing the issuance of this law and considering it a threat to the Palestinian presence and a bridging of all the peace agreements signed between the Palestinian and Israeli sides [12], but the Fatah and Hamas parties did not exploit this point in unifying the Palestinian ranks in the face of the law, but on the contrary, the division still exists. The Palestinian division is the result of the fact that each of the Palestinian parties believes in a different political agenda in the face of the Israeli occupation, which has led to a different Palestinian vision, which resulted in the weakness of the Palestinian ranks in the face of the Israeli side.

On the contrary, instead of uniting the Palestinian ranks in the face of the Jewish national law, both sides (Fatah and Hamas) turned to accusations, as Hamas accused Fatah of helping Israel pass the century's deal, including the Jewish National Law. Fatah accuses Hamas of doing the same.

2- Unlimited US support for the State of Israel in all areas, especially the political field under President Donald Trump through transferring the US embassy from Tel Aviv to Jerusalem and recognizing Jerusalem as the united capital of Israel. Where it was the issuance of the Jewish national law after the announcement of US President Trump's recognition of Jerusalem as the united capital of Israel [13].

3- Because of the Palestinian division between Fatah and Hamas, the Arab countries split between the two parties (Fatah and Hamas), which resulted in the weakness of Arab support for the Palestinian cause, in addition to the events of 2011 revolutions within the Arab countries [14], resulting in a focus on the local situation and the return of the importance of the Palestinian issue In most Arab countries, which Israel exploited and promulgated the Jewish National Law as well

as its repeated attempts to establish diplomatic relations with Arab countries without resolving the Palestinian issue.

Where all Arab countries condemned the issuance of Jewish national law, knowing that most Arab countries support the peace process in the Middle East through negotiations between the Israeli and Palestinian sides, and not to resort to armed resistance (as adopted by the Palestinian Hamas), this raises the problem that the Arab states have condemned the Jewish national law but have not used the tools of diplomatic pressure to face this decision.

4- The weakness of international organizations in the face of Israeli decisions (with absolute US support for Israeli behavior).

With the UN Security Council resolutions that are in the interest of the Palestinian side, but this has not been implemented on the ground because of the absolute American support for the Israeli side under the unipolar international order. It is also noted that every time the Security Council tries to take decisions against behavior The United States of America is using the veto in favor of the Israeli side.

US President Donald Trump attacked United Nations behavior toward Israel and threatened to cut US funding for the United Nations and its organizations. The most important of these organizations is the United Nations Relief and Works Agency for Palestine Refugees (UNRWA), which he cuts off the US funding from it in 2018 [15].

These points of the most important reasons that helped to facilitate the issuance of Jewish national law process in addition to other reasons, the dilemma that the international community in general, condemned the Jewish national law but international behavior does not move in the face of the Jewish national law, in addition to the Arab behavior and even the Palestinian. This is what Israel is using to pass what it wants to implement on the ground.

4 Analytical reading of the law of Jewish nationalism [16].

Item 1: Basic principles

- The Land of Israel is the historic homeland of the Jewish people, and in it the State of Israel.
- The State of Israel is the national state of the Jewish people, in which it embodies its natural, cultural, religious and historical right to self-determination.
- The exercise of the right to self-determination in the State of Israel is exclusive to the Jewish people.

This first item includes the basic principles of the Jewish national law, by clarifying the concept of the land of Israel, the people and the state.

The concept of the Land of Israel is more a religious concept than a political concept, and is more evident in the two blue lines in Israeli science (the Nile River in Egypt and the Euphrates River in Iraq). Here lies the problem by mixing the religious concept with the political definition of the state, so far there are no specific borders for the State of Israel, which is a major obstacle to the peace process with the Palestinian side.

The expression that the land of Israel belongs only to the Jews is also a religious expression, in other words, the Land of Israel belongs to the Jews and the other inhabitants are guests on this land (meaning the Arabs here) and return to the concept of the land, which includes not only Palestine but several other countries including Jordan, Lebanon and parts of Iraq and Egypt.

According to the law of Jewish nationalism, the land of Israel is a candidate for expansion and growth on the territory of other countries, which means endless political and religious conflicts. In other words, the law of Jewish nationalism does not define the borders of the State of Israel, which makes it unclear.

The second item talked about the name of the state and its flag and the national anthem of the State of Israel, The third item also talked of the fact that a full and unified Jerusalem is the capital of the State of Israel

The third item of the last items in the law of Jewish nationalism, for several elements:

-working on settlement legislation in the occupied city of Jerusalem, and deprives its Arab people of the right to self-determination in the future.

-Full grants to the State of Israel in full control of the holy sites, whether Islamic or Christian, which include Al-Aqsa Mosque, and full control here means the legislation to enter the Temple Mount by Israeli military and security elements without the prior permission of anyone, which is the cause of the outbreak of religious conflict between Muslims And Jews in Jerusalem.

-The third item is opposed to the international laws dealing with the city of Jerusalem, especially since East Jerusalem is considered the capital of the state of Palestine according to the resolutions of the international community, and also contradicts the agreements signed between Israel and the PLO on the city of Jerusalem, as a matter of conflict between the Palestinian and Israeli parties, which undermines the chances of peace between them.

-The fourth item defines the official language of the State of Israel, the Hebrew language. The Arabic language has a special place in the state and its use is regulated in the state institutions by law, this provision gives the Hebrew language a special privilege by making it the official and only language of the State of Israel. Before the promulgation of the law of Jewish nationalism, Arabic and Hebrew were the official languages of the State of Israel.

-The fifth item is that the State of Israel opens the doors to return to Israel for all Jews in the world through the so-called law of diaspora, in other words granting the Jew all the rights of citizenship once he enters the land of Israel, while this is forbidden to the indigenous population (Palestinians)

from residence, return or family reunification. This is the main question of citizenship and the right to citizenship. According to Jewish national law, the definition of a citizen is a Jew who lives in or outside of Israel and the State of Israel provides all the comforts and lives for the return of these citizens.

Which makes this clause completely contrary to international law, which prohibits discrimination in citizenship within the state, since the distinction between citizens in the State of Israel is clear by giving the Jewish character features and factors higher than the other groups and communities in the State of Israel. The citizenship of a Palestinian who lives inside Israel is a de facto citizen, since under this law he is not a citizen of the State of Israel, It does not have the right as same as the rights for Jewish, whether political, economic or social rights, in other words, the Palestinian inside the State of Israel is considered a guest that can be deported at any time, and this contravenes international law and its provisions.

Article 6 deals with the relationship of the State of Israel to the Jews of the world through continuous communication and trying to solve their problems and to protect them from any mistakes that may affect them, and this shows that the State of Israel is trying in various ways and means to invite the Jews to return to their original homeland.

Article VII Jewish Settlement the State considers the development of Jewish settlement of national value, and works to encourage and support its establishment and stabilization [17].

The law is an advanced step on the path of Greater Israel. The law not only legitimizes settlement in the occupied territories, but also paves the way for further occupation and settlement. It states that "the state is open to Jewish emigration and the collection of diaspora" and "the state considers the development of Jewish settlement to be of national value and works to encourage and support its establishment and establishment."

These texts do not only mean the territories occupied in 1967, but extend beyond them, and pave the way for the territories that will occupy the future, the Greater Land of Israel, which considers Palestine the first step towards it, as seen by the leaders of the Zionist movement since Herzl [18].

As for the eighth, ninth and tenth articles, it speaks of the official calendar of the state, namely the Jewish calendar, Independence Day, holidays and rest.

Article 11 states that any change in this law requires an absolute majority of members of the Knesset, This means that any future government in Israel will not be able to change this law unless a majority within the Israeli parliament supports this change, which is difficult to achieve in light of the Israeli extremism within the Israeli government or in Israeli society.

5 The role of Palestinian women against the Jewish national law.

The Palestinians consider the Jewish National Law, which was enacted by the Israeli Knesset, a law against the Palestinian national project and has an impact on all Palestinian society,

especially Palestinian women, as Israel arrests about 100 Palestinian prisoners in 2018 for political reasons, The most important of these reasons is support for the Palestinian resistance.

In 2017, the Israeli occupation forces arrested 156 Palestinian women and girls, 164 in 2016, and arrested about 106 Palestinian women during the year 2015, which constitutes an increase of 70% from 2013 and 60% from 2014. The arrests extended to various social sectors and age groups, Mothers and journalists, also the arrests were particularly affecting schoolgirls. The occupation forces continue to violate the rights of Palestinian women, where 62 Palestinian women are held in administrative detention without charge or trial. They are also subjected to various forms of physical and psychological torture [19].

Thus, the Jewish National Law gives the Israeli army and police the power to arrest anyone who violates this law, regardless of gender, age, race or class, which is a racist discrimination against Palestinian women of all ages. as part of the participation of Palestinian women in activities against the law of Jewish nationalism, the Palestinian Women's Association organized a symposium entitled "The Law of Jewish Nationalism and its Implications for the Present and Future of the Palestinian Question" in Lebanon to discuss the legal, social, political and media implications of the Jewish national law on the Palestinians, Theft of Palestinian history [20].

6 Conclusion.

The law formally codifies the state of religious apartheid, a precedent unprecedented in our modern world, However, such positions will only be effective if the Palestinian struggle continues on the ground, and the formation of a united Palestinian front for steadfastness and resistance, and the continuation of Arab popular rejection of normalization, plus continuing pressure on Arab governments to stop their defeatist policies and to strengthen their people. This law deprives others of any collective or individual rights, strengthens the extreme right-wing ideology that derives its ideology from the Torah, believes in the idea of salvation and religious conflict, strengthens the idea of settlement and paves the way for the legal annexation of the West Bank, This law transforms the conflict with the Palestinian side into a distinctly religious conflict. It completely intersects Anglican thought, espoused by the Anglican Christians, who believes that the establishment of the Jewish state paves the way for salvation and the coming of Christ. The role of Palestinian women is seen as an effective role against the Israeli occupation and the law of Jewish nationalism. Palestinian women work to demonstrate Israeli behavior that does not respect human rights.

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Conflict of Interest. As statement on conflict of interest I would like to point out that I do not support violence between the Palestinian and Israelis, plus I do not have conflict interest. My goal is trying to find political solutions for the Palestinian cause through academic work based on the concept of peace in the Middle East.

References

- [1] Saleh Mm. The Law of the Jewish National State 2018 (Translted from Arabic Language) <https://bit.ly/2ta6udj>: Al Zaitouna Center for Studies and Consultations,, 2018.
- [2] Unit Pa. Jewish and Non-democratic: On the Enactment of the "National State of the Jewish People" (Translated from Arabic Language). https://www.dohainstitute.org/ar/politicalstudies/pages/israel_as_a_legally_codified_jewish_nation.aspx: Arab Center for Research and Policy Studies, 2017.
- [3] Rolef Sh. Basic Law: Israel - the Nation State of the Jewish People. <https://knesset.gov.il/laws/special/eng/basiclawnationstate.pdf>: Israeli Government 2018.
- [4] Adalah. Adalah's Position Paper: The Law of Nationalism (Translated from Arabic Language). <https://www.adalah.org/ar/content/view/9564>: Adalah: The Legal Center for the Rights of the Arab Minority in Israel, 2018.
- [5] Badr A. The Law of Israeli Nationalism (Jewish State) ... Implications and Reactions. <http://www.vision-pd.org/ar/articles/article153>: Ruwais Center for Political Development, 2017.
- [6] Bishara A. A Jewish and Democratic State (Translated from Arabic Language) https://www.dohainstitute.org/ar/researchandstudies/pages/on_a_jewish_and_democratic_state.aspx: Arab Center for Research and Policy Studies, 2011.
- [7] Shami Gme. The Law of Jewish Nationalism and the End of the Existence of the Palestinians (Translated From Arabic Language) <http://www.maannews.net/content.aspx?id=948730>: Ma'an News Agency; 2018 [Cited 2018 June 6th].
- [8] University A-q. The Law of Jewish Nationalism and Its Dangers to Palestinian National Rights [Internet]. <https://www.youtube.com/watch?v=0is1nd-simi>; 2018. Podcast.
- [9] Ateek N. Statement on Israel Nation-state Law. <https://sabeel.org/wp-content/uploads/2018/08/Israel-nation-state-law-final.pdf>: Sabeel Institution 2018.
- [10] Habla Am. National Law .. Do Not Approach, You in the "Jewish State" <https://bit.ly/2vam1gc>: Al Jazeera Media Network; 2018 [Cited 2018 Aug 17th].
- [11] Marwan Muasher Njb. Two States or One? Reappraising the Israeli-palestinian Impasse. <https://carnegieendowment.org/2018/09/18/two-states-or-one-reappraising-israeli-palestinian-impasse-pub-77269>: Carnegie Endowment for International Peace, 2018.
- [12] Saleh Mm. The Law of the Jewish National State 2018 (Translted From Arabic Language) <https://bit.ly/2ta6udj>: Al Zaitouna Center for Studies and Consultations,, 2018.
- [13] Zanoliti J. Israel: Background and U.S. Relations. <https://fas.org/sgp/crs/mideast/R133476.pdf>: Congressional Research Service, 2018.
- [14] Abrach I. The Law of Israeli Nationalism: Its Dangers and How to Confront It (Translated From Arabic) <https://annabaa.org/arabic/authorsarticles/16027>: Network News Informatics; 2018 [Cited 2018 Aug 16th].
- [15] Zanoliti J. U.S. Foreign Aid to the Palestinians. <https://fas.org/sgp/crs/mideast/Rs22967.pdf>: Congressional Research Service, 2018.

- [16] Zahalka J. National Law: The Constitution of the Israeli Apartheid (Translated From Arabic Language) <https://www.palestine-studies.org/Mdf/Abstract/231641>: Institute for Palestine Studies, 2018.
- [17] Adelman H. Part II: The Jewish Nation-state Law in Israel. <http://jspacecanada.ca/images/nationstatelaw.pdf>: Jspacecanada, 2018.
- [18] Jabarin Yt. The Law of the Jewish Nation and the Jewish State (Translated From Arabic Language). <http://www.dirasat-aclp.org/arabic/index.asp?I=857>: Studies of the Arab Center for Rights and Policies, 2014.
- [19] The Arrest of Palestinian Women and Girls <https://bit.ly/2cchtln>: Al - Dameer Association for Prisoners' Welfare and Human Rights; 2018 [Cited 2018 Jan 18th].
- [20] Palestinian Women's Association Discusses the Implications of the "National Jewish Law" (Translated from Arabic) <https://palabroad.org/post/view/2519>: Popular Conference for Palestinians Abroad; 2018 [Cited 2018 Sep 14]

