NATION STATE
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I want to talk with you tonight about the proposed Nation State Law that in some form or another will come before the Israeli Knesset in the next few days – perhaps as early as Wednesday.

For those that are unfamiliar with the legislation, it was originally drafted by right-wing MK Ze'ev Elkin (Likud), and is an attempt to resolve the tension between the country's dual Jewish and democratic character, as enshrined in the Declaration of Independence.

It does that by defining Jewishness as the default nature of the state in any instance, legal or legislative, in which the state's Jewishness and its democratic aspirations clash.

The bill defines the State of Israel's identity as "the nation-state of the Jewish people." That not only means that the country's national holidays are Jewish religious holidays or that the flag is the Magen David; it also means that Jewish law will be the inspiration for Israel's legal system and it enshrines the automatic citizenship granted by the Law of Return.

Crucially, while the bill affirms "the personal rights of all [Israel's] citizens according to law," it reserves communal rights for Jews only. In other words, individual Arabs are equal in the eyes of the law, but their communal rights are not recognized.

Tonight I'll talk about the Law, its origin, as I understand it and its implications. Tomorrow morning we will study the draft text, which is not a final version and discuss your thoughts and reactions.

Let me begin with a bit of context:

It is natural and expected for nations to change and evolve over time, and for their founding documents to be amended to reflect that change. The United States was founded by slave owners and for its first 100 years slavery and its many industries were the law of the land, the basis of much of its economy and enshrined infamously in article four of the US constitution which required an escaped slave to be returned to his or her owner.

But through time, civil war and one would hope wisdom the US evolved, it removed from its majestic legal code the stain of slavery. And while the stain is off the page the shadow of its impact is still felt in Ferguson, MO and throughout the United States this very day.

Canada too has its own stain on an otherwise mostly praiseworthy history of human rights and social contract. The record of Canada's treatment of the First Nations is better known to you than it is to me, but my reading of the 1998 Statement of Reconciliation makes clear the shame and regret felt by a country that prides itself on Peace, Order and Good Government - a model for other nations to follow. It is hard to square a nation that values the mosaic of cultures, languages, faiths and peoples with its history of abuse of aboriginals – and so the law was changed to reflect the true nature of this incredible country. And still of course the hurt and pain lingers.

When Israel was founded in 1948 its founders had I think the wisdom and the foresight to establish in its Declaration of Independence not just a state for the Jewish people but a nation that would be a model of freedom and democracy for all people. For more than 40 years prior to the founding of the state great leaders like Herzl and Jabotinsky, joined later by Ben-Gurion and Rav Kook labored over just the right balance of Jewish and Democratic. They wrote and declared:

THE STATE OF ISRAEL will be open to the immigration of Jews and for the Ingathering of the Exiles from all countries of their dispersion; will promote the development of the country for the benefit of all its inhabitants; will be based on the precepts of liberty, justice and peace as envisaged by the prophets of Israel; will uphold the full social and political equality of all its citizens, without distinction of race, creed or sex; will guarantee full freedom of conscience, worship, education and culture; will safeguard the sanctity and inviolability of the shrines and Holy Places of all religions; and will dedicate itself to the principles of the Charter of the United Nations.

I am proud of that paragraph in the Israeli Declaration of Independence.

We are proud of it. In fact knowingly or not we cite it nearly every time we defend the state of Israel against its opponents and delegitimizers. Proudly we declare that Israel is the only democracy in the Middle East. That only Israel guarantees freedom of speech, press, assembly and religion for all of its citizens.

This is the moral high ground upon which the nation and people of Israel and the Jewish people who love and support it around the world stand.

And so why would we change that? What is at play here that such a law as the Nation State Law would even be considered? Why abandon such high ideals?

This past Rosh Hashanah I shared with you my grave concern about the growing hatred amongst Jews in Israel and around the globe toward Arabs. My concern, and admonition was grounded in Jewish sources and teachings but it was built upon a line from Jedi Master Yoda in Star Wars. That didn't make it any less true, it only I think made it more universal.

Reb Yoda taught: “Fear leads to Anger, Anger leads to Hate and Hate leads to Suffering.”

Why is the governing coalition in Israel proposing a change to the Basic Law and underlying Principles of Israeli Democracy? Because of Fear, Anger, Hate and Suffering.

Israel fears losing the Jewishness of the Jewish State. The demographics have been the canary in the mineshaft for decades. In spite of 1 million Russian *olim*, hundreds of thousands of Ethiopian Jews, and an Orthodox Birthrate that makes the Mormons jealous Jewish Israel is shrinking demographically as compared to Israeli Arabs and Palestinians. Israel has many fears, being a Jewish minority governing an Arab majority is chief among them.

Anger is building within Israel and throughout the Jewish people as the UN, EU and NGOs condemn Israel for combating the same Islamic Radicalism that has brought the world to a defacto third world war. The hypocrisy of the double standard boils over and anger gives way to hate.

The hate is broad and it is deep, it has been building over years of bombings and missiles and kidnappings.

It’s a hate that stems from fruitless national sacrifices, a mountain of olive branches rejected time an again by an Arab leadership that holds its own people hostage rather that negotiate peace.

It’s a hate rooted in Golda Meir’s oft-cited observation that “We can forgive the Arabs for killing our children. We cannot forgive them for forcing us to kill their children.”

Whole generations of people on both sides have never known peace, they have never known good Arabs or Good Israelis only to fear them, to fight them, to hate them because they are the reason for their suffering.

I understand their fear, anger and hatred of us, they are suffering and we are a far more acceptable target for their rage than their own corrupt leaderhsip.

What I want to challenge tonight is our fear, anger and hatred of them. Not because it is not warranted – it is warranted. The terror attack last week in the synagogue, the cars used as weapons of mass murder, the kidnapping of soldiers and civilians. These didn’t happen on some distant battlefield but in the streets and neighborhoods of Israeli cities.

I don’t deny the emotions, on either side – I just think that this law will only make things worse. Not so much for the Arabs, because in truth what the law proposes is already the standard operating procedure in Israel today as abhorrent as that is to

many, myself included. Arabs are treated as second-class citizens, and everyone knows it. It's a *shanada*, but its not the only one.

This law is a *shanda*, its anti-zionist. As Ari Shavit wrote this week in Haaretz:

The secret of the national Jewish movement's success was that it created a sharp contrast between itself and the space it settled in. If there's a desert around us, we're an oasis. If there's despotism around us, we're a democracy. If we're surrounded by backwardness, we're progress. If there's fanaticism and death ritual around us, we're moderation and choice of life.

But the band of fools who took over the 19th Knesset and 33rd government insists of blurring the contrast. In the most sensitive period of our history they are trying to turn us into an inseparable part of a tribal, nationalist, messianic, violent region.

The new anti-Zionists who have taken over the government and Knesset are undermining Israel's foundations, setting Jerusalem on fire and bringing disaster upon us.

On some level I am glad that this law is up for debate, because it brings out into the open the dark secret of modern Israeli society these last few years. There is racism in Israel today, not only Jews against Arab but also Jews against Jew.

The other aspect of this proposed Law that has gotten the Jewish world so galvanized against it is the provision that all laws in the country must be based in Jewish Law.

Comically Liberal Jews and the Orthodox both oppose this provision of the law for diametrically opposite reasons. The Liberal Jews are horrified at the idea that democracy will take a back seat to halacha. I know we have taught that Jewish law is a wise and versatile system of justice – and at times it is, but at other times it is terribly arcane, chauvinistic, ill informed and just down right wrong.

Its not that the Torah is flawed per say – but rather the interpretation of Torah that was canonized in 800ce are terribly inadequate for modern life, thus much is subject to interpretation – and liberal Jews would not be doing any of the interpreting.

The Orthodox oppose the new law because it still references democratic values. They say like we say you cannot have both Jewish Law and Democracy. Only they would throw out the democracy part.

There is much more that can and needs to be said about this law and the danger that it poses to the Zionist dream, let alone the Zionist reality up to this point. But let me close briefly with one last observation from Ari Shavit.

In the 21st century there's no Jewish state that isn't democratic, and in the Middle East there's no democratic state that isn't Jewish. If this law were to pass neither of those statements would continue to be true.