

Ashkenazi petition against the Israeli Nation-State Law

(Translated from Hebrew by Ofer Neiman)

1. Israeli society has been multi-tiered since its birth, and numerous studies have been written about this. Here are the names of several prominent researchers in the field: Sammy Smooha, Baruch Kimmerling, Yoav Peled, Yonatan Shapira. Various interpretations being debated, and there, of course, those who regard Israel as a "villa in the jungle" or as the only democracy in the Middle East.

2. Now that the Nation-State Law has been enacted, the mask has been removed from this (deceitful) image, and it is patently evident that the State of Israel is first and foremost the State of the Jews.

3. This is no longer a matter of historical or cultural interpretation, but a declaration by the State (via its sovereign rule) that Jews are superior to Arabs in it. The law stipulates that "The land of Israel is the historical homeland of the Jewish people", and that "The State of Israel is the national home of the Jewish people". A negative assertion follows from the affirmative wording: The State of Israel is not the state of non-Jews in its sovereign territory. All those who are not Jewish - and more explicitly the Palestinian, Druze and Bedouin natives of the land - are not equal citizens to Jews in Israel, which is only the state of the latter, as the law stipulates.

4. Attorney Eyal Zandberg from the Ministry of Justice stated in a session of the Knesset's Constitution, Law and Justice Committee (28.11.17) that "The law would grant constitutional legitimization to discrimination against citizens based on national or religious affiliation, simply because someone else belongs to the majority group. This is blatant discrimination which must not be accepted".

5. We, the petitioners, rely on the detailed analysis carried out by the experts of Adalah in their petition (case 5866/18) against the Nation-State Law. They state in their analysis that "There is no constitution today which is perceived as democratic and contains an

article similar to article 1 of the the Nation-State Law, which appropriates the State and the purpose of the state to serve a single ethnic group, while asserting that the state is exclusively that group's state." (page 11)

6. Furthermore, there is not a single word or even a hint in the law as to the values of equality and democracy in the State. Thus for example, the law explicitly allows for the establishment and development of communities for Jews only, and also downgrades the status of the Arabic language. It follows clearly that the non-Jewish citizens of Israel are discriminated against by this law.

7. The exclusion of the Arabic language, which will be granted a "special status" sets Israel as a Western country which does not wish to be a part of the Middle East. The language spoken by the overwhelming majority of the inhabitants of the region has been deemed secondary in its significance by the Nation-State Law.

8. Nearly 60 Mizrahi intellectuals have therefore petitioned the High Court of Justice (HCJ) against the law (case 4/19, 1.1.2018, represented by Attorney Neta Amar-Schiff). They claimed that the law will exclude the Arabic language, thereby also discriminating against Mizrahi Jews. The legislators admit in the preamble to the Law that "In practice, in legislation as well as in court rulings, the Hebrew language is granted a senior status". Once this wrongful law has been enacted, not only does the discrimination against the Arabic language take place in practice, in culture and in society, but it also becomes the state norm, which harms primarily the Palestinians who speak this language, but also anyone whose culture is Arabic, i.e. Mizrahi Jews as well.

9. Gur Blei, a legal adviser to the Joint Committee of the Knesset Committee and the Constitution Committee, stated (27.11.2017) that "at the formal, symbolic, principled level, the transition from 'formal language' to 'special status' amounts to a downgrade."

10. We, the petitioners, accept both of these claims regarding harm or discrimination (against non-Jews and Mizrahim) as the main wrong inflicted by this law, and we also add our objection as Ashkenazim, whose main culture is Western.

11. For us, as Ashkenazi Jews, civil equality is a value of the utmost importance, and therefore we object to this law, which clearly violates this value. We object to this law out of solidarity with non-Jews and Mizrahi Jews who are harmed by it.

12. Prior to the enactment of the Nation-State Law, at least formally, equality was one of the basic values and principles of the constitutional order in the State of Israel.

13. Since the establishment of the State, Ashkenazim have benefited from a superior status in practice, but some of them, including ourselves, have objected to this and acted for sharing and equality with the non-Jewish population and with Mizrahi Jews, in order to live in equality with them.

14. The petitioners' objections to the Nation-State Law follows from its definition of us, Ashkenazim, as an upper class in Israel. If non-Jewish Palestinians and Jews whose culture of origin is Arabic are harmed by this law, this means that according to The State of Israel's emerging constitution, those living in the State who are of Western descent are superior to the former.

15. The Nation-State Law defines us ,Ashkenazim, as the lords of this land. Therefore, our legal and symbolic value is formally higher than that of non-Jews and Mizrahi Jews. The Nation-State Law constitutes a legal framework for harm and discrimination against others on the part of Ashkenazim.

16. This privileged constitutional status also has destructive implications for our children, who are supposed to infer from it that they are superior to any child in this land who is not Jewish or is not Ashkenazi.

17. We do not wish to be privileged. We wish to live in full equality among all inhabitants of the land. We do not wish to be the upper link in the social food chain and have this unfair privilege. We insist on our right to refuse to have such privileged de jure status, which has been forced upon us willy-nilly, as Ashkenazi citizens of Israel.

18. The Nation-State Law denies us "Ashkenazim" the legal choice not to be superior. The Nation-State Law denies us Ashkenazim the possibility to live by our moral, value-based tenets, by dictating the privileged status that is forced upon us, thereby violating our human dignity, grounded in the instructions of Basic Law: Human Dignity and Liberty. The Nation-State Law does not meet the instructions in the The 'limitations clause' of Basic Law: Human Dignity and Liberty [which limits the ability of Knesset legislators to pass laws that violate the rights protected by the Basic Law].

19. If a person does not wish to be religious according to their credo, it is unacceptable for it to be forced upon them. If a person does not want to be classified as a racist and

does not believe in inequality, it is unacceptable to force them by law to live in violation of their conscience and moral decree, or to force them to be classified as members of the superior group.

20. There have been prominent Ashkenazim in the history of this land who lived with Arabs and were fluent in Arabic. This was natural to them, an organic component in merging in the life of the land and a basic condition for sharing and equality with the Arabs of the Middle East. That is the tradition to which we wish to refer, the tradition which we wish to develop. That's why the petition is filled in Arabic too.

21. The famous educator David Yellin was born in 1864, and his father had come from Poland. Yellin was fluent in Arabic, alongside his major contribution to the development of the renewing Hebrew language. In 1924 he took part, as chair of the National Committee, in a meeting in Amman with the king of Jordan. He wrote the following about the meeting: "We, the Jews who inhabit Eretz Yisrael,...all wish to develop the land in joint labor with the Arabs because both nations are brothers and the descendants of a single father, Abraham...Our joint labor was particularly great in the Middle Ages, the days of darkness in Europe, when Jews and Arabs labored together to disseminate wisdom and science".

22. Yosef Yoel Rivlin, the father of Israeli President Reuven Rivlin, was born in Jerusalem, heir to a well-known family who has immigrated to the land from Vilnius at the beginning of the 19th century. Rivlin went to the Rawdat el-Maaref Muslim school in Jerusalem. He completed his PhD studies in Arabic and Islamic studies. In addition to his membership in the Committee of the Hebrew Language, he translated the Quran and the Arabian Nights into Hebrew. He also taught at a Hebrew school in Damascus for several years. To him, the land, Greater Syria, was the sphere in which he lived and worked, and the Arabic in which he was fluent was not "the language of the enemy", as seen today in Israel, but the natural language of his life, with Arabic being the lingua franca of the Middle East.

23. Yisrael (Wolfson) Ben-Zeev was born in 1899 in the Meah-Shearim neighborhood of Jerusalem, and was a descendant of a family from Eastern Europe. He attended the Arab teachers' seminar Dar el-Mualimin in Jerusalem and became a researcher of Arabic and Islam. He completed his PhD studies at Cairo University, on the topic of 'Jews in Arabia during the Islamic period', and the most prominent of his teachers was the well-known intellectual Taha Hussein. Ben-Zeev was a lecturer on Semitic languages at Cairo University and the Dar el-Alum school there. His books were

published in Egypt. He later became the supervisor of Arabic language studies in Israel. To him too, Arabic was a central part of life, as a Jew living in this land and in the Semitic sphere.

24. Arabic and Hebrew are Semitic sister-languages and it is no coincidence that the names of these languages are nearly identical in both languages. The exclusion of Arabic in Israel is an offense against Semitism. As Jews we must be especially sensitive to such offense. Our leaders must bridge these languages, and "returning the crown to its former glory", instead of relegating Arabic to a special inferior status.

25. Both Hebrew and Yiddish, which European Jews had brought here, was influenced by the Arabic and mixed with it. Mordechai Kosover wrote the book 'Arabic elements in the Yiddish of Eretz Yisrael' (1966). He specifies 454 Arabic words which made their way into Yiddish. Members of the pre-Zionist Jewish community absorbed these words before they adopted the Hebrew language. Numerous words are related to cultivation of the land: wadi, turiye, mizbala, taboun. Numerous Arabic words used in modern Hebrew had been absorbed by Yiddish in earlier times, among them: basa, sababa, ala kef kefak, zift, dughri, yalla, habibi, ya ba ye, udrub, tfadal, nahs, mabsut, nijs, fashla, ahlan wasahlan, dir balak, mabruk, mafish, tambal, dkhilak, baladi, inshallah, kif khalak, khalas, khamsa, ilhamdulillah, khamsin, finjan and more. This is further evidence that Ashkenazim have a tradition of assimilation into this land and its Arabic language, as a prerequisite for a shared life in it.

26. European Jews were prominent in the study of Islam and the Arabic identity in the 19th century and the turn of the 20th century. Scholar Susannah Heschel wrote an important article - 'German Jewish Scholarship on Islam as a Tool for DeOrientalizing Judaism'. She shows that Jewish scholars from Germany, Hungary and France saw the deep connection between Islam and Judaism and that they held the view that Islam was an enlightened religion which had also allowed Judaism and Jews to flourish in Muslim Spain of the Middle Ages. These views contributed to the emancipation of Jews and to the development of a non-condescending affinity towards Islam, unlike the prevalent view among many European colonialists. In other words, there were European Jews who found Islam and the Arab identity empowering to their Jewish identity rather than an element which ran contrary to it. It is this Ashkenazi tradition to which the petitioners wish to refer in the name of the values of equality and fellowship, contrary to racism and condescension.

27. In addition to the violation of Basic Law: Human Dignity and Liberty, court rulings in Israel have recognized the existence of immutable super-principles, and therefore the Nation-State Law must also be annulled by the doctrine regarding unconstitutional constitutional amendments (Case 5744/16, case 4908/10, case 8260/16 and case 6427/02).

28. Therefore, the court is requested to accept this petition and order the issuance of an order nisi.