

Israel and the Palestinian Minority:

Political Monitoring Report Covering December 2009-January
2010

Issue No. 7, 2010

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Mtanes Shihadeh

Introduction

This report, the seventh in the series of Mada al-Carmel's bi-monthly political monitoring reports, surveys the months of December 2009 and January 2010 and completes a year of extensive reporting on government policy, legislation, Israeli public opinion, and statements made by leaders, religious figures, and academics on Israel's Palestinian citizens. To summarize this first year of our periodic reports, we find a harsher governmental policy toward Palestinians, increased legislative efforts to fortify the Jewish character of the state and reduce the civil rights of Palestinian citizens, and conspicuously hostile and hateful declarations made by political and religious leaders with respect to Palestinian citizens. We have also witnessed increased legitimization of discrimination and hatred toward Palestinians. The present report reinforces these findings.

The Legislative Branch

This section surveys the bills placed before the Knesset in the months of December 2009 and January 2010 that directly or indirectly harm the rights and status of Palestinian citizens in Israel. The common feature of most of these bills is the attempt by the government and the majority of Knesset members to enshrine in statute the Jewish character of the State of Israel and reduce Palestinians' civil rights. These bills, as a group, reflect the political platform of the Israel Beiteinu party, even though a significant percentage of the bills were not specified in the government coalition's guidelines. As such, the line of Israel Beiteinu appears to have become the mainstream policy toward the state's Palestinian citizens.

New Communities for Jews Only, by Statute

In our most recent report, we described the changes in the policy for absorbing new residents in a few community settlements in the Galilee. The objective of this policy is to further minimize the possibility, miniscule in any event, that Palestinians may go to live there. Toward this end, the by-laws of the community settlements have

adopted provisions that condition acceptance for residency on support for Zionist values or on recognition of the Jewish character of the state and the settlements. In order to prevent this policy change from remaining a local decision of the communities, a bill was submitted to the Knesset to enshrine it in statute. On December 9, 2009, the *Proposed Amendment to the Cooperative Societies Ordinance (Acceptance Committees in Community Settlements in the Galilee and the Negev)*, 5770 – 2009¹ was introduced. The bill was approved following a preliminary reading by a vote of 64-8.²

The bill provides that:

Allocation of rights in land to a person (hereafter – candidate) in a community settlement, including by force of law, such to include succession by intestacy or by will, or acquisition of rights in land by a candidate for settlement in a community settlement, is dependent on recommendation of an acceptance committee. An acceptance committee shall take into account, among its considerations, the following: compatibility of the candidate to the way of life and social fabric of the community settlement as a socially and culturally united community, including conformity of the candidate to the fundamental views of the community settlement as defined in the by-laws of the community settlement.

The bill thus enables the community settlement to establish independently its goals and purposes, and to determine the extent to which the candidates are compatible. For example, the community would be allowed to specify the achievement of Zionist aims and the recognition of these aims and the Jewish character of the state as prerequisites for acceptance.

At a hearing on the bill in the Constitution, Law and Justice Committee, held on December 22, Arab Knesset members voiced their criticism, arguing that the bill legitimates discrimination against Arab citizens. They also pointed out that despite the severe housing shortage in Arab communities, not one new Arab community has been established since the founding of the state.³ Member of Knesset David Rotem (Israel Beiteinu) defended the bill in the face of this criticism, contending that the bill's objective was to enable "a group to have its members be compatible with respect to their fabric of life, way of life, and beliefs, with uniformity of views. What's bad in that? And you, claiming democratic freedom, want to come and prevent me from choosing my friends? From choosing my neighbors? I don't prevent you from doing this. This statute contains nothing that is anti-Arab. This statute has nothing involving color. This statute comes to ensure that, in the Galilee and Negev, Jewish

¹ The bill was submitted by Knesset member Israel Hasson (Israel Beitenu) and other Knesset members on November 2, 2009.

² The eighty-third session of the Eighteenth Knesset, December 9, 2009.

³ Minutes of the Constitution, Law and Justice Committee, December 22, 2009, available in Hebrew at www.knesset.gov.il/protocols/heb/protocol_search.aspx?comID=6.

settlements will be built by persons who want to live in a Jewish society. They want this and they deserve it, and they have to right to do this, because this is a Jewish state.”⁴ MK Rotem continued: “If the Arab public had persons who would take the initiative and ask for land, and to build a cooperative association, I assume they [the state] would give it to them.”⁵

However, at the same hearing, Deputy Foreign Minister Danny Ayalon (Israel Beiteinu) exposed the bill’s real objective, stating openly that the debate over the bill “is really heartwarming because the subject of strengthening the peripheral areas, the subject of occupying the land – and I repeat, occupying the land – is important today for national and Zionist reasons, and we don’t have to be embarrassed when saying this.”⁶

Ayalon’s comments clearly promote the infringement of rights of Israel’s Arab citizens, though in the current situation, even without the proposed law, Palestinian citizens have great difficulty gaining residence in community settlements. The bill also prevents the courts from interfering in the procedures for absorption in community settlements. Therefore Arabs cannot be accepted and live in these communities if the acceptance committees do not want them; the bill will support their decisions.

Along with stiffer criteria for accepting new residents in communities, the government refuses to allocate land equally to Palestinian citizens. On January 3, 2010, the Ministerial Committee on Legislation rejected a proposal to allocate land on an equal basis.⁷ The bill involved an amendment to the Israel Lands Administration Law requiring land to be allocated to the entire citizenry of the state equally, including the Arab population.

Initiated by Member of Knesset Ahmad Tibi (Ra’am-Ta’al), the amendment is intended, in part, to protest the proposed amendment to the Cooperative Associations Ordinance, which, as noted, passed preliminary reading in the Knesset. The explanatory notes to MK Tibi’s bill state:

In light of the fact that the Israel Lands Administration used every method, including the Jewish Agency, to allocate state lands only to Jews, and given the bitter experience of decades since the founding of the state, during which not even one Arab community was established, it is necessary to guarantee, by legislative means, that Israel’s lands will serve all citizens of the state, regardless of race and ethnicity, and to guarantee equal allocation of state lands in favor of the Arab population in the State of Israel.

In response to the decision reached by the Ministerial Committee, MK Tibi said: “The government of Israel has once against proven that it flinches on the principle of civil

⁴ Ibid.

⁵ Liss, Y. (2009, December 22). “Ahmad Tibi: The State is Democratic for Jews and Jewish for Arabs,” *Ha’aretz*.

⁶ Ibid.

⁷ Liss, Y. (2010, January 3). “Proposed Bill to Allocate Land Equally to Jews and Arabs Rejected,” *Ha’aretz*.

equality. . . The government that approved the selection bill proposed by Knesset members David Rotem and Israel Hasson ignores Arabs' rights, devastates Arabs, and has not enabled construction of a new Arab community since 1948.”⁸

The Knesset and the current government are not satisfied with laws that limit the rights of Palestinian citizens. They also seek to enshrine and strengthen the Jewish character of the state, achieving this also by new basic laws or amendments to existing basic laws. As we see from the bills submitted to the Knesset, for Palestinians, this change endangers their national demands and their efforts to improve their daily living conditions.

Proposed Change in Basic Law: Jewish State with a Democratic Regime⁹

This bill seeks to amend: *The Basic Law: Human Dignity and Liberty*; *The Basic Law: Freedom of Occupation*; and *The Basic Law: The Knesset*. The sponsors of the bill seek to change the wording in these laws from “Jewish and democratic” to “Jewish with a democratic regime.”

The explanatory notes to the bill state that the question of the relationship between the components of the expression “Jewish and democratic state” has resulted in a serious controversy in case law and legal literature. They go on to state that even though the Supreme Court held it as one concept having two components, and even ruled that, since the state’s Jewishness is the reason for its existence, there is a belief that, at times, the expression “Jewish state” has been left without content, has become a surplus appendage to the expression “democratic state.” Therefore, it is proposed to change the expression from “Jewish and democratic state” to “Jewish state with a democratic regime,” to clarify and emphasize, on the one hand, the centrality of the definition of the State of Israel as a Jewish state, and, on the other hand, to clarify and emphasize the state’s democratic regime.¹⁰ The Knesset has not yet held a vote on the bill.

Proposed Basic Law: Character of the State¹¹

The objective of this Basic Law is to establish the character of the State of Israel as a Jewish and democratic state, in the spirit of the principles set forth in the Declaration of Independence. It states:

1. The State of Israel is the state in which the Jewish people realize their right to self-determination;
2. The State of Israel is a democracy;
3. The State of Israel respects the human rights of all its residents.

⁸ Ibid.

⁹ The bill was submitted by Knesset members Yariv Levin (Likud) and David Rotem (Israel Beitenu) on January 4, 2010.

¹⁰ Ibid.

¹¹ The bill was submitted by Knesset members Yaakov Edri (Kadima), Zion Pinyan (Likud), and Carmel Shama (Likud) on December 14, 2009.

The proposed Basic Law¹² requires a two-thirds majority of eighty Knesset members, in votes in the Knesset plenum on First Reading, Second Reading, and Third Reading, to approve it.

According to the bill's sponsors, "since Israel still does not have a constitution, but Basic Laws that do not cover all subjects that a constitution must deal with, there is need for a Basic Law that deals with the character of the state, one that treats the duality of Israel as the nation-state of the Jewish people and as a democratic state."¹³

The proposed Basic Law combines an emphasis of the special connection of the state and the Jewish people with the total obligation to provide civil equality. It repeats the notion (also appearing in other Basic Laws) that the state is Jewish but also democratic and committed to the human rights of all its citizens and residents. The bill proposes to establish in a Basic Law, as a fundamental principle of the state, that it is the state of the Jewish nation, in which the Jewish people realize their right to self-determination. At the same time, it is proposed to establish that Israel is also a democratic state, which respects the human rights of all its residents. The Knesset has not yet held a vote on the bill.

Changes in Basic Law: Human Dignity and Liberty

The possibility that the High Court of Justice will deny renewal of the validity of the *Amendment to the Citizenship and Entry into Israel Law*, which is aimed at preventing family unification and the granting of citizenship to Palestinians married to Palestinian citizens of Israel, has recently been the focus of the activities of many Knesset members. Commentators and journalists speculate that these Knesset members seek to amend the *Basic Law: Human Dignity and Liberty* in ways that will prevent the High Court of Justice from nullifying the amendment.¹⁴ Since enactment of the *Amendment to the Citizenship and Entry into Israel Law*, four petitions have been filed with the High Court demanding that the court hold the amendment unconstitutional and nullify it. The petitioners, relying on the *Basic Law: Human Dignity and Liberty*, argue that the amendment violates the right to family life and the right to equality.¹⁵

We thereby see that current Knesset members are attempting to use democratic tools to advance anti-democratic objectives by amending the *Basic Law: Human Dignity and Liberty* in ways that would enable violation of its provisions.

Proposed Basic Law: Human Dignity and Liberty (Amendment – Validity of Non-conforming Law).¹⁶ The *Basic Law: Human Dignity and Liberty* does not include a provision, like that of section 8 of the *Basic Law: Freedom of Occupation*, that enables

¹² The text of the proposed bill is available in Hebrew on the Knesset's website:

http://www.knesset.gov.il/privatelaw/Plaw_display.asp?lawtp=1.

¹³ Ibid.

¹⁴ Liss, Y. (2009, December 18). "44 MKs Demand Change in Basic Law and Restriction on High Court in Battle over Citizenship Law," *Ha'aretz*.

¹⁵ Ibid.

¹⁶ The bill was submitted by Knesset members Moshe Gafni and Uri Maklev (both United Torah Judaism) on December 14, 2009.

the Knesset to enact a statute that violates rights under the Basic Law even if it does not meet the conditions of the limitations clause (a law befitting the values of the State of Israel, enacted for a proper purpose, and to an extent no greater than is required).

The proposed amendment adds an identical provision to section 8 of the *Basic Law: Freedom of Occupation*, which would enable the Knesset to enact, by a sixty-one-vote majority, a statute that explicitly states it is valid even if it violates rights granted in a Basic Law, however the statute would remain in force for a maximum period of four years.¹⁷

Member of Knesset David Rotem (Israel Beiteinu), Chairman of the Constitution, Law and Justice Committee is pushing forward another bill: to add a provision to a section of the *Basic Law: Human Dignity and Liberty* that will clarify that the Basic Law is not inconsistent with the *Citizenship and Entry into Israel Law*. MK Rotem managed to gather a coalition of 44 Knesset members to co-sponsor the bill. MK Rotem also wanted the government to support the bill and suggested that it be discussed in the Ministerial Committee on Legislation. The bill has not yet been placed before the Knesset.¹⁸

Former Member of Knesset Zahav Gal-On, one of the petitioners seeking to nullify the statute, responded to the prospective bill saying, “the Knesset seeks to enshrine racism in a Basic Law, and to stain the statute books with disgrace.”¹⁹ An editorial in *Ha’aretz* responded to the intention of the Ministerial Committee on Legislation to discuss the bill: “If the proposal becomes law, it would gnaw away worrisomely at a major Basic Law in the sphere of human rights. It is forbidden for the Ministerial Committee to support the proposal, which seriously violates the right to family life and dignity, and the right to marriage, which is recognized in properly functioning states. Immigration, marriage, and family unification requests must be handled individually and not in a sweeping manner.”²⁰

Uriel Procaccia, a law professor at the Herzliya Interdisciplinary Center wrote:

According to the proposal, the temporary provision will be enshrined in the Basic Law itself, that is, it will be part of our constitution. If Rotem’s way succeeds, it would cut the tresses of the High Court of Justice, in as much as it may not nullify unconstitutional laws other than pursuant to the constitution, and if the constitution itself enshrines in it the violation of civil rights, that is sufficient to “put the justices in their place” and decree that they remain silent. . . Rather than have the Basic Law, which is the essence of our constitution,

¹⁷ The text of the bill is available in Hebrew on the Knesset’s website:
http://www.knesset.gov.il/privatelaw/Plaw_display.asp?lawtp=1.

¹⁸ Glickman, A. (2009, December 17). “Ministers to Discuss ‘Bypassing the High Court’ against Family Unification,” *Ynet*.

¹⁹ Ibid.

²⁰ Editorial. (2009, December 20). “Racism in Constitutional Guise,” *Ha’aretz*.

enable the court to protect fundamental rights, from now on, it will enshrine rules that violate them.²¹

Forcing National Service on Palestinian Citizens

Since the clashes between Arab demonstrators and security forces in 2000, and in light of the recommendations of the Or Commission with respect to relations between the Israel Police and the Arab population, and especially after the recommendations of the Lapid Commission, Israeli governments have increased their efforts to convince young Arabs to perform “national service.”

Palestinian citizens and leaders view the attempt to compel national service as an attempt to forge an anti-national political consciousness among young Palestinians and as a preliminary step to integrate them into military service. The current national service program, in which service is voluntary and minimal remuneration is offered to participants, has not managed to change the views of young Arabs toward the police or military service, and has not drawn many participants. The failure to recruit volunteers for national service has led decision-makers to try to force national service on Palestinian citizens, in part by legislation. In January, a bill in this spirit was submitted to the Knesset. The bill’s sponsors explain that the bill is needed to share the burden more equally among the entire citizenry.

Under the *Proposed Defense Service (Amendment – Compulsory National or Civic Service for Persons Who do not Do Regular Service) Law, 5770 – 2010*²², “a male who has not performed regular military service, except for a person who was found unfit for service under section 5, shall present himself for national service or civic service for a period of 24 months.”

The explanatory notes to the bill state:

The proposed bill comes to require citizens exempt from military service to do national service or civic service benefitting the public. The sponsors of the bill believe that the bill will create equality in the burden, since it is inconceivable that a portion of 18-year-old men and women will serve the country and defend it, while others will not serve or contribute. Those who obtained a lawful exemption from the state do not have to be exempt from making an alternative contribution, such as national service or civic service in public institutions that need a helping hand.

Proposed Unlawful Stay (Prohibition of Assistance) (Temporary Provision) (Amendment – Increasing Punishment for Unlawful Overnight Hosting, Employment and Transport) Law, 2010²³

²¹ Procaccia, U. (2009, December 21). “MKs Challenge Democracy,” *Ynet*.

²² The bill was submitted by Knesset members Moshe Matalon, Robert Ilatov, Hamad Amar, David Rotem, Fania Kirshenbaum (all Israel Beitenu), and Uri Uriel (National Union) on January 18, 2010.

²³ The bill was submitted by Knesset members Ofir Akonis (Likud) and Avraham Dichter (Kadima) on January 11, 2010.

This bill stiffens the punishment for citizens who provide accommodation to “persons staying illegally,” namely Palestinian laborers who stay in Israel, without a permit, in order to work and to earn a living. It is common knowledge that the “criteria” for obtaining work permits became much more stringent following the outbreak of the Second Intifada, and a law was enacted that imposes two years’ imprisonment on citizens who provide overnight accommodation and living space for Palestinian laborers who do not have a permit. The sponsors of the latest bill want to increase the punishment to four years’ imprisonment. The bill would also increase the fine for commission of this offense to no less than NIS 50,000.

The bill’s sponsors contend that the amendment is not aimed at residents of the region (that is, Palestinian laborers) wanting to earn a living in Israel, but at residents of Israel who assist them in gaining a livelihood and staying overnight in Israel, clearly knowing that doing so poses a serious security threat and contravenes the laws of the State of Israel. The sponsors contend that Israeli courts impose small penalties and fines on employers and overnight hosts who are caught, so it is proper to institute more stringent enforcement: an employer who contravenes the criminal law, endangers lives, and contravenes labor laws should receive a harsher penalty.²⁴

The Executive Branch: “Positive Attitude” Toward Israeli Values - a Pre-requisite to Being Hired in the Ministry of Education

In previous reports, we described efforts made by the Ministry of Education and its head, Minister Gidon Sa’ar (Likud), to force the study of Zionism on the Arab educational system. This past January, the Ministry began requiring that candidates for senior positions in the Arab educational system express a Zionist viewpoint, which was challenged in a letter sent by Adalah to the Education Ministry:

We were recently informed that tenders for open positions in the Ministry of Education, including senior positions, specify that a prerequisite for the post is loyalty to Zionist values, with a vague demand that the candidate have a “positive attitude towards Israeli values and general culture.” This condition is included in every tender that was issued by the Education Ministry to fill positions at all levels, including senior positions. Moreover, tenders for positions to be filled specifically by members of the Arab and Circassian population include the aforesaid condition. A positive attitude on Zionist cultural values is a prerequisite for selection for senior posts in the Education Ministry. *This condition requires the candidate to have an ideology based on the values of the state and of the society as a Jewish society, meaning that the candidate must have a Jewish and Zionist ideology.* This essentially forces a political ideology on the candidates, Arab

²⁴ Ibid.

candidates as well, without which they will not be selected for the available positions.²⁵

Essentially, a person who does not hold Zionist positions will not be selected for senior positions in the Ministry. The principal victims of this requirement are Arab candidates, of course. The Ministry of Education discriminates against them based on their ethnic nationality and their political beliefs.

Regarding the issue, Jack Khoury, of *Ha'aretz*, writes:

Former senior officials in the Arab Education Department in the Education Ministry stated the condition was problematic, to say the least. One said to *Ha'aretz*: "The text is vague and very general. How is it possible to measure positive attitudes and what are the parameters for the determination? What is the threshold of the positive attitude and where does the candidate fail to meet it? Certificates and degrees are customary and even necessary, but examining a person based on his attitudes is forbidden, since it would grant the acceptance committee great latitude in disqualifying or accepting the candidate, even if he meets all the requirements with respect to degrees and diplomas." According to the official, the wording and presentation of the condition provide an opening for extraneous and other – possibly security – considerations, such that the candidates are examined also on the basis of their political beliefs.²⁶

The Education Ministry responded stating:

Section 2 of the State Education Law specifies the objectives of state education, one of which is "to educate a person to love people, to love his people and his country, to be a loyal citizen of the State of Israel, to respect his parents, his family, his heritage, his cultural identity and his language." Therefore, it was determined many years ago by the Civil Service Commission and in coordination with the Ministry that tenders for positions in public service will require a state employee to have a positive attitude to societal values and general Israeli culture, which include also Arab, Bedouin, Druze, and general culture, as stated. It should be observed that Arabic-speaking schools are part of the state educational system in the State of Israel. In interviews with candidates for the various posts, the person is asked his position on this subject, and members of the committee are able to gain an impression from the person's comments.²⁷

²⁵ See "Loyalty to Zionism," Adalah Newsletter No. 67, December 2009,

http://www.adalah.org/eng/pressreleases/pr.php?file=09_12_14_9. Letter available in Hebrew at: <http://www.adalah.org//features/employment/tenders%20for%20high%20ranking%20jobs.doc>.

²⁶ Khoury, J. (2009, December 3). "Education Ministry Demands Arab Candidates to Show Positive Attitude' toward Israeli Cultural Values," *Ha'aretz*.

²⁷ Ibid.

Political Persecution of Arab Leaders

In February 2007, Arab leaders took part in a protest in East Jerusalem against renovation work that in their opinion endangered al-Aqsa Mosque. In one of the demonstrations, a confrontation took place between Sheikh Raed Salah, a leader of the Islamic Movement – Northern Branch, and a policeman. Following the incident, the police filed a complaint against Sheikh Salah for assault and insulting a police officer. In January 2010, the Magistrate's Court in Jerusalem sentenced Sheikh Salah to nine months' imprisonment.²⁸

Sheikh Salah was convicted of rioting and assaulting a police officer. In addition to the nine-month prison sentence, he was given an additional six-month conditional prison sentence, and was fined NIS 7,500 as compensation to the policeman he had been accused of spitting upon.²⁹ Sheikh Salah's attorney, Khaled Zabargeh, responding to the conviction, stated, "Sheikh Raed Salah is a victim of the Israeli-occupation policy in East Jerusalem. Israel has been the occupying power for forty-two years, and Israel is the one that is acting to establish facts regarding al-Aqsa Mosque in East Jerusalem, such that Israel is the criminal and not Sheikh Salah." He added that the trial was a political trial, and its results a foregone conclusion.³⁰

Sheikh Salah stated that, "The court's sentence is not a matter of punishment, but is a political attempt to deter everyone from denouncing Israeli sovereignty in Jerusalem." Member of Knesset Jamal Zahalka (Balad) called the court's decision political: "The motive is political revenge, and the objective is political persecution. In its decision, the court became a tool in the hands of the police and the Shabak (Israel Security Agency). The police harass the Arab public and its leaders and does whatever it can to violate the right of legitimate protest."³¹

Prohibition on Political Protest in Universities

In December 2009, Palestinians commemorated the first anniversary of the war on Gaza. In organizing the events, Arab university students requested permission to hold memorial ceremonies and to protest Israeli policy. It appears that, in the view of heads of the universities, it is not legitimate to express opinions opposing Israeli policy and opposing the war.

Hebrew University's administration decided to cancel a ceremony marking one year since the war on Gaza. The decision counteracted an earlier decision to permit it. Yaheli Moran Zelikovich, of *Ynet*, reported:

²⁸ Khoury, J. and Nir Hasson (2010, January 13). "Sheikh Salah Sentenced to Nine Months' Imprisonment for Assaulting a Police Officer," *Ha'aretz*.

²⁹ Ibid.

³⁰ Ibid.

³¹ Ibid.

The slander made yesterday against Israel at memorial ceremonies held by Palestinian organizations at various places around the world one year after Operation Cast Lead was halted by the Hebrew University. At the last minute, the university's administration cancelled a conference that the Hadash party student organization wanted to hold in one of the halls of the university, which was to deal with what its organizers described as "the dreadful and damned Zionist war."³²

The organizers had requested to hold a social event, and the request was granted. But it was later learned that the event involved what the university called a "conference of incitement" against the IDF and Israel. The university's administration approved the request of the Lavi student organization at the university, which identifies with the Likud party. Its members asked the administration to investigate how an event of this kind had been approved. The administration responded that the conference violated the agreement made between the dean of students and the organizers, so the event was canceled.

The Hadash student organization said that this was not the first time that the university had "silenced speech." Muhammad Nabulsi, of the Hadash student organization, said that, "about a month ago, we organized a conference of the organization Breaking the Silence with soldiers who had been in Gaza. When the event began, a telephone call was made to stop and cancel it."³³ He added that, "They told us that today's event involved incitement. This is not true. What was written in the flyer that we distributed was approved. They're silencing us. Our organization contains Jews and Arabs, so we certainly would not incite."³⁴

The Hebrew University said in response:

The institution permits political activity so long as it does not violate Israeli law and does not go against the university's principles. In the present case, the program of the conference that was presented for approval by the Dean of Students differed from what the members of the organization actually distributed. When this was learned, it was decided to suspend the conference, and representatives of the organization were requested to resubmit the request, which will be examined on its merits.³⁵

The University of Haifa, too, decided to cancel an event by a student political organization that was organized by Arab students to mark one year since the war on Gaza. The university explained the prohibition on its concern for the safety and well-

³² Moran Zelikovich, Y. (2009, December 28). "Hebrew University Cancelled Conference on the 'Damned Zionist War'," *Ynet*.

³³ Ibid.

³⁴ Ibid.

³⁵ Ibid.

being of the students and on the fact that disturbances would break out between Arab and Jewish students.³⁶

Incitement: Rabbi Ovadiah Mocks the Religion of Islam

“Fools. Their religion is as ugly as they are.”³⁷ This is what Rabbi Ovadiah Yosef, spiritual head of the Shas party, said about Muslims in his Saturday evening sermon on December 14, 2009. Rabbi Ovadiah mentioned that, in Judaism, a divorced woman is not allowed to return to her husband if she had married another man following their divorce. In Islam, he stated, it is the opposite: a divorced wife is allowed to return to her previous husband if she marries another man, consummates the marriage, and then divorces him.³⁸

It is not unusual for a senior religious figure to degrade Arabs or the religion of Islam. When this is done by a figure such as Rabbi Ovadiah Yosef, his comments have both a political and practical significance because they are regularly accepted without question by his religious and political supporters. As spiritual head of Shas, the fourth largest party in the Knesset (eleven Knesset members, a result of the 300,000 votes the party received in the elections), his supporters devour every word he says.³⁹ In this instance, in addition to the religious dimension, the comments have significant political implications and influence the relations of hundreds of thousands of persons to Arabs and the religion of Islam. Presumably, Rabbi Ovadiah’s views and his scorn for the Muslim religion can have a practical effect and may be translated, through Shas members of Knesset, into government policy.

Conclusion

With the completion of the first year of the Netanyahu government, and given the composition of the Knesset, we find that the current administration is making extensive use of ostensibly democratic tools and legitimization of majority decisions to enact discriminatory statutes and regulations against the country’s Palestinian citizens. The Knesset and the government are acting to limit the scope of political action of Arab citizens and Arab political parties, seeking to further restrict their (already limited) freedom in deciding where they want to live, and even attempting to change Basic Laws that will enable them to institute by statute substantive harm to the civil rights of Arab citizens. These efforts have in recent months also become apparent in community settlements, which seek to prevent the acceptance of Arab citizens, an objective accomplished by a decision-making process that is ostensibly

³⁶ Ibid.

³⁷ Ben Haim, A. (2009, December 14). “Rabbi Ovadiah: Muslims and Their Religion are Ugly,” *NRG Ma’ariv*.

³⁸ Ibid.

³⁹ The results of the elections to the Eighteenth Knesset are available in Hebrew on the Knesset’s website at www.knesset.gov.il/description/heb/heb_mimshal_res18.htm.

democratic. The universities also restrict political protest by Palestinian citizens in Israel. In fact, at almost every level of government and institutions, the trend is to render meaningless the remaining democratic tools available to the Palestinian citizenry. Continuation of this trend falls in line with Israel's current strategy, to increase exclusion of Palestinian citizens. The proposed bills and the policies being implemented indicate that tyranny of the majority has openly become an accepted feature of the regime in the State of Israel.

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