

Political Monitoring Report

Israel and the Palestinian Minority: Mada al-Carmel's Bi-Monthly Report of the Political Monitoring Project

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Introduction

In previous reports, one of our focal points was the means used by the legislature (Knesset) to enshrine in law the attempts of most of the Zionist parties to control the collective memory of Palestinians in Israel, to determine the “proper” rules of the Palestinian citizens' political behavior, and to limit the elements that comprise their national identity. Our reports also discussed the guidelines of the new government, which agreed in large part with the demands of the Israel Beitenu party in all matters relating to the status of Palestinian citizens in Israel, and to the provision of economic benefits to persons who performed army or national service (in other words, to discrimination against Palestinian citizens of the state). The government-coalition members did not oppose the demand made by Avigdor Lieberman, head of Israel Beitenu, to link citizenship with loyalty to the State of Israel as a Jewish and Zionist state, even though this demand was not formally specified in the guidelines. Not all of Lieberman's demands were specified in the government's guidelines. Nevertheless, the coalition agreement requires the government to take action against phenomena of disloyalty “by legislative means that will deny social rights and allotments to any terror activist and person convicted of espionage.”¹

¹ *Ha'aretz*, 17 March 2009. For the complete text of the coalition agreement between Likud and Israel Beitenu: <http://www.knesset.gov.il/docs/heb/coal2009YisraelBeitenu.pdf> (Hebrew)

The present report, covering the period from June to August 2009, discusses government policy, the legislative process, positions held by Jewish citizens toward Arabs, and discrimination in daily life. The report describes how substantive elements from the election campaign conducted by Avigdor Lieberman and Israel Beitenu against the Palestinian population have spread, become part of government policy, reached the corridors of the Knesset, and been absorbed in the minds of most of the Jewish public in Israel. One can view this spreading of Israel Beitenu doctrine as the sprouting of a new political discourse in all of Israeli society, in state institutions and civil society, which perceives Palestinian citizens as a threat to the Jewish character of the state and legitimizes government policy and Knesset legislation proposed to deal with this threat.

Government Policy

Previous issues of Mada's *Political Monitoring Report* have not generally discussed signs of discrimination against Palestinian citizens in the socio-economic sphere. The present report does, however, for two principal reasons: the first arises from the change in publishing format (the switch to bi-monthly reports), which enables us to relate to a wide variety of subjects as they occur. The second and more important reason is the series of policy lines and decisions of a few governmental ministries – among them the Ministry of Education, the Ministry of Transport, and the Ministry of Construction and Housing – which are aimed at increasing the neglect of, and discrimination against, Palestinian citizens, with a focus on suppressing their national consciousness and forcing Zionist beliefs on them, rather than taking action to remove the barriers to development that Palestinians face.

Ministry of Education: Inculcating Zionist Values Rather than Improving Matriculation Scores

Since the founding of the State of Israel, the Arab education system has lagged behind its Hebrew counterpart. Numerous reports and research studies have noted gaps in achievement between the two populations and have proposed solutions to reduce the gaps.² Figures published by the Ministry of Education indicate that, in recent years, the gaps have increased. Figures published by the Central Bureau of Statistics state that, in 2009, there were 149,310 pupils in Arab high school education programs, studying in 4,887 classes (30.6 pupils per class), in 306 schools (490 pupils per school), compared to 460,909 Jewish pupils in 17,142 classes (26.9 pupils per class) in 1,287 schools (358 pupils per school).³

² For example, see the reports of Sikkuy, The Association for the Advancement of Equal Opportunity, for 2006 and 2007.

³ Central Bureau of Statistics, 2009, Table 8.17

Regarding matriculation scores and meeting admission requirements of the country's universities – two primary determinants of the quality of the educational system – in 2008, 60 percent of Jewish pupils passed their matriculation exams, compared to 32 percent of Arab pupils.⁴ In the Arab education sector, 33 percent of the pupils met university admission requirements, compared to 50 percent in the Hebrew education sector.⁵

The Mossawa center analyzed the state's budget for 2009-2010 and found that the Ministry of Education continues to ignore the needs of Arab education and fails to allocate resources to lift Arab education from its distress. For example, the ministry allocates to the Arab education system 4.4 million shekels of the 25 million shekels (18 percent) allocated for pedagogic programs. Also, no action has been taken to solve the problem of shortage of classrooms in the Arab education sector.⁶

Avi Ben Bassat, former director general of the Ministry of Finance, said that, "Education greatly affects the participation of citizens of the state in the labor force and their level of income. The disparity in education is the main cause for disparity in income. The disparity in education is not accidental. It is found in two social and national segments of the population: Jews are more educated than Arab Israelis; among Jews, persons whose families originated from Europe and the United States are more educated than persons whose families originated from Asia and Africa."⁷

In early July 2009, the Ministry of Education published figures on the pupils entitled to a matriculation certificate. The figures testify to a general decline in success rates, primarily to a sharp drop in the scores of Arab and ultra-Orthodox Jewish pupils, whereas the overall success rate of Jewish pupils rose. Regarding the figures, Minister of Education Gidon Sa'ar (Likud) said that, "Matriculation examination figures are another indication of the need for change in the educational system. The change is needed both with respect to achievements of the system and in other aspects, such as Arab education."⁸

Despite the recognizable disparity in achievement between Jewish and Arab students and the urgent need to deal with the barriers to development of the Arab education system, the Minister of Education suggested solutions in another sphere. With the opening of the school year in September, the minister decided to implement a special program that emphasizes Zionist values and heritage in all governmental schools. The program, which is also to be implemented in Arab state schools, is aimed at "combating" the national identity of Palestinian citizens.

⁴ Yahali Moran Zelikovitz, Decline in Matriculation Certificate Entitlement: Huge Gap Between Arabs and Jews. *Ynet*, 9 July 2009.

⁵ Central Bureau of Statistics, 2009, Tables 8.24 and 8.34.

⁶ Mossawa, *State Budget for 2009-2010 and the Share of Arab Citizens*, June 2009.

⁷ Avi Ben Bassat, "How Does the Budget Contribute to Expanding Gaps?" *Ha'aretz*, 17 July 2009.

⁸ See footnote number 4.

In August, a few days before the school year began, the Minister of Education presented to the Knesset's Education Committee his vision for improving education. The minister said that, "schools in which the rate of army enlistment and national service is high will be compensated financially, both the school and the individual teachers." He further stated that, starting with the coming school year, a new subject would be taught in the fourth to ninth grades: Heritage and Culture of Israel.⁹ The course will concentrate on Judaism, Zionism, homeland, and Zionist symbols and leaders. The minister added that, "the objectives of the school program for the coming year include education promoting Jewish, Zionist, and democratic values, excellence, reduction in social gaps, and encouragement of enlistment in the IDF."¹⁰ Sa'ar said that the Ministry of Education would identify schools in which enlistment in the army and national service is low and carry out activity in those schools that have a greater value than just achievement and scores.¹¹ Based on the minister's comments, we see that the problem of education in Israel, including Arab education, is to be solved by strengthening Zionist values among all school pupils.

In response to Sa'ar's comments, Arab members of the Knesset said that, "the school is not a branch of the Likud party," and "the criteria of the Education Minister is not pedagogic but political." They called on the minister to cope with the principal problems facing the education system, primarily the violence, intolerance, and erosion of democratic values.¹²

The Chair of the Follow-Up Committee on Arab Education, Dr. Hala Espanioli, said in response to the Education Minister's program:

We firmly object to use of a new model to compensate schools based on enlistment in the IDF or national service as a measure of success... It is impossible to ask an Arab Israeli to enlist in the IDF or in national service in the situation in which the country finds itself. The minister is trying to pass a few decisions in a way that does not take into account the existence of another ethnic people, with another national experience. This is not pedagogy at all; this is a political criterion. These are decisions that can't be enforced in practice.¹³

Arab leaders opposed the minister's program, viewing it as a continuation of the state's efforts to force a national political consciousness on Palestinian citizens that serves the state's objectives for them. Arab leaders point out that these efforts follow the attempt to prevent commemoration of *Nakba* Day and to compel

⁹ Yahali Moran Zelikovitz, *YnetArabs* Against Saar's Program: School is not a Likud Branch, 26 August 2009.

¹⁰ *Ibid.*

¹¹ *Ibid.*

¹² *Arab48 Online*, 28 August 2009; *Ha'aretz*, 28 August 2009.

¹³ Yahali Moran Zelikovitz, *ynet*, 28 August 2009.

Palestinian citizens to perform national service. The sharpest objection, which is shared by all members of the Follow-Up Committee on Arab Education, was made by the Committee's executive director, Atef Muadi:

We reject the decisions outright, and emphasize that if an attempt is made to implement them in Arab schools – the response will be refusal and revolt. Rather than engage in the politicization and militarization of the educational system, the minister should worry about filling the budget deficit and providing the resources necessary for the Arab education system.¹⁴

In addition to teaching Zionist values, the Minister of Education wants to compel the singing of "Hatikvah," the national anthem, in every state school, including Arabic schools. The minister said that, "similar to the singing of the anthem at morning in schools in the United States...we will consider singing of the anthem in schools...This is a proper subject and must be considered."¹⁵ It appears that the minister is not aware of the difference between the two anthems and the source of citizenship in the two countries.

It should be mentioned that the attempt to compel the study of the heritage of Israel and Zionism is of great concern to the government and coalition members. For example, on 14 June 2009, the Ministerial Committee for Legislation discussed a proposed bill of Knesset members from the Israel Beitenu faction, which would require studies of the Land of Israel and Zionism in schools in Israel. The bill seeks to amend the Compulsory Education Law, by adding required studies in the subjects of the land of Israel and the history of the state and Zionism for at least three hours a week for an entire school year.¹⁶ At the same meeting of the Committee, Minister of Education Gidon Sa'ar said that, "It is necessary to increase the study of Zionism and the land of Israel, but it is not right to establish a curriculum by means of legislation." The Ministerial Committee rejected the proposed bill of Israel Beitenu, but the Minister of Education sidestepped the obstacle and began to implement the government's objectives by means of the school curriculum.

Journalist Avirama Golan effectively described the objectives underlying the legislative attempt:

When the words "all schools" and "all schools to which the core curriculum applies" are used, it is clear that Arabs are intended. That it, it is obvious that this bill – like the *Nakba* Law before it and a long

¹⁴ Roi Nahmias, "Israeli Arabs: If They Force Saar's Decisions, We'll Declare Revolt," *Ynet*, 31 August 2009.

¹⁵ Yahali Moran Zelikovitz, *ynet*, 8 August 2008; Or Kashti, *Ha'aretz*, 28 September 2009.

¹⁶ Tomer Zarhin and Or Kashti, "Proposed Bill: All Schools must Teach Zionism and Land of Israel," *Ha'aretz*, 14 June 2009.

list of laws that will follow it – have only one purpose: to seek a pretext to harass Arabs.

The bill itself is not important. What is important is the phenomenon. It began some time ago, and it encompasses various spheres of activity...Under the auspices of Israel Beitenu, this phenomenon shed almost all the restraints that once existed, and its objective is clearer than ever...Any uncertainty or complex discussion regarding Arab society in Israel is now silenced in light of the ostensible nationalistic Zionist assault.¹⁷

The attempt to force Zionist values on Arab pupils is not new in the Israeli education system. In 2005, the Education Minister at the time, Limor Livnat (Likud) initiated “100 Zionist Concepts,” a program aimed at expanding and intensifying the study of the heritage of Israel and Zionism. The program was supposed to operate also in the state Arabic education system.¹⁸

Ministry of Transport Against the Arabic Language

Arabic, as we know, is an official language of the State of Israel, though there is little expression of this policy in practice. In July, Minister of Transport Israel Katz (Likud) decided to stop posting traffic signs in Arabic, and to change all signs of towns and villages to their “Hebrew names.” As the journalist Rubik Rosenthal’s saw it, “On the one hand, [the minister argues] that this is simply intended to make it easier for tourists and citizens to get from place to place. On the other hand, it is not acceptable that he, as Transport Minister, allows that on signs of our country to be written, in Arabic letters, the Arabic name of Jerusalem, ‘Alquds.’”¹⁹ As Rosenthal put it: “Katz, of course, is not concerned about the occasional tourists. His objective in doing this is clear, and also declared, though not explicitly: to blot out the remnants of Arab historical-cultural and linguistic identity from Israeli public space.” In doing this, the minister seeks to remove the Arabic language first of all from Israeli public space, and second, to distort the names of Arab towns and villages and write them only in Hebrew letters, which will create a feeling of detachment and strangeness between the residents and their towns and villages.

The Transport Minister’s proposal was met with sharp criticism. For example, Minister Avishai Braverman (Labor), who is responsible for minority affairs said, “Signs are not a political issue. Arabic is an official language of the State of Israel. Rather than push people apart, it is necessary to bring people closer...I would suggest to Minister Katz, instead of replacing traffic signs, that he install signs in

¹⁷ Avirama Golan, “Zionism for Arabs,” *Ha’aretz*, 17 June 2009.

¹⁸ For an extensive discussion on this program, see Mtanes Shihadeh, *Israel and the Palestinian Minority 2005* (Haifa: Mada al-Carmel, 2006).

¹⁹ Rubik Rosenthal, *Ma’ariv*, “The Arabic Harms His Landscape,” 16 July 2009.

Arab towns and villages with names of the streets, which in 2009 remain, in large part, without any signs at all.²⁰

Katz's decision to replace all the signs throughout the country brought cries of outrage, and not only from Arab citizens and their leaders.²¹ The historian Professor Michael Harsegor classified the action as provocative and anti-Semitic: "Katz's action is anti-Semitic for all intents and purposes, in that it is anti-Arab and Arabs are, as is common knowledge, a Semitic people. The names of towns are a political issue, and Minister Katz's action is a political provocation."²² According to Harsegor, changing the names of Arab towns and villages on signs is not a trivial matter:

Names of towns involve an entire history. The town's name is, in effect, a basis for establishing territorial boundaries. When a conqueror wants to change the name of a town, he is essentially saying to its residents – stop hoping that this town will return to you. There was good reason why the Russians changed the names of the towns after gaining control of them. I would suggest to Minister Katz to leave things as they are and not try to rewrite history."²³

Professor Maoz Azaryahu of the University of Haifa's Department of Geography said:

The question of names is more political than a matter of principle...It is impossible to change the map. Israel in its entirety is composed of two maps that exist one on the other, one Arab and one Jewish...A change of name on the sign will not change Arab discourse, so the decision is unnecessary.²⁴

The historian Professor Yehiam Weitz of the Land of Israel Department in the University of Haifa believes that this question is not specifically political, but rather moral.

This is an awful and atrocious decision. This state has two faces. On the one hand, it is a Jewish state, but on the other hand, it is a democratic state. Moreover, it is not a state only of Jews. It is also a state of non-Jewish citizens.²⁵

It should be mentioned that the Ministry of Transport has no branch in an Arab community. People wishing to receive services from the ministry must go to a

²⁰ Sharon Rofe-Ofir, "Arabs: Minister Katz will Pass, Jerusalem will Remain Alquds," *Ynet*, 13 July 2009.

²¹ Daniel Adelson, "Replacement of Signs: Katz Acts like a Roman Caesar," *Ynet*, 14 July 2009

²² *Ibid.*

²³ *Ibid.*

²⁴ *Ibid.*

²⁵ *Ibid.*

Jewish community, often far from Arab towns and villages.²⁶ Also, in 2008, the Transport Ministry allotted only two percent of its budget to develop urban and inter-urban roads for Arab towns and villages.²⁷

Ministry of Construction and Housing: Stop the Spread of Arabs in Wadi Ara

“It is necessary to stop the spread of Arabs in Wadi Ara: I think it is not appropriate to live together,”²⁸ claimed Construction and Housing Minister Ariel Atias (Shas) at a conference of attorneys in Tel Aviv. The minister’s comments were made in regard to the intention to turn Harish, an area in Wadi Ara where most of the residents are Arab, into a town for ultra-Orthodox Jews. Atias continued: “I view Harish as a national mission. It is necessary to go there and stop the spread from Wadi Ara of persons who, by way of understatement, do not love the State of Israel.”²⁹ At the same conference, Minister Atias expressed concern that Arabs would spread to various parts of the state. He added:

If we continue like today, we’ll lose the Galilee. There is a spread of populations that do not need to be mixed. I think that it is not appropriate to live together. We can be nice and thoughtful but this is not appropriate. See what happened in Acre. Yesterday, the mayor of Acre sat with me for three hours and asked me how to save the town. He told me: “Bring a whole lot of ultra-Orthodox Jews and we can save the town, even if I lose my political power.” He says that Arabs live in a building where Jews live, causing them to leave.³⁰

Arab Knesset members expressed their disgust at the remarks made by the Minister of Construction and Housing. For example, the chairman of Hadash, Knesset member Muhammad Barakeh, said that, “The racism in the government and the establishment grows daily.”³¹ Knesset member Jamal Zahalka (Balad) said that, “The detailed plan of Minister Atias to choke Arab communities must be stopped... Calling for the Judafication of the Galilee and the Triangle is racist. Arabs did not steal the land from anyone; rather, most of their land was stolen – and he (Atias) is coming to divide up the spoils.”³²

It is hard to believe that Minister Atias was expressing a personal position, contrary to the government’s guidelines. The present government openly declares that it will

²⁶ Yonatan Golan, “Ministry of the Interior Remains Outside,” *Yediot Aharonot*, 11 October 2009.

²⁷ Mossawa, *State Budget for 2009-2010 and the Share of Arab Citizens*, June 2009.

²⁸ Guy Lieberman, “Stop Spread of Arabs in Wadi Ara,” *Ha’aretz*, 2 July 2009.

²⁹ *Ibid.*

³⁰ *Ibid.*

³¹ Sharon Rofe-Ofir, “MK Barakeh to Atias: We’re Not the Strangers in Wadi Ara,” *Ynet*, 2 July 2009.

³² *Ibid.*

act to advance Jewish settlement in the Galilee and in the Negev, and excludes the Palestinian population from its plans, intended from the start to block the development and growth of Arab communities.

In continuation of the policy of previous governments, the present government is acting “to strengthen” Jewish presence in the Negev and Galilee, classifying this action a national objective. This policy was the reason for the establishment of the Ministry for the Development of the Negev and the Galilee in 2005, and of the Ministerial Committee for the Development of the Negev and the Galilee. On 27 July 2009, the Committee decided to support establishment of

reform-minded settlement core groups to create permanent settlement in the Negev and Galilee, by giving assistance to these core groups in exchange for their commitment to settle [there] permanently and contribute to the community. The financial aid to the settlement core groups amounts to 12 million shekels.”³³

*Bomb Shelters in the North: For Jews Only*³⁴

The online news site *Ynet* researched bomb shelters in the North three years after the Second Lebanon War. The investigative report stated:

Seven months after the war, *Ynet* published an investigative report on bomb shelters in the local authorities. The examination revealed that most of the public bomb shelters were in dismal condition. Now, three years after the war, the situation is completely different – at least with respect to public bomb shelters.

In recent years, the Defense Ministry has invested great sums of money, with the help of contributions by external bodies, the most important being the [IDF] Friendship Fund, in which framework thousands of bomb shelters throughout the country were renovated from the confrontation lines along the northern border and southwards.

But the problem arises anew regarding the non-Jewish sector. In Arab local authorities in the North, there is a severe shortage of public bomb shelters for the residents, inasmuch as most of the apartment buildings and residential dwellings were built before institution of the stringent standard requiring a Protected Apartment Space in

³³ Decision No. NG3 of 27 July 2009. The decision was attached to the protocol of Cabinet decisions and was given the force of a Cabinet decision on 13 August 2009, under number 392 NG3.

³⁴ Roi Mendel, “Shelter in the North: Significant Improvement, Especially for Jews,” *Ynet*, 12 July 2009.

buildings...Nazareth was severely hit during the course of the war. Unlike other towns in the North, in which the public bomb shelters were available to residents even if they were useless and had been neglected, Nazareth was left without protective means. Except for two public bomb shelters in the entire town, and a small number of bomb shelters in the schools, residents of Nazareth had no place to hide against the Katyushas.

The report exposes the ongoing disregard for the security of Arab citizens, and emphasizes that, when the government decides to change the reality, it indeed does so, provided that the change is first and foremost intended for the welfare of Jewish citizens.

Prosecuting Residents of Shafa'amr for Murdering a Jewish Terrorist

On 4 August 2008, the soldier Eden Natan Zada shot to death four Arabs who were passengers on a bus on the Haifa-Shafa'amr line, on which he was riding. When his bullets ran out and he tried to replace the cartridge, passengers jumped on him and killed him.³⁵ Since then, the Israel Police and the State Attorney's Office has waged a legal battle against the residents of Shafa'amr accused of slaying the terrorist.

In early June, the State Attorney's Office decided to file an indictment against twelve residents of Shafa'amr on suspicion of involvement in slaying the terrorist. Some of the residents were charged with attempted murder, assaulting police officers, and other offenses, and some were charged with rioting that led to the death of Zada, and with other offenses.³⁶

Arab citizens and residents of Shafa'amr strongly protested the State Attorney's Office's decision and credited it with punishing the victims; in other cases, when Arabs were killed by security forces or by Jewish citizens, the State Attorney's Office closed the investigation files. Especially relevant in this regard is the closing of the files against police officers charged with killing young Arabs, alleging self-defense or a life-threatening situation. The farmer Shai Dromi shot to death an Arab intruder and was not punished for his deed. Even in less severe cases than an act of terror aimed against innocent persons, the police and the State Attorney's Office decided not to prosecute the perpetrators.³⁷

At a demonstration in Shafa'amr following announcement of the recommendations, the chairman of the Arab High Follow-Up Committee, Muhammad Zeidan, said:

³⁵ *Ha'aretz*, 8 May 2009.

³⁶ Jack Khoury, "Indictment against Residents of Shfar'am Suspected of Lynching Eden Natan Zada," *Ha'aretz*, 7 July 2009.

³⁷ For details on the cases, see Mtanes Shihadeh, *Israel and the Palestinian Minority 2005* (Haifa: Mada al-Carmel, 2006); Mada, *Bi-Monthly Political Monitoring Report*, Issue 1, October-November 2008.

There is discrimination in the handling of Arab citizens compared with members of the security forces; in previous cases in which police officers and security forces fired at unarmed or neutralized Palestinians, they were given awards and promoted in rank. In the case of Shafa'amr, the accused defended themselves and residents from a person who wanted to murder Arabs only because they were Arabs, and now they are being prosecuted.³⁸

Knesset member Muhammad Barakeh responded to the decision of the State Attorney's Office:

The State Attorney's Office insists on acting foolishly, turning the victim into the accused. Rather than investigate the movements and accomplices of the terrorist Natan Zada to bring them to justice for the massacre that he carried out in Shafa'amr, they decide that the only accused is the victim solely because he is Arab, and the terrorist, who carried out the massacre is a Jew.³⁹

Knesset member Jamal Zahalka said, "the indictments are a police provocation that transmits a message that an Arab does not have the right to self-defense... Rather than expose all the details of the felony, they blame the victim."⁴⁰

Judicial Rulings

*Supreme Court Allows Building of Cattle Shed on Land of Muslim and Christian Cemeteries*⁴¹

In June, the Supreme Court denied the petition filed by Palestinian organizations against the moshav (community settlement) Ahihud to build cattle sheds on land of Christian and Muslim cemeteries in Birwa Village, whose residents were expelled in 1948.⁴²

The Supreme Court denied the petition, holding that the petitioners did not prove that the land involved is indeed cemeteries. At the same time, the court found that state institutions – the Antiquities Authority and the Israel Lands Administration – succeeded in proving that the moshav took the measures required by the planning laws. In other words, the persons who were expelled from the village in 1948 did

³⁸ Jack Khoury, "Demonstration in Shfar'am: Withdraw the Indictments and Stop Harassment of the Victim," *Ha'aretz*, 13 June 2009.

³⁹ *Ibid.*

⁴⁰ *Ibid.*

⁴¹ *Arab 48 Online*, 21 June 2009.

⁴² HCJ 516/08. The petition was filed by Alaqa Almubarak Ltd. and others.

not manage to prove to the new sovereign institutions, who were responsible for their expulsion, the justice of their claim.

The judgment, written by Justices Procaccia, Grunis and Meltzer, states, inter alia:

The constitutional protection of respect for the dead creates an obligation to protect and respect burial sites – whether the sites are openly visible or concealed from view. However, like other constitutional rights, the constitutional value of respect for the dead is not absolute, and is subject to competing important conflicting interests. The scope of the protection given to respect for the dead is subject to the limitations clause, set forth in section 8 of the Basic Law: Human Dignity and Liberty. Respect for the dead in Israeli [statutory] law and in the case law is a value having a relative nature, derived from the balancing of the protection and conflicting interests of substantial import. When the question of development and building on a parcel of land approved for building in which remnants of ancient graves are found, the conflicting interests that must be taken into account are essentially these: on the one hand, there is great weight to the constitutional right to respect for the dead, which is intertwined and linked with the right of living persons. Protection of respect for the dead is entwined also with the constitutional right of protection of harm to the public's feelings. Respect for the living person and for the dead, and respect for the feelings of the public in that regard are social values having great weight that are enshrined in the constitutional law.

On the other hand, in assessing the weight of the constitutional right of respect for the dead, it is necessary to examine whether the cemetery is recognized and openly visible, to which members of the community relate, or is an ancient site in which it is contended there are graves hidden from the eye, the existence of which is not clearly known, and is not treated in any meaningful way by the individual and the community; it is necessary to give weight to the private-property interest of the holder of the rights in the land, which is recognized as a constitutional right, and the good faith desire to exercise his rights in the property belonging to him. From the general public aspect, there is great importance in the ability to develop land and utilization of natural land resources of the state, which are not plentiful in a small country like Israel. Advancement of the welfare of the individual in the present, and land-development needs in the future, cannot be reconciled with freezing of development activity on many sections of land, as to which it is claimed ancient graves are located underground. This applies even more so in a country with an ancient tradition such as Israel, which is strewn with ancient sites throughout the length and

breadth of the country. In such a reality, it is necessary to employ a formula that properly balances the need to respect ancient burial sites and the need for development and building, both for the individual and the general public. There is also importance in certainty, stability, and finality of planning and building procedures, which arise when an objection to land development made on grounds of respect for the dead is filed after great delay, many years after the building plans received final validity, following complicated planning procedures, and in most cases, when the construction is already under way.⁴³

During the hearing on the petition, the justices held that the petitioners failed to provide a strong factual basis for their contentions there were burial sites on the land, and it was also argued that an attempt was made by some of the petitioners to fake the existence of such sites. The state carried out another comprehensive examination of the land, in which certain points were found in a section in which remnants of graves were found, but it is not certain that they are from Muslim graves. The respondents and the state made a commitment that the construction would not harm these points.

The judgment shows the great difficulty petitioners have in proving their contentions against state institutions, and the additional means acting in favor of the state. It also shows that, when cemeteries and history of Palestinian citizens are involved, respect for the living overrides respect for the dead, and development needs prevail over preservation of heritage and history.

Legislation

Members of the legislative branch continue to act energetically to advance bills, as specified in the coalition agreement, which benefit persons who serve in the army. This activity is an indirect, but accepted way to discriminate against the country's Palestinian citizens.

Proposed Rights for Persons Doing Army or National Service Law, 5769 – 2009⁴⁴

The purpose of the bill is “to recognize the importance of military service and national service of citizens of the state; due to this recognition of IDF soldiers and those doing national service, it is proposed in this bill to grant these persons preferential rights in comparison to those given to persons who do not serve.”

⁴³ For the complete judgment, see footnote 42.

⁴⁴ The bill was placed on the table of the Knesset on 27 July 2009 by Knesset members David Rotem, Robert Ilatov, and other Knesset members.

The bill provides, inter alia, that:

- A person who performs full military service or national service for a period of at least two years will be entitled to an exemption from payment of tuition up to an annual sum of NIS 8,800 for three complete years of study;
- A person who performs full military service or national service for a period of at least two years will be entitled to an additional 10 percent of the points the person was entitled in accordance with the customary rules, for each year of service, in calculating the amount of a mortgage from the state treasury, for the purpose of purchasing a first residential apartment;
- In addition to the two benefits mentioned above, in every tender for allotment of land, at least 25 percent of the plots or housing units for sale will be made available to persons who performed military service or national service for at least two years.

The Minister of Defense is charged with implementing the law, and with the approval of the Constitution, Law and Justice Committee of the Knesset, will enact instructions for its implementation, thereby providing that the law be implemented also in the event that regulations have not been made.

The Explanatory Notes attached to the bill state:

Loyalty of a citizen to the state is expressed, in part, by carrying out his obligations to the state and his being faithful to its values and goals. The very existence of the State of Israel is based on the Israel Defense Force and on service of all the citizens of the state and on persons who perform national service as a substitute for this service. The state is obligated to ensure that these loyal citizens receive the esteem and recognition owing to them, and thus receive preferential conditions following their having born the burden of the state's security.

Proposed Absorption of Discharged Soldiers (Amendment – Assistance in Tuition for Combatants) Law, 5769 – 2009⁴⁵

The bill provides that:

- (a) A discharged soldier who served in a combat function and studies in an institution of higher education or in a post-high school yeshiva is entitled to full payment of tuition at the said institution for the first year of study, if five

⁴⁵ The bill was placed on the table of the Knesset on 27 July 2009 by Knesset member Robert Tivieav and other Knesset members.

years have not passed from the day of discharge from compulsory service; the amount of the participation in payment of annual tuition as stated shall not exceed the customary university tuition that year.

- (b) A discharged soldier who served in a combat function and studies in an institution as specified in subsection (a) is entitled to participation in the payment of tuition to the institution for the second and third years of study in the amount of 25 percent of the customary annual university tuition that year.

The Explanatory Notes to the bill state that, “the State of Israel must properly compensate combat soldiers and encourage them to study at institutions of higher learning.”

Public Expressions of Hatred and Racism

Right-Wing Activists in Rahat

After marching early in the year in Umm el-Fahm under heavy guard of the Israel Police and raising a wave of sharp protest among Arab citizens living in Wadi Ara, right-wing activists decided to “visit” the Arab town of Rahat, in the Negev.⁴⁶ The right-wing activists said that they had come to document illegal construction in the town, a function generally, and properly, reserved to the law-enforcement authorities, and not intended to create a provocation that might ignite a wave of violent protest.

Among the visitors were Knesset member Michael Ben-Ari (National Union), and right-wing extremists Baruch Marzel and Itamar Ben-Gvir, who had been members of Rabbi Kahane’s party, which promoted the expulsion of Israel’s Arab citizens. Residents of Rahat expressed their opposition to the visit. The mayor, Faaiz Abu Sahiban, said that he strongly opposed the visit of right-wing activists,

We refuse to accept them in our city...I warned the Minister of Public Security, Yitzhak Aharonovitch, about the danger this visit creates for residents of the town. It causes a real threat to the lives of the residents. The visit of right-wing activists can lead to rioting...If the visit takes place, the right-wing activists are liable to receive an unpleasant reception.⁴⁷

⁴⁶ Ilana Korial, “Extreme Right-wing Activists in Rahat? Danger to our Children,” *Ynet*, 9 July 2009.

⁴⁷ *Ibid.*

Ben-Gvir described the residents' objection to the tour as "threats and tongue-lashings. This only increases our motivation to come and deal with the phenomenon of illegal construction there."⁴⁸ The state, he contended, does nothing regarding the illegal construction taking place in Rahat.

The Chairman of the Islamic Movement in the Negev, Sheikh Hamed Abu Daabas, believes that the only purpose of the visit was to create provocation.

All these visits are an attempt to arouse passions and distract attention from what is taking place elsewhere. The attempt of the Israeli right to link the building of illegal outposts and what is being done within the borders of the state in the Negev, among the Bedouin, is absurd.⁴⁹

The night before the visit, hundreds of residents of Rahat held an assembly in protest of the planned tour of the right-wing activists. The residents said that a violent confrontation with the activists was inevitable, and accused the police, who approved the extremists' procession. "We will not receive them with flowers, but with old sandals," said Knesset member Taleb Alsana, United Arab List.⁵⁰

On the day of the visit, Knesset member Michael Ben-Ari contended that, "the Islamic Movement took control of Rahat, and we came to demonstrate against it. The same way it took control of Umm el-Fahm, it took control here."⁵¹

Two days after the visit by the right-wing activists, which was intended to exhibit sovereignty over the land, the entire Cabinet visited the Negev. On 12 July, the Cabinet held its weekly meeting in Beersheva. Ministers promised all the residents of the Negev growth and prosperity. The Arab Bedouin residents viewed the commitment with doubt.⁵²

For dozens of years, residents in unrecognized Bedouin villages have been witness to many unfulfilled promises. In the meantime, they live in villages without infrastructure or proper medical and educational services. Figures of the Council of Unrecognized Villages in the Negev indicate that 80,000 persons currently live in dozens of such villages. The report published together by the Council and Physicians for Human Rights states that there is one doctor per 3,116 residents in the unrecognized villages, a very low figure when compared with the rest of the

⁴⁸ Ibid.

⁴⁹ Jack Khoury, "MK Taleb Alsana: We'll Receive the Right-wing Activists who Come to Rahat with Old Sandals," *Ha'aretz*, 9 July 2009.

⁵⁰ Ibid.

⁵¹ Jack Khoury, "Hundreds of Residents of Rahat Demonstrate against March of Right in the Town," Ben-Gvir, "Rahat is the Same as Migron," *Ha'aretz*, 1 July 2009.

⁵² Ilana Korial, "Bedouins in the Negev: Promises are one Thing, Action is Another," *Ynet*, 12 July 2009.

country. Some of the Bedouin residents live in even worse conditions. According to the report, thirty-four unrecognized villages have no medical services at all.⁵³

Incitement Against Arabs is not Grounds for an Indictment

Another decision made by the Israel Police that raised questions about the legitimization and lenient handling of persons who assault Arabs or engage in incitement against Arabs was the decision of the State Attorney's Office not to open a criminal investigation against Rivka Shimon. In July 2008, Shimon compared Arabs to worms and made a call to not leave remaining "any living soul." The comments were included in the leaflet, "Each and Every Sabbath," of which thousands of copies were distributed in synagogues. In explaining its decision, the State Attorney's Office stated that it had difficulty proving "a real possibility" that Shimon's words would lead to an act of violence.⁵⁴

"Just as we excitedly examine worms in a salad," Shimon wrote in the leaflet, "so, too, we will conquer the land, with precision, excitement, desire, fear and awe, not leaving any person alive. We'll also exterminate the females – so they don't leave 'remembrance' societies – monuments – as if the land was theirs."⁵⁵

Following the publication of the leaflet, in December 2008, the non-profit association Twelfth of Heshvan (Movement to Strengthen Tolerance in Religious Education) wrote to Attorney General Menachem Mazuz, demanding that he open a criminal investigation. In the words of attorney Assaf Fink, the association's legal advisor, Shimon's statement constitutes a call to violence against the non-Jewish population and incitement to racism. In his letter to Mazuz, Fink pointed out,

Regrettably, this was not an incidental statement. The title of the article is "Conquering the Land," and throughout the article, the writer does not refrain from recommending the total extermination of non-Jewish residents...In no place in the article is a distinction made between imagination and reality, between law and practice, between terrorists and ordinary people, a distinction that might blunt the severity of her words.⁵⁶

⁵³ Ibid.

⁵⁴ Tomer Zarchin, "State will Not Prosecute Rivka Shimon, a Journalist who Compared Arabs to Worms and Called to Exterminate Them," *Ha'aretz*, 17 June 2009.

⁵⁵ Ibid.

⁵⁶ Ibid.

Minister of Public Security: Dirty Police Officer Looks Like an Arabush

“Dirty? You look like a real *Arabush*,” (*Arabush* is a derogatory term for an Arab) the Minister of Public Security, Yitzhak Aharonovitch, said to an undercover police agent during a tour of the old central bus station in Tel Aviv. The minister wanted to meet with undercover agents working the area. One of the agents who met with the minister apologized, saying, “I’m a bit dirty.” And the minister replied, “Why dirty? You look like a real *Arabush*.”

Aharonovitch’s remark raised a storm of protest among Arab Knesset members. The chairman of United Arab List, Member of Knesset Sheikh Ibrahim Sarsur, demanded that the minister immediately apologize for his comments. He warned that such statements testify to the hatred the Jewish public feels toward the Arab minority and increases the tension between Arabs and Jews in the country. Member of Knesset Jamal Zahalka (Balad) said, “This is not a slip of the tongue, but official policy of the police and of the person who stands at its head.”⁵⁷

An editorial in *Ha’aretz* responded to the minister’s remark.

With the passage of time, we see that the Netanyahu-Lieberman government has an ironic bitter advantage: its ministers, primarily the ones from Israel Beitenu, make statements in public that until now had been made in closed rooms, and remove the curtain from ugly and denied norms.

But these are not only words. The words express a different attitude from the norm, one that is scornful and strict toward Arabs – criminal offenders or persons suspected of minor as well as serious offenses. The police’s conduct during the events of October 2000, which was harshly criticized by the Or Commission, is an extreme, but clear, expression, of this attitude. Since then, another thirty Arab citizens of Israel have been killed in clashes with the police, and no special investigation has been opened. Not only as a gesture of “brothers in arms” did five senior police officers come out and defend Aharonovitch two days ago. Whoever is accustomed to a quick trigger finger against persons in Arab communities certainly finds it hard to understand what is so wrong with one miserable statement.

⁵⁷ Yuval Goren and Yoav Stern, “Minister of Public Security, Yitzhak Aharonovitch, to Policeman: Dirty? You Look Like a Real *Arabush*,” *Ha’aretz*, 16 June 2009.

Israel did not invent the worrisome connection between a derogatory name and racial violence, which also rapidly becomes an accepted norm. But in other countries, they learned from history that words are a true mirror of a dangerous mood.⁵⁸

One Year after the Disturbances in Acre

In late May, the Acre Municipality decided to name the town's ancient port after Ze'ev Fried, a leader of the maritime sector in Israel and one of the founders of the Israel Navy and the project for the development of Acre Port. A few months later, members of the public and Arab residents in Acre mounted a protest and decided to name the port after Issa al-Awwam, one of the officers of the sultan Salah al-Din (Saladin), who lived in Acre and fought the Crusaders in the Twelfth Century. These days, visitors to the ancient port will encounter two monuments: one at the entrance to the port, on which the name of Issa al-Awwam is inscribed, and another, a few dozen meters away, with an inscription in Hebrew bearing the name of Ze'ev Fried.⁵⁹ Following this matter's publication, officials in the Municipality of Acre stated that installation of the monument by the protesters was a grave action, which would cause needless friction in the town. The officials also noted that it is forbidden for people to act on their own in determining the names of sites and buildings without municipal approval.⁶⁰

Meanwhile, those who initiated the protest explained that they had no objection to perpetuating the memory of Fried, but they objected to the decision to name the port in the Old City after him – a decision, they contended, cannot be accepted enthusiastically by Arab residents of the Old City, who have been waging a years-long struggle to preserve the town's identity. "The town of Acre, especially the Old City, is an Arab town and every stone is part of its Arab history. It is impossible to go along with the municipality's initiative without taking into account the historical facts," said former Member of Knesset Sheikh Abbas Zakur, who was among the initiators of the action to give the port an Arab name.

In the Katzrin Settlement: Forbidden to Play Songs in Arabic

Summer camps often create friction between Arab children and the managers of amusement sites in Jewish communities, a phenomenon that results primarily from the lack of suitable amusement sites in Arab communities. For example, as they do each year, a group of 250 children from the northern town of Jish came to spend a day of fun at the Katzrin settlement in the Golan Heights. The children looked forward to a day of fun at the Country Club in Katzrin, said Jadi Suleiman, the

⁵⁸ "State Racism," Editorial, *Ha'aretz*, 9 June 2009.

⁵⁹ Jack Khoury, "Acre's Mayor against Mobilizing the Muslim al-Awwam in Battle over the Town's Identity," *Ha'aretz*, 9 August 2009.

⁶⁰ Ibid.

summer-camp director. But the fun ended abruptly when the manager of the amusement site refused to allow the counselors to play “Arabic music.” The manager claimed that, “We can’t have a situation in which every sector of the population plays whatever music it wants.”⁶¹ Suleiman contended that the manager’s behavior was “insulting and racist.”

Suleiman says that he explained to the director that Arabic is the mother tongue of the children in the camp, “but he didn't want to listen, and said, ‘I am the manager here, and I decide. Here, there is no Arabic music.’” Suleiman, who was offended by the treatment he received, took the microphone and told all the children to get out of the pool. “There were small children who heard everything and began to cry,” he related. “I took everybody outside and we waited for more than an hour for the transport vehicles to return, as they had already driven to Nazareth. It wasn’t until 3:00 p.m., when we arrived at a pool in Nazareth, that we ate breakfast.”

One of the parents said, “I didn’t believe that here, in Israel, there is such open racism. Apparently, the manager of the site thought that it was not enough that Arab children come to his pool, but that they also decide for him what music would be played. My child was very disappointed. This is not the way to act with children.”

The manager of the site rejected the claims of racist conduct. “Racism? If it’s racism, why did I allow them to come to the pool in the first place? Furthermore, I made a deal with the camp director for them to pay a cheaper than normal entrance fee. If I were a racist, I wouldn’t allow them to come at all. It is easy for them to smear my name and not pay.”⁶²

Public Opinion Surveys

If You Want to be a “Real Jewish Israeli,” Stand Up Against the Arab Citizens

The Democracy Index for 2009 was published in August. The Index surveys the Israeli public’s positions on democracy, the extent to which the public thinks democracy is implemented, its support for democracy, and its satisfaction with the functioning of Israeli democracy.

The 2009 survey gave special attention to the positions of Russians who immigrated to Israel in the late 1980s and early 1990s. This segment of the Israeli population

⁶¹ Sharon Rofe-Ofir, “Want to Hear Arabic Music? Not in the Country Club in Katzrin,” *Ynet*, 10 August 2009.

⁶² *Ibid.*

comprises close to 60 percent of the voters of Israel Beitenu, which demanded that loyalty be linked to citizenship.

The findings of the survey showed:

In the rights aspect, a majority of the Israeli public theoretically endorses political liberties, but the level of support declines when questioned about specific liberties. A decline was also recorded in the support for equal rights for the Jewish majority and the Arab minority. This finding is particularly prominent in the political domain – most Jewish citizens do not agree to the participation of the Arab minority in the government or in the making of decisions fateful to the country's future.⁶³

The findings strengthen the claim that the demands Avigdor Lieberman directed at the Palestinian citizens of the state are held not only by persons at the extreme margins of Israeli politics. The demand to condition citizenship on loyalty, the demand to take action that will make Palestinian citizens forget their identity, and the threat of exchange of territory or transfer have become almost standard among the general Israeli public.

The survey's findings indicate that 53 percent of the Jewish public support encouraging emigration of Arabs from Israel.⁶⁴ In this context, the authors of the survey contend, the gaps in opinion between veteran Jewish Israelis and immigrants are interesting, with 77 percent of immigrants supporting encouragement of Arab emigration from Israel, compared with 47 percent of the veteran population. The authors emphasize that this gap has not significantly changed since the first democracy survey, in 2003: "Upon arriving in Israel, the immigrants apparently learn that prejudice against Arabs is befitting and acceptable in Israeli society and that Arabs are a hostile group."

The findings also show that the positions of new immigrants are less liberal than the veteran population, which is not to say that the veteran Israeli public's positions are liberal regarding the country's Palestinian citizens. For example, 33 percent of veteran Jewish Israelis are willing to have an Arab party join the government, compared with 23 percent of immigrants. Only 27 percent of the entire public (19 percent of the Jewish population) object to the statement that, "Agreement of a Jewish majority is required on decisions fateful to the country." Furthermore, the percentage of Jews who think that such fateful decisions should not be made without a Jewish majority has grown in the past year. (In 2008, 38 percent of persons interviewed objected to the statement.)

⁶³ Asher Arian, Michael Philippov, and Anna Knafelman, *Israel Democracy Index for 2009* (Jerusalem: Israel Democracy Institute, 2009), 11.

⁶⁴ *Ibid.*, 53-55.

In continuation of the discussion that arose during the 2009 election campaign, on the question of the connection between loyalty of citizens and citizenship, 56 percent of veteran Israelis agree with the statement, “Only citizens loyal to the country are entitled to civil rights,” compared with 67 percent of the new immigrants.

Conclusion

In this report, we have documented an increase in the legitimacy given to political discourse that views Arab citizens as a threat to the Jewish character of the state, and the growing tendency toward policy, legislative bills, and actions harmful to Arab citizens of the country. State authorities have mobilized to blot out Arab heritage from the public landscape; the Ministry of Education seeks to force Zionism on Arab pupils; and the Ministry of Construction and Housing acts to reduce the amount of land available for Arab residence. The law-enforcement authorities, who are ostensibly charged with protecting citizens of the state, participate in this discourse, as revealed by decisions to prosecute Arab citizens from Shafa’amr on charges related to the killing of a Jewish terrorist; court rulings that allow harm to Arab sacred and historical sites; the failure to prosecute persons who incite against Arab citizens; the permission given to extreme right-wing activists to make provocative visits to Arab communities, and to provide them protection in the course of the visit; and the racist comments of the Minister of Internal Security. Importantly, this climate receives substantial support from the majority of the country’s Jews, as reported by the *Israel Democracy Index for 2009*.

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