

FLAME HOTLINE

Facts & Logic About the Middle East

August 28, 2018



Israel's New Nation-State Law Controversy: One More Excuse for Haters and Doubters to Dis the Jewish State

Dear Friend of FLAME:

I received an unusual email from my local Jewish Federation a few days ago in which the CEO (a rabbi, no less) claimed that "*recent news coming out of Israel has been disturbing.*"

One reason for the CEO's call of alarm was Israel's new nation-state law, which he said includes "elements that could potentially impact the status of non-Jewish citizens of Israel, specifically Israeli Arabs, as well as [Israel's relationship with Diaspora Jewry.](#)"

Surely you've seen similar outcries from other voices of the American Jewish community—like World Jewish Congress CEO Ronald Lauder condemning Israel in the *New York Times*—as well as mainstream media, like *Time* magazine, which called the nation-state law "[an affront to democracy.](#)" Wow. So what's the controversy all about?

That's a superb question, especially if you've actually read Israel's 11-paragraph nation-state law itself—which in English fits cozily [on a single sheet of paper.](#) If you're a Zionist, you'd be hard pressed to find a single clause objectionable . . . or even remarkable. *More like boring.*

Israeli firebrand columnist Caroline Glick termed the law a [nothingburger.](#) Bret Stephens in the *NY Times* called it an "underwhelming law whose effects would be mostly invisible if they hadn't been so loudly debated."

You don't like "Hatikvah" as Israel's [national anthem](#)? You object to the star-of-David flag design? The menorah as Israel's symbol? Israel's capital in Jerusalem? Shabbat and the Jewish holidays as

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YOU DESERVE TO KNOW THE TRUTH...

Peace with Palestinian Dictators?

Governments of the Palestinians' two ruling dictatorships are in shambles—and at war with each other. How can Israel possibly achieve peace with them at this time?

Neither the Palestinian Authority in Judea Samaria (the West Bank) nor the Hamas terror group in Gaza has held elections since 2006, and the two factions are battling one another in a vicious power struggle. How can Israel recognize the Jewish state or accept Israeli offers of peace?

What are the facts?

While Israel, with the United States, made generous land-for-peace offers to the Palestinians in 2001 and 2008—and left the entire Gaza Strip to the Arabs in 2005—neither of the two major Palestinian groups has accepted Israeli offers—or even the right to exist. What's more, both the Palestinian Authority and Hamas governments are in obvious, expanding practice renouncing a better tomorrow war. Could these warring Arab dictatorships—did accept Israel as their neighbor—it's impossible to imagine a peace agreement among them.

International Palestinian Movement following Israel's repudiation of five attacking Arab armies in 1967, Arab is in Palestine formed the autonomous Palestine Liberation Organization, under Egyptian Yasser Arafat. Arafat launched the First Intifada, a terrorist guerrilla effort against Israel, which ended with the 1993 Oslo Peace Accords. Under these accords, the Palestinian Authority (PA) would rule over Arab parts of Gaza and Judea Samaria, while Israel would control the remaining parts until the Israeli-Arab conflict was resolved through peace negotiations. After Israel's complete withdrawal from Gaza, terror group Hamas was Palestinian legislative elections in 2006, then seized control of Gaza from the PA. Since 2007, Hamas has ruled Gaza as an Islamic fortress, and the PA and Hamas remain tense enemies to this day.

The Palestinian Authority: Secular Dictatorship. While recognized in Muslim values, the Palestinian Authority has always been secular. Following Arafat's death in 2004, Mahmoud Abbas was elected president of the PA for a five-year term, but he held the grip of power ever since. Today's Palestinian Authority is rife with corruption, its economy completely bankrupt, it suffers from unemployment of 20%, and without foreign subsidies it would collapse. Despite its election under the Oslo Agreement to make peace with Israel, the PA has remained dedicated to warring all of the Holy Land from Jewish control. It has never recognized Israel as a Jewish homeland and has demanded that all Arab refugees from Israel's War of Independence in 1948—as well as more five million descendants of those refugees—be "returned" to Israel, thus destroying the Jewish state demographically. Israel—under the sponsorship of President Bill Clinton in 2001 and George W. Bush in 2002—offered the Palestinians about 90% of Judea Samaria, as well as a capital in eastern Jerusalem, in return for peace. Yasser Arafat turned down the best offers, and Mahmoud Abbas has refused the second. Since 2014, Abbas has refused to negotiate with Israel.

Hamas: Islamist Dictatorship. An outgrowth of Egypt's Muslim Brotherhood—which also sponsored al-Qaeda in a fraternalistic Islamic organization. Its charter calls for the conquest of all Palestine—including present-day Israel—and the establishment of an Islamic state. Because of Hamas' brutal use of suicide bombings and rocket attacks on Jewish civilian populations, it has been declared a terrorist organization by the U.S. State Department and the European Union. While Hamas was power after Palestinian parliamentary elections in 2006, it has refused to reject violence, and in fact took violent control of Gaza. Today Hamas rules Gaza brutally, according to strict Sharia law. Hamas has benefited from war against Israel, most recently in 2014. Because of Hamas' religious ties to its territory under occupation from Egypt, Israel said the Palestinian Authority. While the PA and Hamas have made some attempts at reconciliation, all have failed, and relations between them remain poisonous. The people of Gaza suffer an unemployment rate of 40%, just five hours of electricity daily and a dysfunctional economy. Hamas regularly invades Israel's territorial support from land and Turkey, much of which is used to sustain the terror group's war against Israel.

In order to bring an Israel-Palestinian peace, all parties must sincerely want it and the capability of carrying out a plan for reconciliation. It's clear that today's Palestinian dictatorships lack the ability to make peace among themselves, let alone with Israel. It's time for people to demand peace with Israel. While Israelis pray for peace, Palestinian leaders still pray for Israel's destruction.

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Israel's official days of rest? These are among the law's handful of statutes

In fact, the hyperbolic reactions to the nation-state law in the West—like that of the Federation CEO—generally level no specific objections to any legal principles or outcomes of the law.

Rather, they resemble the whining we hear daily from the left—based on fundamental opposition to Israel as a Jewish state—or a search for excuses by squeamish American Jews for abandoning loyalty to *Eretz Yisrael*, because it's too assertive (or too Jewish).

One "controversial" section of the law names Hebrew as Israel's official language, while now classifying Arabic "only" as having "special status." California's population is 20% Hispanic, many of whom speak Spanish—yet Spanish has no special legal status in California. Nor does Russian have special status in Latvia, though 25% of its population speaks Russian. Call out the demonstrators and outraged *New York Times* reporters! Minority languages matter!

Likewise, the law in no way diminishes Arab rights or changes Arabs' status in Israel.

As for Israel's relation to Diaspora Jews, the law grants Israel zero power over Jews in the *galut*, nor gives Jews outside Israel any power over the State. In short, nothing will change—though Jews discomfited by fearless expressions of Zionism from Israel will no doubt continue to squirm.

In this week's featured article (see below), Judith Bergman, Israeli writer and political analyst at Jerusalem's Haym Saloman Center, accuses those criticizing the nation-state bill of unfair attacks—no less so than the constant carping of biased U.N. agencies against the Jewish state.

Indeed, while some have called Israel's new law simply unnecessary, the hysterical cries from the media and some American Jews rather reinforce the wisdom of having passed it. It would seem that a bold declaration of Israel's Jewishness is quite in order.

I hope you'll forward Bergman's concise, hard-hitting op-ed to friends, family and fellow congregants to help them understand why response to Israel's nation-state law says more about the critics and complainers than it does about the law itself—which is innocuous.

I hope you'll also visit FLAME's new [Facebook page](#), as well as read the P.S. below, which highlights FLAME's *hasbarah* message on why dysfunctional Palestinian dictatorships doom the Trump administration's rumored Israel-Palestinian peace plan before it's unveiled.

editorial *hasbarah* messages placed in media nationwide every month: The dire threats from Iran, Hamas and Hizbollah, the injustice of BDS, Palestinian anti-Semitism and more. If you support a bold voice that tells the truth about Israel in American media, please donate now.

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Best regards,

Ken Cohen

Editor, Facts and Logic About the Middle East (FLAME)

P.S. You've probably read about the new peace plan expected from the Trump administration, possibly coming in next few weeks or months. We at FLAME believe such a proposal—no matter what its tenets—will be a mistake, if for no other reason than that the autocratic governments of both Palestinian factions are currently unequipped and unsuited to be Israel's partners in peace. That's why FLAME has created a new *editorial message*—“[Peace with Palestinian Dictators?](#)”—*which will soon run in mainstream magazines and newspapers, including college newspapers, with a combined readership of some 10 million people. In addition, it will be sent to every member of the U.S. Congress and President Trump. If you agree that this kind of public relations effort on Israel's behalf is critical, I urge you to support us. Remember: FLAME's powerful ability to influence public opinion—and U.S. support of Israel—comes from individuals like you, one by one. I hope you'll consider giving a donation now, as you're able—with \$500, \$250, \$100, or even \$18. (Remember, your donation to FLAME is tax deductible.) To donate online, just go to [donate now](#). Now, more than ever, we need your support to ensure that the American people, the U.S. Congress and President Trump stay focused on the true obstacle to peace, which is the lack of a credible Palestinian peace partner.*

As of today, more than 15,000 Israel supporters receive the FLAME Hotline [at no charge](#) every week. If you're not yet a subscriber, won't you join us in receiving these timely updates, so you can more effectively [tell the truth about Israel?](#) Just go to [free subscription](#).

The discriminatory attacks on Israel's nation-state law

By Judith Bergman, *New York Daily News*, July 24, 2018

Israel's nation-state law has been widely condemned—with the European Union, the Organization of Islamic Cooperation and a number of American Jewish organizations leading the denunciations.

But is the international outrage really about the law itself, or is it actually about the problem the international community has with

accepting the reality of a Jewish state?

The EU expressed concern that the law would "complicate or prevent" the two-state solution, whereas the OIC called the law "racist, void and illegitimate." The ADL said that elements in the law "could undermine Israel's cherished democratic character," whereas the Union for Reform Judaism declared that the law would do "enormous damage . . . to the values of the state of Israel as a democratic and Jewish nation."

The denunciations of the law have centered on two elements:

The first is section 4 of the law, which says, "The state's language is Hebrew." This is no different from the French constitution, which provides that French is the language of France, or the Spanish constitution stipulating that Castilian is the official language of Spain.

The concern that the law will lead to discrimination of the Arab minority in Israel flies in the face of the guarantee contained within the law that the status given to the Arabic language before the law came into effect will not be harmed and that Arabic has a special status within the state. The international hysteria surrounding the provision is not based on facts, but on suppositions fueled by political agendas, which lead us to the second point of criticism.

The second point centers on the unique right to the exercise of self-determination in the state of Israel that the law bestows on the Jewish people. It is, again, completely uncontroversial under international law that the majority nationality of a nation-state enjoys the unique right to exercise its self-determination and the national sovereignty that flows from it.

It simply means that Israel is the sovereign state of the Jewish people—hardly a legal innovation. In Spain, for example, the constitution specifies that national sovereignty belongs to the Spanish people, and this principle—whether codified or not—is generally followed by European nation-states, which do not, as a rule, grant self-determination to the various minorities, even large ones, who are living in their territories.

The international community, however, is outraged that the Jews would apply to themselves the same principle that is considered perfectly acceptable for the rest of the world.

Crucially, Arabs enjoy full state sovereignty in 21 Arab states, covering the territory of more than 13 million square kilometers (5 million square miles). In contrast, there is one Jewish state covering a territory of 22,000 square kilometers (8500 square miles). The international community, evidently, is finding it hard to stomach the existence of that minuscule Jewish state as an equal sovereign state.

The problem, therefore, is not that the nation-state law is discriminatory, or unique to Israel, but that large segments of the international community are determined to treat Israel in a unique and discriminatory manner, compared to how it treats all other nation-states.

The uproar over the nation-state law, in this sense, is no different from the constant singling out of Israel for condemnation at the United Nations, especially at the UN Human Rights Council, a discriminatory practice that contributed to the decision of the U.S. to withdraw from the organization.

The Palestinian Authority, with PLO Secretary General Saeb Erekat at the forefront, has seized the momentum of the international condemnations and is reportedly planning to take the law to the UN, claiming it violates the UN charter, and planning to petition the International Court of Justice for an opinion on it.

The international community has once again done what it does best, when it comes to Israel: Fueled the conflict.

The logo for FLAME, featuring the word "FLAME" in a bold, white, sans-serif font. The letter "A" is stylized with a flame icon integrated into its top curve.

Facts and Logic
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