

A racist Jewish state

By Haaretz Editorial

Every day the Knesset has the option of passing laws that will advance Israel as a democratic Jewish state or turn it into a racist Jewish state. There is a very thin line between the two. This week, the line was crossed. If the Knesset legal counselor did not consider the bill entitled "the Jewish National Fund Law" as sufficiently racist to keep it off the agenda, it is hard to imagine what legislation she will consider racist.

In 1995 the Supreme Court rescued the state from callously discriminating against its Arab citizens through the Ka'adan case, which prohibited the Israel Lands Administration from discriminating against non-Jews by leasing land through the Jewish Agency. Since then the attorney general has stated that such discrimination is unacceptable - also when it is carried out through the Jewish National Fund. The MKs were unable to accept this egalitarian ruling, and on Wednesday a large majority of 65 voted in favor of a preliminary reading permitting such discrimination. The bill is also backed by the head of the Knesset Constitution, Law and Justice Committee, MK Menahem Ben-Sasson.

Any explanation by the supporters of the bill seeking to beautify it should be rejected immediately by anyone who cares about the country's image. This bill reflects an abasement of the Zionist enterprise to lows never imagined in the Declaration of Independence. Even though the Jewish National Fund purchased the lands for the Jewish people in the Diaspora, the State of Israel has already been established and these lands must now serve all its citizens.

For those living for tomorrow and not the past, the aim is to create in Israel a healthy, progressive state where the needs of the two peoples should concern the leaders and legislators. The Jewish National Fund's land policy counters the interests of the state and cannot discriminate by law against the minority living in Israel.

The clause in the bill stating that "the leasing of JNF lands for the purpose of settling Jews will not be seen as unacceptable discrimination," even though it involves 13 percent of state-controlled lands and allows for further expressions of discrimination. For example, the establishment of a university only for Jews on JNF land, or a hospital, or a movie theater.

It is not surprising that MK Uri Ariel, who favors the redemption of lands by Jews also beyond the Green Line, is the person who initiated the Jewish National Fund bill. But the support of Benjamin Netanyahu, Ami Ayalon, Michael Eitan, Reuven Rivlin and Shalom Simhon is a

very bad omen for the future of legislation in Israel. The Ka'adan case in the Supreme Court failed to bring about change. The power to discriminate was passed on to communities' acceptance committees that reject candidates by reverting to the clause of "being ill-suited to the community." If it was not for the Supreme Court's ruling in the Ka'adan case, it would have been possible also to reject non-Jewish candidates from Russia.

The Ka'adan ruling was exceptional in setting red lines, allowing a broad range for change, establishing norms and preventing the debasement of the rule book. It turns out that the Supreme Court is not omnipotent. In an instant, a racist Knesset can overturn its rulings.