

## **Loyalty to the Values of Zionism as a Condition for Acceptance to Community Settlements in Israel**

By Alaa Mahajna<sup>1</sup>

The amendment last month of the internal bylaws of the Mitzpeh Aviv community town, which falls within the jurisdiction of the Misgav Regional Council in the Galilee in the north of Israel, is part of a dangerous trend that is gaining an increasingly strong foothold in Israel. The amendment stipulates that an allocation of land in the town will be conditional upon a declaration by the person seeking to live there that, "His highest priorities are Zionist values and the values of the state as a Jewish and democratic state." On 10 December 2009, a new bill passed preliminary reading by a large majority in the Knesset after it was adopted by the Ministerial Committee on Legislation; this bill aims, according to its proponents, at, "preserving the ability to realize the Zionist vision in practice" in community towns, by imposing the condition of "loyalty" on residency applications.

Practically speaking, the bylaws amendment does not change the current situation since almost no Arab citizens of Israel live in the community towns. However, it entrenches explicit discrimination against Arab citizens that has a significant "chilling effect" on their right to choose their place of residence. The new bill, however, seeks to enshrine the authority of the community towns to choose prospective residents by a primary law of the Knesset.

Mitzpeh Aviv is not the first town in Israel to insert an amendment of this nature into its bylaws. The community towns of Manof and Yuvalim, also located within jurisdiction of the Misgav Regional Council, have previously approved similar amendments. It is also unlikely that these towns will be the last, given reports that a similar requirement is expected to be adopted by the community town of Atzmon, also located in Misgav. On 13 December 2009, Adalah submitted a letter to the Attorney General demanding that he order the cancellation of this condition in the bylaws of these towns.<sup>2</sup>

This trend is not confined to the field of housing. The Ministry of Education, for instance, wants Arab candidates for senior positions to demonstrate a "positive attitude" toward the values of "Israeli culture". The conclusion is clear: The political doctrine of [Foreign Minister and Deputy Prime Minister] Avigdor Lieberman, which demands loyalty as a condition for equal citizenship, is gaining momentum and permeating Israeli society at large, at the expense of democratic values. The aforementioned bill, which has the support of Israeli Jewish mayors in the Naqab (Negev) and the Galilee, is merely a reflection of these wider changes.

In modern states, the fundamental values of democracy inhere in the basic norms by which they operate. The status of these norms is deeply rooted in the socio-political climate, which tends to remain relatively stable over time. However, in Israel the political doctrine of a party that does not represent the center of society – Yisrael Beiteinu – is seeping into the heart of the public

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<sup>2</sup> In September 2007, Adalah filed a petition to the Supreme Court on behalf of the Zubeidat family whose request to live in Rakefet in the Western Galilee was rejected by the admissions committee of the Misgav Regional Council on the basis of their "social unsuitability". See HCJ 8036/07, *Fatina Ebriq Zubeidat, et al. v. The Israel Land Administration, et al.* (case pending). Overwhelmingly, these admissions committees exclude Arab families, Eastern Jews (Mizrahi), single-parent families, gays, and other social groups from community towns.

discourse. It is succeeding to undermine basic democratic values that are anchored in legislation and Supreme Court rulings, and to replace them with racist and anti-democratic values.

The demand for each prospective resident to demonstrate loyalty to the values of Zionism is contrary to basic democratic principles, primarily the principles of equality and the freedom of each citizen to choose his or her place of residence. In the *Qa'adan* case, the Israeli Supreme Court ruled unequivocally that the state is obliged to treat Jewish and Arab citizens equally in all matters pertaining to the allocation of land.<sup>3</sup> The court held that discrimination between Arab citizens and Jewish citizens in acceptance to community towns is prohibited. The demand to loyalty to the values of Zionism violates the principle of equality, as stipulated in *Qa'adan* as its principal objective is to exclude Arab citizens of the state from these towns. The demand for loyalty also raises questions about the relations between the Jewish majority and the Arab minority in Israel, as it essentially constitutes an attempt by the majority to impose a political view on the minority.

Further, the stipulation of a declaration of loyalty to the values of Zionism as a condition for being permitted to live in a town is unethical. For Arab citizens of Israel, the establishment of the State of Israel is etched in their collective memory as a trauma: the Nakba (catastrophe). As an integral part of the Palestinian people, the values of Zionism stand for their defeat and unwilling transition from the majority group in the area to a minority group in the state of another nation, according to its own definition. Thus, the demand that Arab citizens demonstrate loyalty to the values of Zionism is unethical.

Beyond the constitutional and ethical aspects of the issue, there is no practical way of enforcing the demand of loyalty. Thus the following questions arise: For the purpose of acceptance to a community town, what will Arab citizens be required to prove in order to be considered loyal to the values of Zionism? Will they be required to convert to Judaism? Will they be required to hang a picture of Theodor Herzl in their homes? How can loyalty be measured and what are the parameters by which a citizen's level of loyalty will be determined?

Conditioning the implementation of basic rights, such as the right to choose one's place of residence upon loyalty to the ideological view of Zionism is illegal as it constitutes discrimination on the basis of national belonging. It also blatantly violates the principle of equality and contradicts binding court precedents. The operation of admissions committees that set conditions based on the candidate's personal views is extremely dangerous. These committees serve as a means of "filtering out" groups that are not part of the majority. In principle, admissions committees can also set conditions to filter out other minority groups, and not only Arab citizens of the state.

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<sup>3</sup> HCJ 6698/95. *Qa'adan v. the Israel Land Administration, et. al*, PD 54(1) 258 (2000).