



Summary of 15 petitions filed to the Israeli Supreme Court against the Jewish Nation-State Law

December 2020

The Israeli Knesset enacted The Basic Law: Israel – The Nation-State of the Jewish People on 19 July 2018, by a parliamentary majority of 62 to 55.

A total of 15 petitions have been filed to the Israeli Supreme Court to challenge the law. One of the petitions was filed by Adalah – The Legal Center for Arab Minority Rights in Israel on behalf of the Palestinian Arab political leadership in Israel, represented by the High Follow-Up Committee for Arab Citizens of Israel, the National Committee of Arab Mayors, and the Joint List.

The first hearing on the petitions will be held before an expanded panel of 11 justices of the Israeli Supreme Court on 22 December 2020.

The **main provisions** of the Jewish Nation-State Law include:

- **Article 1** states that the Land of Israel (“Eretz Israel”) is the historic national home of the Jewish people, in which the State of Israel was established, and in which the Jewish people exercises its natural, cultural, and historic right to self-determination. It adds that the right to exercise national self-determination in the State of Israel is solely for the Jewish people.
- **Article 2** sets forth the symbols of the state, all specifically Jewish in character.
- **Article 3** defines the capital of Israel as Jerusalem, which includes occupied East Jerusalem.
- **Article 4** states that the official language of the state is Hebrew, demoting Arabic, which was previously a second official language, to a language with an undefined “special status”.
- **Article 5** establishes that immigration leading to automatic citizenship is exclusive to Jews.
- **Article 6** provides that the state will strengthen ties between the state and Jewish people around the word, and preserve the cultural, historic, and religious heritage of the Jewish people in the Diaspora.
- **Article 7** provides that the state views development of Jewish settlement as a national value, and will act to encourage, promote and consolidate its establishment, thereby instituting segregation as a new legal norm, and allowing for the annexation of the West Bank.

[CLICK HERE for all resources and documents related to the Jewish Nation-State Law](#)

The Petitions

1) *HCI 5866/18 High Follow-up Committee for Arab Citizens of Israel vs. The Knesset (2018)* –

Adalah submitted this petition on behalf of the Arab political leadership in Israel. Main arguments:

- The decision to define the phrase "we the people" without including Arab citizens is one of the gravest breaches of the principle of equality.
- Article 7 opens the gate to segregation and apartheid.
- The law is an unconstitutional addition to Israel's Basic Laws.

2) *HCI 5624/18 Riad Eghbaria vs. The Knesset (2018)*

The petitioners are a group of Israeli citizens, academics, and lawyers, who are "concerned about the State of Israel's future as a Jewish and democratic state". Main arguments:

- To declare Article 1(c) of the law as unconstitutional, as 25 percent of the state's population is not Jewish.
- To declare Article 4 as unconstitutional as it changes the status quo.
- To declare Article 7 as unconstitutional as it harms the housing rights of non-Jewish citizens.

3) *HCI 5555/18 Akram Hassoun vs. The Knesset (2018)*

The petitioners are Arab Druze representatives (Knesset members, heads of local municipalities). Main arguments:

- The law harms Druze citizens' right to equality and property.
- The law harms the "unique relationship between the Druze and the State of Israel and is widely seen as a disappointment for the Druze".

4) *HCI 4/19 Sami Michael vs. The Knesset (2019)*

The petitioners are a group of Mizrahi Jewish citizens of Israel. Main arguments:

- The law is not designed for a good purpose as it creates a hierarchy between citizens and national minorities.
- The legislative procedure was defective, as it excluded Mizrahi experts on history, religion, sociology and linguistics. It also harms Jewish scholarly heritage, Mizrahi women, equality between citizens, and initiatives for Jewish-Arab peace.

5) *HCI 9027/18 ACRI vs. The Knesset (2018)*

The petitioner is the Association for Civil Rights in Israel. Main arguments:

- The law moves society from the principle of equality to the principle of segregation.
- The law harms the right to self-determination for the indigenous national group in its own homeland.
- The law harms the Arabic language and declares it as a threat to the Jewish majority.
- The law's encouragement of Jewish-only settlements constitutionalizes inequality, which therefore is itself unconstitutional.

6) H CJ 9257/18 TLM vs. The Knesset (2018)

The petitioner is an NGO movement against corruption and for the rule of law, formed in September 2017. Main arguments:

- The law is unconstitutional as it overturns equality as a main principle of Israeli law.
- The law oversteps Israel's Declaration of Independence.
- The law puts Israeli democracy at risk.

7) H CJ 5741/18 Meretz vs. The Knesset (2018)

The petitioner is a left-wing opposition party in the Knesset. Main arguments:

- The law is unconstitutional as it makes inequality and segregation a constitutional value, and therefore puts Israeli democracy at risk.
- The law is the first of its kind in the world, as it does not contain any principles and rights regarding minority groups.

8) H CJ 6622/18 Firas Azzam vs. The Knesset (2018)

The petitioners are a group of lawyers, citizens, and residents of Israel. Main arguments:

- The law makes segregation a constitutional value.
- Article 7 is unconstitutional as it harms the rights of Arab citizens to adequate housing and property, and the ability of Jews and Arabs to live together in peace.
- Declaring that Arabic is no longer an official language harms the collective rights of the Arab minority.

9) H CJ 5742/18 Morsi Abu Moch vs. The Knesset (2018)

The petitioner is the head of the municipality of Baqa Al-Gharbiye, an Arab town in central Israel. Main arguments:

- The law constitutes a disproportionate breach of the Arab minority's rights.
- The removal of Arabic as an official language harms the Arab minority, including its right to freedom of religion, as the language is one the core aspects of Islam, Druze, and Christianity.
- The law is unconstitutional as it eliminates the principle of equality.

10) HCJ 5851/18 Hassan Hieb vs. The Knesset (2018)

The petitioners are former Israeli military generals from Bedouin villages & towns. Main arguments:

- The law goes against the democratic principle of equality.
- The law constitutes inequality, which may harm the rights to dignity, property, and safety of the Arab minority.
- The law fails to harmonize the state's dual definition as Jewish and democratic.

11) HCJ 6066/18 Rafiq Halabi vs. The Knesset (2018)

The petitioners are leaders of the Druze community, including the head of the municipality of Daliyat Al-Carmel, an Arab town in northern Israel. Main arguments:

- The law goes against Israel's Declaration of Independence.
- The Knesset does not have the legislative authority to initiate laws that contradict the Declaration of Independence and the core principles of Israeli democracy.
- Article 1 excludes Arab citizens and features aspects of ethnic supremacy.

12) HCJ 6939/18 Gadi Gvanyahu vs. The Knesset (2018)

The petitioners are academics in Israel. Main arguments:

- The law harms the entire basis of equality in the State of Israel, leaving the door open for segregation and racism against the non-Jewish population.
- The law's inequality harms the state's definition as Jewish, as it stands contrary to Jewish values as interpreted by the Supreme Court.
- The law puts the Jewish diaspora around the world at risk.
- The law is an unconstitutional addition to Israel's Basic Laws.

13) HCJ 7256/18 Adv. Shakib Ali vs. The Knesset (2018)

The petitioners are a group of lawyers and civil society activists, most of whom are Druze citizens with left-wing affiliations. Main arguments:

- The law is not democratic, and is therefore contrary to the state's self-definition.
- The law does not contain a provision on equality as a main principle of Israeli law.
- Articles 1, 4, 6 and 7 are especially unequal and encourage segregation between Jewish and Arab citizens.

14) HCJ 6710/18 Mario Traktinsky vs. The Knesset (2018)

The petitioners are all family members, relatives, etc. Main arguments:

- The law undermines the concept of equality, which was one of the basic principles of the state's "founding fathers".
- The fact that the law does not contain equality means it contradicts the Basic Law: Human Dignity.
- The fact that the law does not contain equality undermines Israel's Declaration of Independence.

15) HCJ 6552/19 Micha Olman & others vs. The Knesset (2019)

The petitioners are a group of scientists, writers, artists, and translators, most of whom are Jewish.

Main arguments:

- The law goes against the values of the state as "Jewish and democratic" as it makes the state eternally "exclusive" for the majority, which is against democratic values.
- The law excludes a quarter of Israeli citizens from the state's self-definition, making equality, which is also a Jewish value, irrelevant.
- The Knesset changed the constitution in a way that undermines all the basic values of the way of governance in Israel.