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Is Israel's democracy in danger? The controversial proposed legislation of the ruling right-wing coalition

Over the past few months, Israel has been hitting the headlines in an unusual fashion. It is not just the unresolved conflict with the Palestinians and Israel's charged relationships with Iran and its Arab neighbors that are focusing worldwide attention on the country. Previously Israel had, quite rightly, styled itself the only democracy in the Middle East. Recently, however, there have been domestic political developments triggering vehement and passionate disagreements about the liberal, pluralist and democratic nature of both state and society.

This year, radical settlers from Jewish settlements in the occupied West Bank who use violence against Palestinians and their property, as well as mosques, have added an extra tactic. On a number of occasions they have forced their way into Israeli army bases and gone on the rampage. In one incident they damaged military equipment and, in an unprecedented step, threw stones at a senior Israeli officer, who sustained injuries. Extremist representatives of ultra-Orthodox Jewish circles have publicly cursed and spat at women because they were not prepared to sit at the back of the bus, were not dressed "appropriately," or used what the extremists have defined as men-only sidewalks. Reactions to these events by the general public and political circles have sparked intense discussions and protests. In the city of Beit Shemesh several thousand people demonstrated against discrimination against women. There was all-round condemnation of the radical settlers' violent action against the army, which is actually there to protect them.

In addition to these social conflicts, for months now a series of controversial legislative initiatives from the rightist coalition, which has been in power since 2009, have generated vehement debates. For the opposition and its supporters, these bills constitute an attack on democratic principles as well as a danger to the liberal nature of Israel society. From the standpoint of the initiators of the proposed legislation and their political adherents, these initiatives are an expression of majority views and are absolutely vital in order to strengthen Israel and reinforce the Jewish character of both state and society.

The laws can be divided into four groups: 1) financing conditions for NGOs, primarily those critical of Israel's occupation policy, must be altered; 2) in the media, investigative journalists should be deterred; 3) legislative initiatives designed to discriminate against Israeli Arabs (20% of the country's population), thereby undermining the principle of equality; 4) limiting the independence of the Supreme Court and increasing the influence of politics on the judiciary.

Why are these legislative initiatives being put forward now of all times, and why are there so many of them? Overall, for an explanation we have only to look at the outcome of the February 2009 elections, with a clear victory by the

right-wing and religious/ultra-Orthodox parties. In addition to the national-conservative Likud led by Benjamin Netanyahu, four additional parties joined the new government. These are further to the right than Likud: the ultra-nationalist Yisrael Beitenu, the two ultra-Orthodox parties Shas and United Torah Judaism, and the religious nationalist Jewish Home (Habayit Hayehudi) party. Until early 2011, the moderate left-wing Zionist Labor Party was also a member of this government. However, under the leadership of Ehud Barak – who left this party in January 2011 and remained in the government as a representative of the new Atsmaut party founded by him – Labor could no longer function as a political counterweight to the rightist and religious coalition partners. Instead Netanyahu made clever use of the Labor Party, especially in the context of the Middle East conflict, as a left-wing fig leaf for his own political agenda which seeks to maintain the status quo.

In the meanwhile, the parliamentary representatives of the ruling right-wing and religious parties are in a unusual position for Israel. When it comes to putting their ideas of state, politics and society into practice, they have a more or less free hand with no need to take account of any moderate or left-wing coalition partners. The current legislative initiatives of the government camp are therefore a reflection of this situation. When criticized by moderate and left-wing forces, they retort that all they are doing is to put into practice the mandate that they have received from the electorate, in accordance with their party platforms and electoral manifestos. Those parties which in the past provided a balance of power, mediating between Right and Left, secular and religious forces, or actually headed governments (Kadima, Labor, Meretz), are now all in the opposition and at the moment represent nothing more than a distinct minority of the Israeli population.

Another – perhaps the decisive – explanation for the plethora of legislative initiatives are shifts in the ideological balance of power within Likud itself. While the party has always pursued a right-wing national policy, in the past the liberal values of freedom, as represented by its ideological founding father Zeev Jabotinsky or Menachem Begin, were never questioned. In 2005 a group of moderate and liberal Likud members, together with Ariel Sharon, left the party and founded Kadima together with Labor Party representatives. In their stead came a new generation of politicians who clearly had a political understanding of values which differs radically from those of their predecessors. Zeev Elkin, Danny Danon, Tzipi Hotovely and Yariv Levin are the representatives of this new generation, and together with Yisrael Beitenu's parliamentary members they are the main driving force behind these new legislative initiatives. Dan Meridor, Deputy Prime Minister and representative of Likud's liberal wing, has said about this development, "This is not the Likud that I know." And Knesset Speaker Reuven Rivlin (Likud) said at a conference of his party, "The new Likud is not committed to freedom, to Jabotinsky and Begin."

For months these legislative initiatives have been the subject of a major and sometimes very heated national debate about the democratic and constitutional status of state and society. Reference is made to violations of basic civil rights and the gradual elimination of Israeli democracy, to the stigmatizing of dissidents as in the McCarthy era, and even to fascist political methods. Countering these points, the initiators of this legislation repeat time and time again that their policy is approved and supported by the majority of the population.

Cabinet minister Benny Begin – a representative of Likud's right wing but at the same time an out-and-out liberal – has condemned the draft legislation to restrict the financial support of critical NGOs as a method common in dictatorships. Israel's President Shimon Peres has said about the draft legislation that seeks to reduce the independence of the Supreme Court: "It deviates from the democratic spirit of the State of Israel." Dorit Beinisch, outgoing Supreme Court president who will leave office in February 2012, has made an unprecedented acerbic comment, "This is a campaign of deception by its very nature, and its character is earthshaking and poisonous. This is the method of propaganda. And it entails open incitement against the court and its justices." These developments have also occasioned concern among Israel's friends abroad. In early December Secretary of State Hilary Clinton

said at the prestigious Saban Forum in Washington she really cannot understand what is going on in Israel. In a period when the U.S. is working hard to strengthen civil sector organizations and structures, Israel appears to be moving in the opposite direction. And the public exclusion or boycotting of women, Clinton said, reminds her of extremist regimes.

To round out the picture, below we summarize analyses of this topic by two important players in the domestic Israeli debate. Research undertaken by **Prof. Mordechai Kremnitzer**, vice-president of the Israel Democracy Institute, together with his colleagues **Shiri Krebs** and **Amir Fuchs**, reaches the conclusion that while Israel remains a vibrant democracy, at the same time an erosion of democratic values is taking place, with the concomitant danger that Israel might lose its character as a liberal society. Prof. Kremnitzer analyzes the right-wing coalition's various legislative initiatives and divides them up into three groups according to their political thrust: 1) legislative initiatives that violate the basic principle of equality by discriminating against and excluding Israeli Arabs; 2) legislative initiatives that attack freedom of speech and opinion; and 3) legislative initiatives that seek to reduce the independence of the Supreme Court. He notes that in the absence of a formal constitution, the Supreme Court plays an especially important role in safeguarding democratic rules relating to human and civil rights. This is why the combination of anti-democratic legislation and a campaign against the Supreme Court is so dangerous.

Diametrically opposed to Mordechai Kremnitzer, **Emily Amrousi**, a journalist and columnist for the right-wing daily newspaper Israel Hayom and former spokeswoman for the West Bank Settlers Council, sees the current legislative initiatives as an expression of a true democracy in Israel that is finally starting to appear. In her opinion, while it is true that since Menachem Begin's 1977 electoral victory the government has been largely dominated by rightists, there has always been a de facto domination by the Left of the public sector, the legal system, science and the media. Now, she says, in their work as legislators, elected Knesset representatives are simply putting into practice the democratic mandate granted to them by the majority of Israeli citizens. Hence what left-wingers call a "violation of democracy" actually strengthens Israel's sovereignty and wards off foreign interference in domestic matters. The legislative initiatives that relate to the Supreme Court are utterly justified, she argues, since this body currently wields far too much power. In addition, the defamation law is a vital warning signal to journalists who play fast and loose with the truth and fail to live up to their responsibilities. In addition Amrousi goes into the most recent events in which representatives of the ultra-Orthodox community have discriminated against women. For her these constitute signs of a worrying religious radicalization. But at the same time she contends that the idea of separation of men and women is a natural desire that in no way constitutes an expression of the oppression of women.

Dr. Ralf Hexel, Director of the Israel Office of the Friedrich-Ebert-Stiftung
Herzliya, January 5th, 2012

Israel – A Challenged Democracy

By Prof. Mordechai Kremnitzer, Shiri Krebs and Amir Fuchs

Democracy is more than just a technical framework or a free elections procedure. A democratic regime has intrinsic value, substance and core basic principles. The most important ones are under direct attack these days in Israel, by its legislators: Equality and freedom of speech and association. On top of that, the only institution that can protect minority rights in Israel, the Supreme Court, is also targeted by a series of bills aimed at the court's authority and independence.

Equality

The first principle under threat by new legislation is the principle of equality. A large group of new laws and bills breach the equality principle, by discriminating against Israeli Arabs and excluding them.

1. Legislation initiatives to impose "Loyalty oaths"

A cluster of legislative proposals have recently been proposed in the Knesset aimed at introducing a declaration of loyalty to the "Jewish and democratic state" at various crossroads in a citizen's life. These include naturalization, swearing in to the Knesset, appointments to the civil service or municipal authorities, and obtaining passports or licenses.

These proposals cast aspersions on the loyalty of the Arab citizens of the State, many of whom would presumably be unwilling to sign such declarations, as they may view the term "Jewish state" as an expression of discrimination against them.

As will be shown, these proposals go hand in hand with proposals that change the meaning of "Jewish and Democratic" in a direction that is problematic and offensive from the point of view of the Arab minority. This increases the difficulty for Arabs to sign these declarations.

2. Legislation initiative to block Arabs from being accepted to small villages

One of the most harmful initiatives, that was ratified last summer as a Law, is the "Admission Committees Law". This law would permit admission committees in small villages with less than 400 families that are located in the Galilee and the Negev to reject candidates requesting to purchase a house in the village, on a number of grounds. These include "unsuitability to the social-cultural fabric" of the village. As understood by the chairman of the Knesset Constitution, Law and Justice Committee himself, the purpose of this law, in fact, is to prevent "non-Zionist elements"—i.e. the majority of Israeli Arabs – those who did not serve in the army or volunteered to national service—from moving into small villages.

Apart from severely limiting the residential options of non-Jewish minorities, the law would also enable severe infringement upon the rights of the weaker strata of Israel's Jewish population. It will enable the exclusion of new immigrants, Ethiopians, Russian immigrants, single parents, homosexuals, or any other group considered "unsuitable" in the eyes of the "social-cultural" majority.

3. Legislation initiative to sanction government funded institutes that commemorate the "Nakbah"

This law was also finally ratified. The Nakbah is the Arab word for "catastrophe" and the Palestinians use it to mark the day of the establishment of Israel, in memory of their disaster as 1948. The law allows the minister of finance to denounce funding from public institutes (for example, a local community) if they spend money on events that commemorate the Nakbah. It should be stressed that the law allows the minister of finance to sanction the institute up to 50% of the institute government funding or up to three times the amount of money spent.

We find this law discriminating and infringing upon freedom of speech, based on the content of the speech which is uncomfortable for the majority. This is a show of intolerance. Since the sanction affects others than these who made the decision (for

example, the residents of the municipality) it involves also an aspect of a collective sanction.

This law fits well with the other anti-Arab laws and bills, aimed to delegitimize the Arabs as a native minority and a legitimate political group in Israel.

It seems that Hamas' agenda to eliminate Israel coupled with the Iranian nuclear threat are enhancing fear in the hearts of most Israeli Jews. Fear is an enemy of freedom. Despair concerning the possibility of peace with the Palestinians breeds chauvinism, intolerance and hostility towards the Arab minority and an authoritarian inclination.

Freedom of speech

One of the most vital principles under attack these days, which is necessary for the existence of any democratic regime, is freedom of speech.

Sadly, it seems that current Israeli leadership does not share this understanding of democracy, and struggles to narrow and restrict this fundamental democratic right. In the name of 'loyalty' to the state, Israeli MKs as well as Government members seek to prohibit speech which criticizes the Government. Moreover, they delegitimize opinions which are held by minorities, opposition members and the civil society, and treat those as an existential threat to the State.

Several examples from the past few months demonstrate this troubling tendency to silence legitimate criticism and to prevent civil protest:

1. Legislation initiatives to restrict left-wing, human rights and civil society organizations' funding

In the past months Knesset members have been promoting several bills intended to ban or to restrict NGOs in Israel from accepting donations from foreign governments and international bodies such as the United Nations or the European Union. The purpose – according to M.K. Ofir Akunis (Likud) is to prevent inciting activities which cause "civic unrest". Foreign Minister Lieberman related to the NGO's as "assistants to terrorism". At present, according to the bill, any organization which is not sponsored by the state shall pay 45% tax on contributions that originate

from a foreign state. It also authorizes the finance committee of the Knesset – a purely political body – to exempt an organization from this tax. This is not better than the initial proposal to establish a parliamentary commission of inquiry to investigate the activities and funding of the NGO's. Moreover, this bill holds that any contribution from foreign states will be completely banned, if it acts for several specified purposes.

Thus the bill treats in the same manner organizations that supports an illegal armed struggle against the state or incites to racism, along with the other legal activities, which are fulfilling the basic rights of freedom of speech (such as supporting a nonviolent civil boycott) and the rule of law principle (such as supporting adjudication of war crimes outside of Israel). This bill jeopardizes Israel's relations with many foreign states, which are treated as the 'enemy'. It ignores the universal nature of human rights. The bill is motivated by a concern about delegitimization of the state of Israel. However, in a paradoxical way, it undermines one of Israel's most precious assets – its Democracy and thus plays into the hands of Israel's foes.

2. Legislation initiatives to silence investigatory journalism

An amendment to Israel's Defamation Law, proposed by MK Yariv Levin (Likud) and MK Meir Shitrit (Kadimah), just passed its first stage of legislation. According to this amendment, the compensation for slander or defamation will be increased from 50,000NIS to 300,000NIS and in some instances to 1.5 Million NIS - in cases in which no damage was proved. Moreover, the amendment obliges newspapers to publish the comment of his subject in full, no matter how long it is. Disguised as an initiative to promote the truth, this amendment has the dangerous potential to discourage and prevent investigative journalism. According to the existing Law it is not sufficient that the newspaper took all the reasonable steps to discover the truth – it has to prove the truthfulness of the publication. On this background – this new bill, if adopted, will have a chilling effect and may silence the watch dogs of

democracy; especially since the economical situation of most media operators is difficult.

3. Legislation initiatives to prevent the public from exercising its right to peaceful and nonviolent protest

The Defamation Law goes hand in hand with another recent legislation initiative: the Anti-Boycott Law, which was passed by the Knesset a couple of months ago. According to this new law, a person or an organization calling for the boycott of Israel or the Israeli settlements in the West Bank can be sued - for an unlimited amount - by the boycott's targets that need not prove that they sustained any damage. Thus, a call to theatre actors to refrain from performing in the West Bank has become a civil wrong. The moral propriety of using boycott as a means of public discourse can be debated, it is a long and unjustified shot to intervene by Law and to outlaw a call for boycott. The implicit message of the Law is that there is no difference between Israel and the West Bank: opposition against the settlement is regarded as hostility towards the state of Israel.

Put together, these three recent examples, along with the Nakbah Law discussed above as well as other recent legislation initiatives, demonstrate a weakening of Israel's commitment to freedom of speech. The initiators and supporters of the anti-democratic legislation seek to delegitimize criticism against the government and its policies; they purport legitimate and nonviolent activities as 'disloyal' actions intended to extinct the mere existence of the State. Free speech is the corner-stone of democracy. When freedom of speech is limited, the value of elections becomes also limited.

The Supreme Court

A cluster of recent legislative proposals seek to curtail the Supreme Court's power to strike down Knesset legislation. Other proposals seek to limit constitutional review by restricting it to an expanded panel of judges and to a special majority. In addition, one of the proposals includes an override mechanism, which would enable the Knesset to re-enact laws struck down by the Supreme Court.

Another cluster endangers the courts' independence, by proposing to change the way judges are being appointed, and to give more power to the politicians in the process of the appointment.

In the absence of a formal constitution, the court has a crucial and unique responsibility for maintaining the democratic rules of the game and safeguarding human and civil rights. During the first decades after the establishment of the state, the Court defined a legislative bill of rights whose role, in retrospect, has been critical in the establishment of the Israeli liberal-democracy.

Furthermore, given that the Arab minority lacks political power and has been excluded from participation in the government, the Supreme Court, convening as the High Court of Justice, provides the only protection it has from the tyranny and discrimination on the part of the majority. This is also true for the Palestinian residents of Judea and Samaria, who have no political rights at all. And a large body of Supreme Court decisions proves that Jewish citizens, too, often need judicial protection of their rights.

Independence of the judiciary and high quality of judicial professionals are essential assets of the judiciary.

Any attempt to strike at the Supreme Court – whether through politicization of the process of selection of judges or limitation of its authority to safeguard human and minority rights – is a strike against democracy. The combination of anti-democratic legislation and the campaign against the court is especially dangerous.

Summary

It should be stressed that Israel, at the time being, is still a vibrant democracy. Just this summer, almost half a million Israelis came out of their homes to protest peacefully, without any disturbance from the authorities. The Israeli press is still critical towards the government, and the democratic procedures of the government are intact. Nonetheless, there is erosion in the values of the Israeli democracy. A fierce battle over the soul of Israeli society is taking place. Will

Israel continue to be a liberal democracy or will it lost its liberal character? Will it adopt or reject the misconception according to which democracy means exclusively – The rule of the majority? There is hope that the Israeli citizens, committed to democracy, will put their might to defend liberty and human dignity. If they do, the Israeli democracy can be saved.

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Democracy is the name of the game

By Emily Amrousi

In 1977, for the first time since the establishment of the State of Israel, the conservative national Zionist camp won the elections and its Prime Minister (Menachem Begin) formed a government.

Thirty-five years have passed since then. For most of those years--twenty-four of them--the Israel Right controlled the government. A woman like me, who holds right-wing views and believes in the right of the Nation of Israel to the Land of Israel, should be satisfied.

But the political change was illusory. Time after time, the Israeli democracy elected a Right-wing government by a clear majority; and time after time, the electorate received the opposite. No matter who was elected at the polling booths, Left-wing policy was hegemonic. In fact, the Right never really ruled Israel at all.

In the early years of the establishment and growth of the young State of Israel, the Mapai government extended its control over most of the spheres of life of Israeli citizens: from management of the Kupot Cholim (health funds) to the hubs of employment. By 1977, the ideological Left had succeeded in establishing a de-facto hegemony in the Israeli centers of influence, including: the judicial authority, the academic elites, leadership of the public authority (the State Attorney is a clear example)-- but especially the mass media. The 1977 elections and subsequent three decades did little to change the status quo: the Left's power center refused to grant representation to other (significant) Israeli population groups. The opposition continued to rule and conduct the state--outside the Knesset.

The mass media, a powerful tool in every democracy, is controlled in Israel by an aggressive minority group of liberal-leftist orientation. It is a dictatorship that imposed itself on the State of Israel without being elected to do so. It is a closed club; outsiders are barred. When conservative journalists approach, they

close ranks. Their unconcealed agenda has succeeded in swaying policymakers more than once. The press has promoted and encouraged controversial policies that have torn the nation apart from the inside: political agreements, the military withdrawal from South Lebanon, the uprooting of Gush Katif and settlements of North Samaria.

Strange as it may seem, Israel's Knesset that faithfully represents the entire Israeli population is called upon to defend itself from the oppositionary elites who control the various power centers. Now, when Right-wing legislators dare to realize the mandate given them by most of the citizens of Israel--the response of the Left camp is to brand the wave of legislation as "anti-democratic." It is the first time that their hegemony is threatened, the first time that a real window of opportunity has opened for change and to give a voice to the variety of opinions that reflect the positions of the wide public. The response is, of course, "harm to democracy."

Are you serious? This is the very essence of democracy! The test of democracy and inclusion is now imposed on the defeated Left, and we ask you: Are you democratic, are you able to accept the verdict of the voters even when it doesn't match your world view? Time after time, you failed to win the confidence of the public yet you continued to rule. And you talk about democracy?

Every first-year political science student knows to recite that all democracies must contain "checks and balances" in the form of three governmental branches: the legislative, executive and judicial. This is in order to stabilize the government and ensure that no one branch gain too much power at the expense of another. In Israel, when the government turns to the right, the checks and balances are applied at full force. But when the government turns leftwards--then the checks and balances are silenced, leaving the path open wide for Left-wing desires.

One example is the Oslo Agreement, a most critical agreement for Israel's future, which was passed by a haphazard, narrow majority in the Knesset. The

disengagement, or expulsion of ten thousand Israeli citizens from their houses and uprooting of 26 flourishing communities, was an anti-democratic process supported by stealing the voters' mandate--voters who voted Right and received Left. Ariel Sharon fired two ministers of the government so that he could pass the disengagement plan. He ignored the results of the grass-roots Likud poll, thus trampled on democracy. Checks and balances disappeared: the media, the State Attorney, the academia and the legal system all realigned themselves around the Prime Minister's 180-degree turn. After all, his turn was leftward.

Nowadays, the regular work of Knesset members—legislating laws-- is being condemned as anti-democratic. The attitude is not to each law individually but to them all together, as if there was some kind of mysterious intrigue to destroy Israel as a free nation, and as if there was a connection between the Libel and Slander Law to the income tax regulations for non-profits.

Among the present hysterical outcries, let us remember, a few things:

1. Democracy is democracy, even if it is inconvenient and the majority does not agree with your own opinions.
2. The changes taking place today are too few and too late.
3. When each law is examined individually, it is hard to distinguish any real harm to the Left.

Amendment to the Libel and Slander Law

The goal of the amendment to the law that was proposed by MK Ofir Akunis of the Likud, is to prevent foreign governments from interfering in the internal issues of the State of Israel by cutting off their "contributions." We are talking about foreign governments who inject money to controversial non-profits (*amutot*) whose main activities are connected to the very heart of the political controversy in Israel. This amendment would stop this money flow, thus strengthening the State of Israel's independence and sovereignty.

People have tried to present this bill as causing harm to human-rights organizations. But a close reading of the bill reveals that it only relates to *political* non-profits whose avowed purpose is to "influence the political and military agenda of the nation." In fact, those political non-profits can continue to operate as much as they want, but without financing by foreign countries (private contributors and private funds can continue to contribute money).

European countries and the European Union have transferred millions of euros in recent years to organizations whose activities within Israeli society have not earned the support of the Israeli public. Let me repeat: These organizations do not operate after-school drama classes in development towns or compensate farmers for damages caused by climate-weather changes. Their overt, proclaimed goal is change in government policy-- but their covert objective (in my opinion) is the liquidation of the State of Israel as a *Jewish state*.

Israel is one of the only countries in the world that allows other countries to interfere in its internal affairs, thereby turning its back on such 'paltry issues' as sovereignty, democracy, and will of the voter. Thus a tiny minority with largesse of resources from abroad-- but only a tiny Israeli support base—wields tremendous influence. Perhaps voting in Israel is only a symbolic act: after all, Switzerland, Holland and Spain know what is best for us. Even the British occupation lingers on. Our Left-leaning citizens should take the high road and try to convince the citizens of Israel by legitimate, local methods.

Changes in the election of justices to the Supreme Court

The current naysaying cacophony argues that changing the composition of the committee for selecting justices (so that it should resemble the accepted procedure in all western nations today)—will weaken the Supreme Court. The fact is that public confidence in the Supreme Court has plummeted in the last decade from almost sweeping support to an unprecedented low. This happened not because of political involvement of the Knesset in the Court, but the reverse—involvement of the Supreme Court in the

Knesset. The legislative revolution led by the previous Supreme Court President, Chief Justice Aharon Barak, employed a judicial activist approach which led to de facto control over Knesset legislation. The public viewed this as politicization of the legal system, and trust in it deteriorated accordingly. In the words of Dr. Dror Eydar, my colleague in *Israel HaYom*:

“Who determined that the values of one person -- however great he or she may be -- are identical to those of an entire nation? Who authorized Aharon Barak to decide for the general public the ‘right virtue’ and policies concerning political and cultural issues that have always divided our society?”

Thus, what is needed today is legislation to limit the tremendous powers of the Supreme Court. The current Supreme Court has leveraged its powers to a level that is unique among Western nations; as a result, the self-evident and necessary checks and balances between the three branches of government are dangerously lacking. Aharon Barak’s famous maxim, “Everything is subject to judicial review,” marks the court as political. In addition are unconcealed court positions that prefer “universal values” over Zionist values and humanism over the welfare of the Israeli nation that is fighting a battle for its physical survival. A step that could restore public confidence in the court system would be involving population groups that were excluded for years and implementing democratic nominations of justices—not in the cronyistic style of the closed club, “one member brings another”.

Libel and Slander Law

An overall call-to-arms atmosphere has pervaded the mass media. Israeli media has enjoyed a long period of monolithic ideological uniformity regarding basic political and cultural Israeli issues. There is not even one radio or television broadcaster with conservative or neo-conservative leanings—and this lack is even more critical with regard to public networks such as Galei Zahal and the National Broadcasting Authority. Large populations composing the majority of Israeli society—*olim* (immigrants) from the FSU, ultra-Orthodox Jews, Right-wingers, Arab citizens of Israel—are all excluded from the microphones and

television screens and are not represented, even partially. Most of the journalists belong to the minority that silences the voices of the majority.

Regarding democracy, I ask: Where were all the knights of democracy when the state decided about a decade ago to close down Arutz Sheva, the only national radio network of the Israeli Right? Its brutal shut-down silenced a huge public, depriving it of the only outlet for expression of its opinions.

The amendment to the Libel and Slander Law – commonly known as the “Silencing Law”-- is being portrayed as an attempt by Netanyahu to take control of the Israeli media. In reality, it is an amendment to a law stating that any individual, about whom something false was publicized, may sue for damages in court for compensation of up to 300 thousand shekels without having to prove damage. This is instead of the ceiling of 50 thousand shekels according to the current unamended law.

I view this as a rightful law whose purpose is to instill caution and responsibility in the hearts of trigger-happy journalists. All it means is that people, who think they have unearthed negative information about someone, will double-check their sources one more time before publicizing the information. That’s all. The amendment contains no element of muzzling free speech but, instead, an appeal to weigh one’s words; it is a warning light to wagging tongues.

My colleague Kalman Libskind, a journalist for *Ma’ariv*, visited the “Free Press” convention held in protest of the Libel Law Amendment. He said the following:

“Five hundred thousand newspaperman gathered there to lament the approaching storm on democracy. But it was not freedom of expression or democracy that worried them. Each and every one of them came to this convention with a grudge against the stupid Knesset members of the Right, elected by the stupid nation.”

The current outcry is not only connected to the anticipated effect of the specified damages-sum (300,000 NIS) regarding the writings of the free press, as they attempt to portray it. Instead, the Left is up in

arms to protect its hubs of power, and the talk about the Libel Law Amendment is only icing on the cake. They are not interested in the law so much as concerned that the old media order is facing a possible revolution that will soon give media expression to opinions and outlooks held by most of the public. And by the way, the revolution is not connected to Netanyahu but stems from the grass-roots level: the people demand media justice.

Anti-noise law

The law that was nicknamed the “Muezzin Law” is merely an environmental law to prevent unreasonable use of PA (public address) systems by houses of worship.

The initiator of the law, MK Anastassia Michaeli, proposes a list of solutions so that the powerful amplifiers calling for prayer in the mosques should not disturb the peace of other inhabitants and lower their quality of life. Some of the solutions are even employed in Arab countries, such as: directing the PA systems into the relevant communities, synchronizing the various PA systems to one simultaneous call for prayer, and control over the sound-level of the transmissions.

Hundreds of thousands of Israeli citizens living in the Galilee, Negev, Jerusalem, and mixed cities suffer on a daily basis from environmental noise caused by the calls of the muezzin, especially in the early morning hours. The more that Israel becomes a densely populated state, the more the muezzin becomes a major environmental nuisance that adversely affects the quality of life of many citizens.

The purpose of the law is to limit the noise-levels from the mosques, not to abolish the muezzin. It is inconceivable that the rights of the one who prays, should take precedence over the rights of the other to sleep. In addition, the legislator must ensure that the mosques do not turn into sources of friction and strife, but simply provide religious services.

Nevertheless, in light of the sensitivity of the subject, it is imperative to implement the relevant criterion in a spirit of understanding, dialogue and agreement, without infringing on the basic right to pray.

Attitude toward women

In the State of Israel, as all Western nations, women are accorded equal treatment. Of course, there is still a long way to go until we achieve full equality between the genders, but this is an issue that concerns the entire Western world. Women in Israel acquire an education, climb the occupational ladder and assume high-level public positions. They enjoy basic freedoms such as rights over their own bodies, equal opportunity and personal safety.

Women’s status in Orthodox (religious) and ultra-Orthodox (*haredi*) society is also in the process of development and empowerment. Women go to work out of economic necessity but also out of a need for self-expression and self-fulfillment. Orthodox women acquire university degrees and serve in public and managerial positions.

Recent decades have seen changes in the approaches of the Orthodox and ultra-Orthodox world regarding modesty and the *halachot* (religious laws) connected to it. Various rabbis have implemented more stringent practices than in the past. Some claim that this has been a reaction to the sexual permissiveness and licentiousness of the secular world that has become progressively more flagrant—in daily dress on the street, on the billboards, in lifestyles.

This trend of radicalization of modesty laws was first expressed in gender separation in schools; even the mixed-gender schools of the religious Zionist movement were separated. (The writer of these lines studied in mixed classes until eighth grade; this was the norm until recent years.) Afterwards, the separation trend penetrated the youth movements. For example, Bnei Akiva boys and girls attended separate activities. The next stage was separation, including use of a *mechitza* (partition), at family events such as weddings and bar/bat mitzvot.

Simultaneously, the gender-separation trend deepened in the ultra-Orthodox world. Those who wanted to outdo the others in “Mehadrin” religious observance, demanded even more scrupulous separation between the sexes—to the extent that it

became a “religiosity index” of a person or society. Next came the requirement for separate seating in public transportation, mainly on specific bus lines that travel only in ultra-Orthodox communities. Eventually, extremist ultra-Orthodox groups erected long partitions on their main streets during *chagim* (Jewish holidays) when the streets are very congested. Some of the extremists even wanted to allocate separate sidewalks to men and women on the main street of the Meah Shearim neighborhood in Jerusalem.

But before we criticize, let us choose our words carefully. When men and women are separated on sidewalks, busses, and in kindergarten graduation parties and fitness centers—this is not “exclusion of women” but separation of the sexes. Women are not necessarily the main victims, but all of society. Men are, possibly, affected just as women are: a father who can’t participate in his daughter’s graduation party from school because women appear on stage, is affected no less than a woman separated from her husband at a family wedding.

Let us remember that there is a difference between the heightened separation stringencies of recent years and natural, logical separations. Separate rest rooms for women and men in offices do not affect the status of women or detract from their worth. Separate beaches on the ocean have existed for scores of years and faithfully serve the religious community and other bathers who are not interested in appearing semi-dressed in front of members of the opposite sex.

Regarding listening to women’s singing in the IDF: There is a well-known, longstanding *halachik* prohibition against religious men listening to women singing. Not long ago religious combat soldiers slipped out quietly when women started to sing in a performance they were forced to attend, and the soldiers were dismissed from their officer’s training course as a result. Perhaps this was a misunderstanding: they did not attempt to stop the women from singing, but simply wanted to avoid hearing them sing. This was no attempt to harm women’s rights. But instead of trying to find a solution to accommodate the religious inclinations of excellent soldiers, the commander chose to create a

confrontation instead. It must be remembered that they walked out quietly to avoid listening to women sing; they did not refuse to engage in a combat-related activity or disobey a command on the battlefield.

I admit that the growing separation-trend worries me as well—perhaps even more than others. I am a religious woman who grew up in a mixed society and a mixed youth movement, and would like to raise my children the same way. But let us not exaggerate: Israel does not resemble Iran, and we are not talking about coercion. The promoters of gender-separation do not attempt to impose it on secular society. Gender separation has been spreading throughout religious population centers in those communities interested in it, accompanied by intelligent and alert internal discussions. This trend reflects a process of many years that has no connection to the present government. Finally, there is also more than a smidgen of condescension in the secular-Western claim: “We know what’s good for you.”

Perhaps this is the root of the problem regarding the attitudes toward the recent bills of the coalition. Some of those calling for protection of democracy are convinced that enlightenment and intelligent decision-making are their exclusive domains. They find it hard to accept the fact that Israeli citizens, intelligent and independent thinkers, have chosen a conservative party, the Likud; unfortunately, many Left-wingers view it as fascist, racist and dangerous. They get very angry when the elected government attempts to implement their electoral mandate and adopt a conservative policy.

But, after all, tolerance is the very basis of democracy-- even when the political see-saw swings the other way.

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