

The Impact of Recognizing the Jewishness of the State on the Palestinians in Israel

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Abstract:

Israel's recognition of the bill of the Jewishness of the state that it has been put forward recently is considered of the most serious racist laws ever; as it threatens the future of Palestinian issue as a whole and it warns of its death, especially if this proposal is put into practice in order to become a law.

The right of the Jews to have their own Jewish state is devoid of any racial or religious race other than Judaism. In addition to the consequences of other implications and repercussions, such as dropping the right of return of Palestinian refugees to their home. The new Palestinian state would not be the state that they were emigrated from. Including abandoning the demand for the Palestinian self-determination, and even abandoning the demand for the establishment of an independent Palestinian state, including the deportation of Palestinians in Israel, who are described as cancer in the Jewish state, from their places of residence in Israel and depriving of Israeli citizenship.

key words: *The Jewishness of the state, Palestinian in Israel, the right or return, Palestinian self-determination.*

Introduction:

The issue of the Jewishness of the Israeli state is one of the most dangerous issues for the Palestinians generally, and for the Palestinians in Israel particularly. This bill of the Jewishness of Israel state enhances the discrimination against Palestinians as Israeli citizens, and it consolidate the bill as a law.

Hence, by this law, the same legal rule will clearly take sides with the majority group, as the law will create a formal bias in the constitutional rule the aim to disperse the status of the Palestinian citizens in Israel in the causes of immigration and obtaining the citizenship. As reflected in the Law of Return, law of nationality and the law of entry into Israel. The laws indicate that the Jews and their families hold the Israeli citizenship in case they enter Israel based on the principle of return.

In return, in case that the husband of the Arab citizen in Israel is a Palestinian from Gaza or the West Bank, obtaining the Israeli citizenship for the latter – even his residence inside Israel- is

almost impossible nowadays after the latest modifications in the Israeli nationality law for the year 2003 which prevent the reunification of the Palestinian families.

Jewishness of the state law divides the Israeli citizenship into two types. A first-class who hold by the Jewish citizens the owner of the country, instead, the second or third class citizenship hold by the citizen who were exiled from the recognition of the state as a state for the Jewish people which is something dangerous and has a serious effects on Palestinians in Israel.

- **Problem of the study:**

Israel has been recognized as a Jewish state since its establishment, the matter that raises questions regarding the need for such law on the one hand, and the raised uproar because of suggesting the law on the other hand.

The following sub-questions derive from the main question:

What is the Jewishness of the State? Does this term differ from the term "the Jewish State"? Does that mean there is no place for the existence of any person whose race is not a Jewish?

1. Is not Israel for all its citizens according to its "declaration of independence 1948 stipulated"?
2. What is the effect of the law of the Jewishness of the State on the legal status of the Palestinians in Israel?
3. To what extent the law affects the right of Return of the Palestinian refugees.

- **Significance of the study:**

The significance of the study stems from the seriousness of the law "Jewishness of the State" in the regional and international forums. In addition to the serious dangers reflected on the Palestinian issue in which the demand for the right of the Palestinians" Return will be dispersed because the term Jewishness of the state carries within it an Israeli orientation to expellee the Palestinians from their country, Allegedly for the protection the purity of the Jewish State.

- **The study hypothesis:**

There is a significant negative impact of the recognition of Israel as a Jewishness state on the Palestinians who live inside Israel.

- **Methodology of the study:**

The study adopted the descriptive analytical approach due to the scarcity of references that handled the issue of the Jewishness of the State, this by analyzing the texts of the law.

- **Literature view:**

There are several studies and published literature on the nature of the Israeli state, its identity. The overwhelming volumes focuses on the roots of the term of the Jewishness State in the Israeli political parties thoughts.

A study conducted by Yedidia Z. Stern (2017), examines the tension between religion and the state of Israel as well as the main threats to the concept of "partnership between populations in Israel" not only for the Jewish people but to non-Jews also. The study concludes that the disagreement about identity could not be solved because of the differences among Israeli habitants.

According to Ammar Salama (2015) in his study, which entitles "the recognition of Israel as a Jewish State and its Influence against the Palestinian State". The researcher concludes that the declaring the Jewish State is a great threat to the future of Palestine State.

Meanwhile, Soamer Saleh's study (2015) identifies the bad impact of the law of the Jewish state on the Palestinian cause as a whole.

There are many other similar studies, most of the them has focused on the negative implication on the Palestinian cause, meanwhile this study focuses on the bad consequences of such law on the right Palestinian residents inside Israel from one hand, and the impact of the Jewishness law against the Palestinian refugees' right of return.

- **Contents of the study:**

Searching the details of this study requires dividing it into three parts.

The first part examines what the Jewishness of the State is, while the second one searches the law from the perspective of the international law. Finally, the third part comes to show the legal repercussions for declaring the law of the Jewishness of the State.

PART 1

The Essence of the Jewishness of the State

The talk about the Jewishness of Israeli state and the roots of its establishment gains its significance from the continuing Israeli leaders' talk about the Jewishness of their state, and the right of the Jews of have a Jewish state that is free of any racial or religious race other than Judaism. In other words, they seek a racist country which no body shares.

In light of that, this part divided into two sections. The first one would handle the roots of the Jewishness of the state idea, while the second one would handle the concept and justifications of the Jewishness of the State, as follow:

Section 1

Roots of Jewishness of the State Idea

The term of the Jewishness of the state is not new term, but it is the old new, so to speak, so it has emerged in conjunction with the pioneers of the Zionist movement in the nineteenth century, then it was confirmed by "Theodor Herzl" in the first Zionist conference in Basel, Switzerland in 1897. With the break out of the First World War, the British government granted a permission for the Jews "Balfour Declaration" in 1917 which indicated the Jews' right to have a national country on the land of Palestine (Khella, p29, 2007). During the time of mandate, Britain declared the report of the royal commission (Bill Commission report) in 1937 that stipulated the division of Palestine into two countries: The Arab and the Jewish, which means that this report put the issue of the Jewish state in the international interest for the first time (Mekdadi, p37, 2009).

Historically, holding the first Zionist conference in Basel constituted of all Zionist groups in the world was the first declaration to establish the Jewish State. So, the first steps and basic elements were determined to establish the state on the ground that was clearly manifested in the conference though stating the conference goals including: creating a homeland for the Jewish people in Palestine guaranteed by the General Law. For diplomatic reasons and in its decision, Basel conference intended to use the expression "Home", while the real aim of the conference was "a Jewish State".

In the period 1936-1939, the political Zionist- British relationships witnessed a significant development to encounter the great Palestinian revolution that broke out in 1936 on both sides the political and the military one. The cooperation between both parties adopted a completely cooperative atmosphere. The British government aimed to issue political projects regarding the Palestinian issue after the failed of all attempts to demolish that revolution, in addition, those projects were issued in order to get Britain out of that crisis (Khella, p163, 2007).

Regarding the vote of the General Assembly of the United Nations on the declaration of dividing Palestine on 29th November 1947, the united Palestinian leadership refused this decision in its entirety. For the Zionist leadership- despite its dissatisfaction with the division decision, which led to the establishment of the Jewish State- made the same decision from the two perspectives: The first one, recognizing the necessity of achieving the Zionist sovereignty, or establishing a Jewish State in Palestine. The second one, cooperation with

Britain will constitute the core stone of the Zionist policy, which means that the Zionist leadership connected with the Britain Imperialism destiny. This connection did not cancel the orientation that brings the Zionist organization and its project in Palestine alongside the American Imperialism that stated to seep the Middle East region in 1937 (Babadji, et al, p23, 1996).

Regarding the importance of the historic accounts, it is important- in the first place- to talk about the importance of the emergence of term the national Jewish country or the Jewish State for the first time in the official documents.

With the start of the peaceful settlement apprehensions for the definitive solution issues in 2007, Israel started to evade from its entitlements by marketing the issue of the Palestinians and Arab recognition of the Jewishness of the State. Since then, Israeli leasers' statements to call for the Jewishness of the State of Israel have never stopped, with appropriate or not. The latest declaration is the law that raised by the former Vice-Minister " Avi Dekhter" to the eighteenth Knesset in 2011 on basis of a formula formed by " the professional" staff in " the Zionist Strategic Institute", and it met the signature of one- third of Knesset members in the summer of 2013.

The Second Section

The Concept of the Jewishness of the State and its Justifications

Jewishness of the State law consolidates the definition of Israel in the first article of the law, and it states the title of "Jewishness of the State" that is "The State of Israel is the national homeland for the Jewish people, in which its aspirations are represented for self-determination, on the basis of its cultural and historical heritage". In this manner, the law requires to adopt this definition at the forefront of the basic principles of the Law. Then, article (1/B) states that" the right of achieving the national self-determination in the State of Israel, is an exclusive right for the Jewish people". While article (1/C) states that, "the land of Israel is the historical Home for the Jewish people". Regarding self-determination, the law does not recognize the right of any group except the Jewish.

The law grants an official and a constitutional status for the term "the Land of Israel" instead of the term "the Land" or "the Country" in order to reinforce the relationship of the Jewish people and this land "Palestine of the Mandate" in particular, and to consider it as the historical home for the Jewish people.

Nowadays, Israel is being known as " a Jewish democratic" country, and this definition has been adopted in the articles that open a number of central legislations, and on different standards. The proposed formula aims to change the definition of Israel, by granting a remarkable

priority to "a Jewish State"; in other word it means "Israel is the national homeland for the Jewish people, in which its aspirations are represented for self-determination", and the right "to achieve the national self-determination in Israel, is an exclusive right for the Jewish people".

In light of that, this demand should be divided into two sections. The first one will handle the definition of the term Jewishness of the State and its origin, while the second one will review the justifications for recognizing the Jewishness of State law, as follow:

Section 1

Definition of the Term Jewishness of the State

The new Israeli law of "Jewishness of the State" stipulated for the first time that Israel is the country of Jewish people revoking the Arabic language as an official language, and indicating its passive effect on the Arab Palestinian minority in Israel.

Today, there are two concepts of the Jewishness of the state: the first is a national recognized by all Jewish Israelis, and violates the rights of other nationalities in Israel; and the other: religious that is considered a controversial one between secular and religious Jewish Israelis. Secular Jews want a secular democratic state; whereas religious Jews want it as a religious state (Bshara, 1, p20,2005).

For the first time, the law includes an explicit language that Israel is the state of the Jewish people. Notes that the existing Israeli laws state that Israel is a Jewish state and there is a difference between the two terms "Jewish state" and "state of the Jewish people. The first refers to the character and identity that prevails over the state and reflects the identity of the community, and reflects its culture. Whereas the second indicates, primarily, the ethnic (national) dimension, which is organically linked to the demographic composition of the community that dominates the state, i.e. It is a state for the Jews, and this is dangerous and has its effects on the Palestinian Arab minority in Israel (Ghanim, 1, 13, 2011).

In introducing the 1950 Law of Return, David Ben-Gurion, the first Israeli Prime Minister, said in his speech:

"But the State of Israel differs from the other countries in the factors of its establishment and in the goals of its establishment. It was established only two years ago, but its roots are planted in the distant past. It draws from ancient springs. Its system is confined to its population, but its doors are open to every Jew who has a Jewish character. It is not a Jewish state in terms of the fact that the Jews are the majority of its population. It is the state of the Jews wherever they are and for every Jew who wants it ... On 14 May 1948, a new state was not established of nothing,

but it was restored to its glory after 1813 years of Israel's independence over the immediate acts that preceded its establishment" (Bshara, p38, 2005).

It is clear that Ben-Gurion affirms that the State of Israel is not the state of the Jewish majority within it, nor is it an expression of its right to self-determination, but is the state of the Jews wherever they are.

.This topic is not only important to determine the nature of the national community, which considers Israel as a nation state in the Zionist sense, but also in terms of the right of nationality in it. The Law of Return of 1950 expressly states:

Article (1): "Every Jew has the right to immigrate to the country".

Article (5): Every Jew who has emigrated to the country before the law entered into practice, and every Jew who was born in the country before or after the law entered into practice, his ruling is like that of a person who migrated, bylaw".

Article (6/A): "The rights of the Jew under this law and the rights of the immigrant under the 1952 Nationality Law, as well as the rights of the migrant under any other law, are also granted to the Jewish son, grandson, son-in-law, husband of a grandson, Except for a person who was a Jew and changed his religion willingly. "

Article (B): "For the purpose of this law, a Jew is a person born to a Jewish mother or became a Jew, and he is not affiliated with another religion".

"The last two items were introduced as an amendment to the Law of Return in 1968, after the Supreme Court voted five votes against four judges to force the Minister of the Interior to register children of a Jewish mother as Jews on the national identity card even though the father is not a Jew and the children were raised as Jews in the country and speak Hebrew and they served in the army, even though they are not Jewish by virtue of the law because the mother is not Jewish, and the court has demanded the Knesset to revoke the nationality clause in order to abolish such a problem that prevents the registration of Jewish children who brought up as a Jews and serve in the army because they are not Jewish according to the law.

The Knesset did not respect the Supreme Court's decision, and immediately enacted a reform of the Law of Return that affirms a definition of "Jewish" that conforms to the definition of religion (Bshara, p40, 2005).

Meaning of Jewishness of the State in New Law

The basic law in Israel emphasizes that Israel is a democratic and Jewish country, while today after defining it as the country of the Jewish people. This means that Israel is a democratic

country for the Jews rather than all its citizens and inhabitants. Therefore, democracy is for the Jews and not for the Arab and Palestinian minority in it.

Defining Israel as the country of the Jewish people is a prejudice to democracy, including the principle of equality, in the head, that the law did not match indicating that the new law is the reinforcement of the Jewish dimension for the State of Israel means refuting the democratic side strongly.

There is no doubt that there are remarkable problems in the definition of the state as an exclusive and a national state for the Jewish group (even for the non-citizen Jews), specially, when another group of five citizens belong to a different nationality and form the minority in it (as opposed to an immigrant majority). That constitutional definition violates the civil and national belonging of the Palestinian citizens, as they turn into citizens of a country that declares in its constitutional rule that it is not their national country turning them as strangers in their country (Bshara, p50, 2005).

The cause of the official legal definition of the state is one of the central causes in all deliberations on the constitutional status of the Palestinian minority in Israel. The definition of the State in the law is explicitly in favor of the majority group. Such a definition creates an initial and effective obstacle to achieve the fundamental equality of a national minority that historically suffering from injustice and discrimination. This definition carries not only an exclusionary character, but also it can be used to justify the act of granting preferences to the majority group and thus to justify discriminatory and racist policies. Hence, any discriminatory definition in the constitution transforms the inferior normative status of Palestinian citizens into an eternal issue, with all such serious, political and social projections (El-Gendy, 2007).

The definition of a state in the constitution as a Jewish state or the state of the Jewish people creates a hierarchical classification among citizens in which Jewish citizens live in their national homeland, in exchange for non-Jewish citizens living in a state that is not their homeland. The official definition of the nature of the state clearly benefits the majority group in a binding clause in the constitution, which in itself enshrines the inferior legal status of Palestinian citizens and thus results an official dependency that undermines the status of Palestinian citizens and undermines the legitimacy of their citizenship (Jabarin, p48, 2007)

In 1985, the Knesset adopted an amendment to the Basic Law of the Knesset, which legitimized the definition of Israel as the "state of the Jewish people" (and thus amended this definition to a Jewish and democratic state) for the first time as an official definition through a law represented constitutionally.

The Origin of the Jewish State Term:

In 1950, the Knesset passed the Law of Return, which gave the right to the Jewish to return to the Israeli state and to acquire its nationality as soon as they came to Israel. In contrast, The Arabs who were, forcibly, displaced from Palestine were deprived of the same right, despite the fact that they and their ancestors lived there and their history and past extended in this land, and they have homes, lands and memories (Elfarra, 1, p30, 2017).

Furthermore, the Basic Law stated The Knesset issued in 1985, and the Law on Basis: Human Dignity and Liberty of 1992 states that Israel is a Jewish and democratic state.

Nationality Law issued in 1952 and its amendments did not differ from the logic of the Law of Return, which stipulated the necessity that the citizenship should be identical to Jewish affiliation. The amendment of 2003 law forbade Palestinians married to Israeli Arab citizens from obtaining Israeli citizenship, or even obtaining a permanent residence or any legal position in Israel. The amendment of the 2007 law extended the prohibition of family reunification to include citizens of enemy countries as well.

In 2003, the Knesset passed a resolution calling for the need to deepen the idea of the Jewishness of the state. The Knesset recently has introduced the Law of the Basis: Israel is the national state of the Jewish people, which flagrantly violates the rights of the Arab minority, representing 20% of the total population in Israel, and it clearly contradicts the democratic principles that represent the basis of the Israeli state, according to its claims. The contradiction between Judaism as a nationality and democracy as a policy is one of Israel's fundamental dilemmas. Israel has not been able to balance the two issues and it is accused of infringing the right of the Arab minority (Bshara, p37, 2005).

In light of this, the origin of the term "Jewishness of the state" is the Israeli laws themselves.

Section 2

Justifications for Recognizing the Jewish State Law

The recognition of the Jewishness of the State of Israel helps Israel to establish its problematic approach historically, and gives it the opportunity to go on in the future so that the Palestinians cannot deny the proven history supported by the facts that still exist to this day on the ground to confirm the fabricated Israeli narration. Palestinian refugees are scattered throughout the world suffering from oppression, subjugation, alienation and denial of rights.

The Palestinian recognition of the Jewishness of the State means that it waives all Palestinian rights in the Palestinian territories, including the territories occupied in 1967. Israel has not recognized the borders of its state, and this is another reason for its inability to establish its

constitution to this day, or even to recognize the borders of 1967 that the international resolutions speak about.

Israel is influenced by the religious thought, and there are three religious persuasions in it that are in conflict over defining the concept of the Land of Israel. The first limits to the borders of Palestine that were formed after the end of the First World War, the second one: adds to Palestine all the lands of eastern Jordan and additional areas of Syria and Lebanon, whereas the third one: sees that Israel's borders extend from the Nile to the Euphrates. Hence, according to any persuasion Israel wants the Palestinians to recognize the borders of their Jewish state, which is not defined in any official Israeli constitutional document (Salama, p16, 2015).

At the domestic level: The Arab demographic danger threatens the future of the desired Jewish state, especially with the decline of Jewish immigration to Israel in recent years, and the expectation of its final cessation, Israel will simply rid itself of that intractable crisis through:

- Refusal to recognize the right of Palestinian refugees of return and compensation in accordance with international resolutions. If Palestinian recognized the Israeli version, it would deny any Palestinian right on the land of Palestine, and gives a justification for the wars waged by Israel against the Palestinians.
- Dispose of the Arab residents in Israel on the basis of the principle of the exchange of land with the population, or on any other grounds that Israel can invent in the future. A Palestinian recognition of the Israeli version would deny any Arab right to it, giving Israel the right to act without legal accountability.
- Israel's right to claim for compensation from the Palestinians and their grandparents because they were in a land belonging to the Jews, according to their version (Alhussiny, 2011).

Some have tried to understate the process of recognizing the Jewishness of the state, since there is nothing new regarding it. as stated in Balfour's Declaration titled, "Establishing a national country for the Jews in Palestine," as in UN Resolution 181 of 1947 on the partition of Palestine, titled ,the establishment of two states: a Jewish state, an Arab state, and the third argument: that "Israel" is a Jewish state without the need to add "Jewish" to it (Tarabeen, p12, 1990).

The fact is that the first goal of adding "Jewish" to "the State of Israel" is to consider it as a state of the Jews only, so the non-Jews indigenous citizens of Palestine and the holders of the exclusive right to their homeland would become strangers. Moreover visitors or immigrants residing in the state that must be a homeland for the Jews only; the matter that lead to their inevitable displacement. Furthermore, this law would close the door for the right of return for the Palestinian refugees, and could change the balance of the population or the search for an alternative solution, such as compensation and

resettlement and the alternative homeland. Nevertheless, simply, because "Israel" has become gaining the right to establish a Jewish state and not to host the non-Jews.

However, the third justification, the addition of the "Jewishness" of the State of Israel aims, in the sense of the Jews only, to the recognition of the Jewish right in Palestine, which was indicated by US President Barack Obama since 2010, when he considered "Mandatory Palestine as the historical homeland of the Jewish people". Including forfeiting all Palestinian, Arab and Islamic rights in Palestine (Kayali, 1, p33, 2002).

PART 2

The Law from the International Law Perspective

The law of Judaism contradicted with the principles of the decision of partition approved by the United Nation in 1947, which called each of the two countries for adopting "democratic constitution" that ensure non-exercising any type of discrimination between people regarding the race, religion, language and sex, and each one should have the right of protection by law. As such, law violates the main international rule that the state of Israel established according to it.

In light of that, this part is divided into two sections; the first section handles the contradiction of law project with the basic principles of the international law, while the second will handle immigration and its effect on gaining the Israeli nationality, as follows:

SECTION 1

Contradiction of the Bill with the Basic Principles of the International Law

The basic principles of the bill that handle the Jewishness of the state of Israel contradict with the basic rights of the citizen, specially the right of equality and non-discrimination based on nationality, origin and religion. Consequently, the proposed law project is unequal, so it is not democratic law, and the explicit prohibition of discrimination on the background of nationality, religion and culture.

These principles were consolidated via the international treaties that Israel assigned including, the international declaration to uproot all forms of racial discrimination 1965, the international treaty of civil and political rights of 1966 (which was signed by Israel in 1991), the international treaty of economic, social and cultural rights 1966 (which was signed by Israel in 1991). Moreover, the international treaty of the child right in 1989 (which was signed by Israel in

1991). The rights of minority were consolidated in the international declaration for the rights of minorities of 1992, and the international declaration on the right of minorities of 2007.

Depending on the foregoing, the impeded discrimination in the proposed law project has formed a violation for the international law, which Israel committed to.

The suggested legislation does not consolidate any cumulative right for the Palestinian minority in Israel, which is a national minority. Collective rights are the rights that stem from the differentiation or the collective discrimination that the group of minority characterized by. These rights are the natural rights provided to the minority groups. Moreover, they seek the guarantee of equality to boys and girls of the minority group, and providing them the legal protection, which is suitable to both levels; the individual and the collective, in these rights lie the vital empowerment for the minority group, which form a condition for achieving the general equality in society (Jabarin, p51, 2011).

Recognizing the Jewishness of the state means a recognition of a racist and religious state, in which Israel seeks to promote an impeded goal. This goal is forcing all Jews in the world must come to their exclusive country on the basis of the Jewish state is the state of expatriates, which means all the Jews in the whole world, and any Jew in the world emigrates to Israel in order to be a citizen in it. Accordingly, Israel aims to get rid of all Palestinians in Israel who have been an encumbrance on Israel over the last decades (Mahmoud et al, 2017).

Hence, the act of granting Palestinians in Israel the Israeli nationality forms as a type of truce or a compromise, Even though Israel has been subjected to it reluctantly. In fact, both sides were not satisfied, the state of Israel and Israeli citizenship have been imposed on Palestinian, while the Palestinians have been imposed on the state of Israel, but Palestinians do not consider it as their country nor do they get the citizenship seriously. At the same time, the country does not consider them as its citizens, but it practices all forms of discrimination and oppression against them. Palestinians have lived on the sideline of " the state of Israel" without being a part of it (Elfarra, p12, 2006).

It should be mentioned that the preamble of the Law of Return in 1950 states that "each Jew has the right to immigrate to the country", while the most important of the following grievances represent the inability of Palestinian refugees to do the same by denying them the right to return to their homes. The Arabs, who never left Palestine and stayed only for a few days with their relatives in neighboring villages, waiting for the demise of the risk of death during the 1948 war, they are now classified as "absentees" and their homes and property are still in possession of the so-called "Custodian of Absentees' Property" (Jabarin, p49, 2011).

Section 2

Immigration and Obtaining Israeli Citizenship

Article 4 of the law project emphasizes, "All Jews are eligible to immigrate to the country and to obtain the nationality of the State in accordance with the law".

Regarding the bill, the right of Jews to immigrate to Israel and obtain the citizenship is a right granted only to Jews. Every Jew has the right to come to the country and obtain Israeli nationality legally. On the other hand, the State will "gather the diaspora and strengthen relationships with the Jewish people in the diaspora." according to article (5) of bill. The state will also work to gather exiles from the Jewish people and strengthen the ties between Israel and Jewish communities in diaspora.

Article 6 of the bill stipulates, "The State will endeavor to assist the Jewish people who are in distress or are in captivity because of their Jewishness."

It is clear to us that the bill seeks to give a constitutional status to the official discrimination that exists today in Israeli law in the matters of immigration and citizenship, as reflected in the Law of Return, the Citizenship Law and the Entry into Israel Law. According to these laws, Jews and their families are entitled to Israeli citizenship immediately upon their arrival in the country, based on the principle of "return". This right includes Jews and their relatives who are of a certain degree of belonging, including non-Jews, without any connection to the issue of persecution because of their Jewishness or their family kinship of Jews.

Article (A/2) of the law of Israeli nationality for the year of 1952 stated in its first paragraph "Every Jew returning under the Law of Return of 1950 becomes an Israeli citizen."

The second paragraph of the same article clarifies the way of obtaining the Israeli citizenship, as follow: Israeli nationality by return which gained any person who"

1. Came a Jew returned or was born in the country before establishing it- pursuant to the day of establishing the country.
2. Came to the country a Jew returned after establishing it- pursuant to the day of immigration.
3. Was born in Israel after establishing the country-pursuant to the day of birth.
4. Received a certificate of immigration regarding the article (4) of the Law of Return of 1950, pursuant to the day of issuance the certificate.

It should be noted that "Return" carries with it important economic features that no one characterized by except the immigrants "the Jews". Judicial provisions issued by Israeli supreme court defended Israel and recognized the Jews right of immigration policy as a legitimate right derived from the character of the Jewish state.

Article (7) of the bill states that "the country will maintain the historical and cultural heritage and the traditions of the Jewish people and enhancing them in the country and diaspora. In addition to teaching the history, heritage and traditions of Jewish people to all educational institutions that serve people in the country. The country is going also to empower all inhabitants in Israel regardless religion, race or nationality to protect their culture, heritage, language and identity."

The first paragraph of the nineteenth article of the bill grants an exclusive concession to heritage and cultural and historical traditions of the Jewish people. Accordingly, the country should protect and maintain this heritage constitutionally in contrast to article (9/B) "every one of Israel inhabitants", and it indicates that the country should only empower each inhabitant to work of the sake of maintaining his culture, heritage, language and identity. The talk about a commitment "a passive one" in this context is no more than a mere affirmation of every citizen's right to work, as opposed to the State's active duty on the country regarding the Jewish heritage. The wording is broad and keeps many considerations in the hands of the authorities of the State of Israel.

PART 3

Impact of the Declaration of Jewishness of the State Law

The bill of Jewishness of the State is considered one of the fundamental laws in Israel; no one can suspect this Law in the Israeli Supreme Court. This law determines that Israel is the national country for Jews, which means the right of self-determination and Return is limited to the Jews rather than other minorities inside Israel. So that makes directly the Arabs who are the largest minority inside Israel as a second-class citizens, and prevents the Return of the Palestinian refugees to their villages and cities that they were displaced from in 1948.

In light of that, this part is divided into two demands; the first section discusses the legal consequences of declaring the Jewishness of the state, whereas the second clarifies the effect of the bill on the right of return of the Palestinian refugees, as follow:

SECTION 1

The Legal Impacts on the Palestinians' Status in Israel

As Israel is the country of the Jewish people, it is the country of all the people of a Jewish nationality even if they are not citizens in the country. That will make the Palestinians feel the inequality in "their country" because the national institutions that work for the Jewish citizens such as "the Jewish Agency", as Israel allocates fund to deepen the Jewish- Zionist education among the Jews in the whole world.

The bill of the Jewish state affects the status of the Arabian Palestinian status in Israel. When a country describes itself as the country of Jews that means an indication for one million and 600 thousands Arabian Palestinian inside it that it the country is not yours, and you are not welcome in it, so they are a second and third class citizens and even less. Hence, this is a fundamental change for the relationship between the Arab minority, the country and its institutions.

Israeli nationality law grants full rights of citizenship for the Jew, while it does not recognize the Arab. There is a conflict between lawmakers, politicians and Israelis regarding the Arabs and if they have the right to be equal to Jews if their passports as Israeli Arabs? Of course, not, since they do not receive sensitive jobs such as security, the army, or the administrative arrangement of the Israeli state. They have a certain space in their identity in the name of nationalism, in which the Jew is a Jew, Druze are Druze, and the Arab is an Arab, whether he is a Christian or Muslim. This proves that there is no democracy and no equality in the Israeli entity.

Arabs of 1984 refuses to serve in the Israeli army, which Israel is legally holding against them. In return, Israel's demand is the Arab "Triangle", it is a group of villages inhabited by Arabs in the north of the West Bank, in accordance with the truce agreement in 1948, Israeli entity want to get rid of them, but Israel cannot do that without a historic settlement process.

Jewishness of the state means the subjectivity to all Jewish laws, and all Muslim and Christian Arabs have to apply these laws. Israel's concern is the increasing number of the Palestinian inhabitants in Israel, which would change the demographic power in the sake of the Palestinians, and would prevent Israel to call for the Jewishness of the state.

Finally, the oath of allegiance to Israel, which is mentioned in the text of the article (5/C) from Israeli nationality law of 1952, as follow: "Before granting the citizenship, declaration of allegiance should be made: I declare that I will be a loyal citizen to the State of Israel." The new modification in the bill of Jewishness of the state requires each one who would like to obtain the Israeli citizenship to perform the following oath of allegiance: "I swear to be loyal to the State of Israel - a Jewish and democratic State"(Jabarin, p49, 2011).

SECTION 2

Implications of the Bill on the Palestinian Refugees' Right of Return

In recent years, the term "Jewishness of the State" has gained a prominence in the Israeli-political discourse, as it had emerged strongly at the table of direct negotiations between the Israeli and Palestinian delegates in Washington, Sharm El-Sheikh and Jerusalem. Authorities of the occupation required the recognition of Israel as a Jewish State" through the negotiations with the Palestinians and prerequisite for the negotiations. This section traces back to 2000, in order to emphasize the Jewishness of the State and its Jewish character and its majority in law, in return to deny the right of return of the Palestinian refugees to go back to their homes, that they were forcibly displaced by the Zionist aggression in 1948, and the deprivation of the Palestinian citizens in 1967, and the legalization of Israeli racist laws against them (Jendy, p83).

Israeli diplomacy seeks to internationalize the issue of "Jewishness of the state" via calling the Palestinians to recognize Israel as a Jewish state, as a condition for the resumption of negotiations, and to bring an international legitimacy for the term by the international prevailing conventions and norms. This condition was raised during the Camp David summit in 2000, under the auspices of the former US President Bill Clinton. The presence of the former Palestinian President Yasser Arafat, and former Israeli Prime Minister Ehud Barak, the summit failed because of that and because of the intransigent Palestinian position, and the Israeli refusal of the issue of refugees, and Jerusalem and the removal of settlements. Where Israel offered a symbolic concessions reducing the issue of the right of return and the issue of "family reunification" within its terms and conditions. In addition to the repatriation of refugees in their places of residence, and adding an item to agreement states to put an end to the conflict that would relieve Israel from any future demand related to the issue, which means the burial of any responsibility for the refugees (Alaamiri, p13, 2007).

One of the tasks of the bill is to subject the measurements that have been practiced against the Palestinians for decades such as lands confiscation, Judaism, exile and deprivation from the civil and political rights. Therefore, Palestinians of Israeli citizenship were not surprised by issuing such a law; in addition to other racist laws that were issued before (Mursy, 2007).

Among the factors that led Israel to adopt the proposal of this law, is to nullify the right of return from any practical content through Palestinian recognition of Israel as the state of the Jewish people. The matter that would determine the return to Israel only and the confirmation of nullifying the issue of the Palestinian refugee that come in the context of the Palestinian state in the event of its establishment.

Palestinians recognition of the Jewishness of the state of Israel grants the latter the right that the geography of Israel is limited to only to the Jews. This poses a danger not only to the issue of refugees, but also to the Palestinian existence in Israel, as this recognition will grant the right to Israel to exclude non- Jewish which means raising the issue of refugees again (Salama, p83, 2006).

In conclusion, the act of recognizing Jewishness of the State means the recognition of the state as a religious, racist and Zionist state, in addition to other implications such as the drop of the right of return of the Palestinian refugees to their home because the new state will not be the state that they immigrated from. In addition to the leave of determining the Palestinian future and establishing the independent Palestinian state, adding to this, the expulsion of Palestinian in Israel, who are described as cancer in the body of the Jewish state, from their residences inside Israel (Jendy, p85, 2005).

Conclusion:

The study discussed the implication of the Israel's recognition of the Jewishness of the state, and its impact on the Palestinian issue and the Arab region by analyzing the term and its political and religious dimensions. While the preambles of modern constitutions based on the discourse of the human rights. In contrast, to the preambles of democratic countries that speak on behalf of each citizen. The declaration of recognizing the state of Israel speaks on the behalf of the people representatives, as they are the Jewish people.

The study indicated the seriousness of changing the term "Jewishness of the State" to a reality regarding its implication on the Palestinian and Arab issues, specially the right of refugees' return, the Palestinians' status on Israel and on the borders of other Arab countries.

Accordingly, the study reached a set of results and recommendations that as follow:

First: Finding

- The term "Jewish State" was not the result of the recent statements made by Israeli officials and parties, which were made by Israel's leaders about the Jewishness of the State. It

was found in the declarations of successive Zionist conferences until the declaration of the State of Israel.

Israeli leaders' suggestion of the idea of the Jewishness of the state particularly in 2007 aims to exploit the regional and international situations including: the existence of American administration led by the Christian Zionists, events of 11 September 2001, the invasion of the American forces to Afghanistan and the occupation of Iraq, the division on Palestinian arena and other circumstances.

- In case of Israel's success in declaring the Jewishness of the State law, Israel would be granted a license and a right to expel Palestinians who hold the Israeli citizenship from Israel, or considering them as strangers getting licenses of residency that can be revoked any time, in addition to eliminating the right of the Palestinian refugees to return.
- Finally, the danger of declaring the Jewishness of the state indicates the worthless struggle of the Palestinian people, since the beginning of the last century up to date, and the Palestinians are just terrorist who fought the Jews to rape their rights. Therefore, the Jews will become the original residents of Palestine, and the Arabs are intruders whose aim was to violate the rights of others.
- **Second: Recommendations For future research:**

In light of the foregoing results, we recommend the following:

- Exerting efforts in the international forums to prevent the recognition of the law of the Jewishness of the State.
- Giving up the peaceful negotiations with Israel by the Palestinian authority in order to force Israel to withdraw the recognition of the Jewishness of the State law.
- Taking a united stance by the Arabs toward the United Nations to force Israel's leaders to go back on the adoption of the bill.

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Appendices

Proposed Law on the Basis: Israel - The National state of the Jewish People

•A Jewish State:

(A/1) The State of Israel is the national homeland for the Jewish people to fulfill the aspirations for self-determination, in accordance with its historical heritage and culture.

(B) The right of national self-determination in the State of Israel, it is for the Jewish people alone.

(C) The Land of Israel is the historic homeland of the Jewish people and the place of the establishment of the State of Israel

. The Aim:

The aim of the law of the Basis is to determine the identity of the State of Israel, as the national country for the Jewish people in order to guarantee these values by the law depending on the principles of the declaration of the establishment of Israel.

•A Democratic State:

(A/3): The State of Israel should have a democratic system.

(B): Israel is based on the principles of freedom, justice and peace, regarding the dream and vision of the prophets of Israel, and is committed to the personal rights of all its citizens, as detailed in the Law of the Basis.

The State Symbols:

(A/4): the state country anthem is "Hatikva".

(B): The flag of the state is white, with two blue lines at its ends, and the Star of David in the middle.

(C) The logo of the State is the candlestick with seven candles, an olive branch on either side and the word "Israel" on the bottom of the candlestick.

Return:

(5): Every Jew is entitled to come to the country and obtain the citizenship of the State of Israel by law.

Gathering diaspora and strengthen the relationship with the Jewish people in the diaspora

(6): The State works to bring together the diaspora of Israel and to strengthen the relationship between Israel and the Jews of the diaspora.

Providing assistance to the Jewish people who are in trouble:

(7) : The state works to provide assistance to the Jewish people who are in distress and their families because of their Jewishness

The Jewish Heritage:

(8): The State works to preserve the heritage, traditions, culture and history of Jewish people and to maintain, disseminate and develop them in diaspora.

The Right to Preserve the Heritage:

(9): the state works to allow every Jew in Israel, without discrimination in religion or nationality, to preserve his culture, heritage, language and identity.

Calendar:

(10): The Hebrew calendar is the official calendar of the state

***Independence Day and Anniversaries:**

(A/11): Independence Day is the national day of the State of Israel.

(B): The day of the commemoration of the martyrs of the battles of Israel, and the day of the Holocaust and the heroism, are the days of the official anniversary of the State.

Holidays:

(12): Days of fixed vacations in the State of Israel are on Saturdays, and the holidays of Israel in which no worker is employed, except under conditions determined by law. The members of the community recognized by the law are have the right to have holidays in their festivals.

The Hebrew Judiciary:

(A/13): The Hebrew judiciary is a source of inspiration for legislators and judges in Israel.

(B): If the Court does not consider a judicial matter that is committed to resolve and does not find an answer for it in existing laws, in the Shariah, advisory opinions or in any other legal aspect, the Court can govern by the principles of freedom and justice and the integrity and peace provided by in the heritage of Israel.

Preservation of Holy Places:

(14): Holy places are protected from desecration and any attempt to undermine them, and against any matter that would affect the freedom of access of the members of religion to them, and they related to them religiously and emotionally.

Impairments of Rights:

(15): The rights stipulated in the Law of the Basis cannot be undermined except by a law that suits the value of the state of Israel that aims to introduce an appropriate content, or by another law of authority.

Determination:

(16): The Law of the Basis can only be changed by a Law of basis approved by the majority of the members of Knesset.