

The Nation State Law and Diaspora Jewry's relationship with Israel

The New Israel Fund & Yachad

Source Sheet

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BASIC LAW: ISRAEL - THE NATION STATE OF THE JEWISH PEOPLE (2018)

Basic Principles

1. (a) The Land of Israel is the historical homeland of the Jewish people, in which the State of Israel was established.
(b) The State of Israel is the nation state of the Jewish People, in which it realizes its natural, cultural, religious and historical right to self-determination.
(c) The exercise of the right to national self-determination in the State of Israel is unique to the Jewish People.

State Symbols

2. (a) The name of the State is "Israel".
(b) The State flag is white, with two light-blue stripes close to the edge, and a light-blue Star of David in its centre.
(c) The State emblem is a seven-branched menorah with olive leaves on both sides, and the word "Israel" at its base.
(d) The State anthem is "Hatikvah".
(e) Details regarding the State symbols shall be determined by law.

State Capital

3. Jerusalem, complete and united, is the capital of Israel.

Language

4. **(a) Hebrew is the State language.**
(b) The Arabic language has a special status in the State; arrangements regarding the use of Arabic in state institutions or vis-à-vis them will be set by law.

(c) Nothing in this article shall affect the status given to the Arabic language before this law came into force.

Ingathering of the Exiles

5. The State shall be open for Jewish immigration, and for the Ingathering of the Exiles.

The Connection with the Jewish People

6. (a) The State shall strive to ensure the safety of members of the Jewish People and of its citizens, who are in trouble and in captivity, due to their Jewishness or due to their citizenship.
- (b) The State shall act, in the Diaspora, to preserve the ties between the State and members of the Jewish People.**
- (c) The State shall act to preserve the cultural, historical and religious heritage of the Jewish People among Jews in the Diaspora.**

Jewish Settlement

7. **The State views the development of Jewish settlement as a national value, and shall act to encourage and promote its establishment and strengthening.**

Official Calendar

8. The Hebrew calendar is an official calendar of the State, and the Gregorian calendar shall serve alongside it as an official calendar; the use of the Hebrew calendar and the Gregorian calendar shall be determined by law.

Independence Day and Memorial Days

9. (a) Independence Day is the official national holiday of the State.
- (b) Memorial Day for the Fallen in Israel's Wars, and the Holocaust Martyrs' and Heroes' Remembrance Day, are official memorial days of the state.

Days of Rest and Statutory Holidays

10. The Sabbath and the Jewish holidays are the established days of rest in the State; non-Jews have the right to observe the days of rest on their days of Sabbath and holidays; details regarding this matter shall be determined by law.

Entrenchment

11. This Basic law shall not be modified except by a Basic Law, passed by a majority of the members of the Knesset.

BASIC LAW: HUMAN DIGNITY AND LIBERTY (1992)

Basic principles

1. **The basic human rights in Israel are based on the recognition of the value of the human being, the sanctity of his life, and his being a free person, and they shall be upheld in the spirit of the principles set forth in the Proclamation of the Establishment of the State of Israel.**

Purpose

- 1a. **The purpose of this Basic Law is to protect human dignity and liberty, in order to stipulate the values of the State of Israel as a Jewish and democratic state, in a Basic Law.**

Preservation of life, body and dignity

2. One should not violate the life, body, or dignity of a human being as such.

Protection of property

3. The property of a human being shall not be violated.

Protection of life, body and dignity

4. Every human being is entitled to protection of his life, body and dignity.

Personal liberty

5. The liberty of a human being shall not be taken or restricted, by means of imprisonment, detention, extradition, or in any other manner.

Departure from the State of Israel, and entry to it

6. (a) Every person is free to exit Israel.
(b) Every Israeli citizen who is abroad is entitled to enter Israel.

Privacy and intimacy

7. (a) Every person has a right to privacy and to intimacy in his life.
(b) There shall be no entry into the private premises of a person, without his permission. (c) No search shall be held on the private premises of a person, upon his body, in his body, or among his private effects.
(d) The confidentiality of conversation of a person, his writings or his records shall not be violated.

Violation of rights (Amendment No. 1)

8. One is not to violate the rights accordance by this Basic Law save by means of a law that corresponds to the values of the State of Israel, which serves an appropriate purpose, and to an extent that does not exceed what is required, or on the basis of a law, as aforementioned, by force of an explicit authorization therein.

Reservation regarding the security forces

9. One is not to limit rights in accordance with this Basic Law, of those serving in the Israel Defense Forces, the Israel Police, the Prisons Service, and the other security organizations of the State, and these rights shall not be conditioned, save by law, and to an extent that does not exceed what is required with regards with the essence and nature of the service.

Preservation of laws

10. This Basic Law shall not affect the validity of any law that existed before prior to the inception of the Basic Law.

Applicability

11. Each and every government authority is obliged to respect the rights in accordance with this Basic Law.

Stability of the law

12. Emergency regulations do not have the power to change this Basic Law, to temporarily suspend it, or to lay down conditions to it. However, when a state of emergency exists in the State, by virtue of a declaration under article 9 of the law and Administration Ordinance 5708-1948, emergency regulations may be enacted on the basis of the said article, that will involve denial or limitation of rights under this Basic Law, provided that the denial or limitation shall be for a worthy purpose, and for a period and an extent that do not exceed the required.

BASIC LAW: FREEDOM OF OCCUPATION (1994))

Basic principles

1. **The basic human rights in Israel are based on the recognition of the value of the human being, the sanctity of his life, and his being free, and they shall be upheld in the spirit of the principles in the declaration of the establishment of the State of Israel.**

Purpose

2. **The purpose of this Basic Law is to protect the freedom of occupation, in order to establish in a Basic law the values of the State of Israel as a Jewish and Democratic state.**

Freedom of occupation

3. Every citizen and inhabitant of the State is entitled to engage in any occupation, profession or trade.

Violation of the freedom of occupation

4. The freedom of occupation is not to be violated, save by a law that corresponds to the values of the State of Israel, which serves an appropriate purpose, and to an extent that does not exceed what is required, or on the basis of a law, as aforementioned, by force of an explicit authorization therein.

Application

5. Every one of the government authorities is obliged to uphold the freedom of occupation of every citizen or inhabitant.

Stability

6. Emergency regulations do not have the power to change this Basic Law, to temporarily suspend its validity, or to subject it to conditions.

Entrenchment

7. This Basic Law is not to be changed save by a Basic Law that was adopted by a majority of the Knesset Members.

The validity of a divergent law (Amendment No. 2)

- 8 (a) A provision of the law that violates the freedom of occupation, shall be valid even though it does not correspond with article 4, if it was included in a law that was adopted with a majority of the Knesset Members, and explicitly states that it is valid despite what is stated in this Basic Law. The validity of a law, as stated, shall expire at the end of four years from its inception, unless an earlier date was prescribed in it.
(b) The provision regarding the expiration of validity, as stated in clause (a), shall not apply to a law adopted before the end of a year from the inception date of this Basic Law.

Cancellation

9. Basic Law: Freedom of Occupation (7552 - 1992) - is cancelled.

Temporary provision (Amendments Nos. 1 & 2)

10. Legislative provisions, which without this Basic Law, or the Basic Law that was cancelled as stated in article 9, were valid on the eve of the inception of this Basic Law, shall remain in force until the 1st of Nisan 5762 (March 14, 2002), unless they were cancelled beforehand, but the interpretation of the said provisions shall be done in the spirit of this Basic Law.

The Declaration of the Establishment of the State of Israel (1948)

The Land of Israel was the birthplace of the Jewish people. Here their spiritual, religious and political identity was shaped. Here they first attained to statehood, created cultural values of national and universal significance and gave to the world the eternal Book of Books.

After being forcibly exiled from their land, the people kept faith with it throughout their Dispersion and never ceased to pray and hope for their return to it and for the restoration in it of their political freedom.

Impelled by this historic and traditional attachment, Jews strove in every successive generation to re-establish themselves in their ancient homeland. In recent decades they returned in their masses. Pioneers, defiant returnees, and defenders, they made deserts bloom, revived the Hebrew language, built villages and towns, and created a thriving community controlling its own economy and culture, loving peace but knowing how to defend itself, bringing the blessings of progress to all the country's inhabitants, and aspiring towards independent nationhood.

In the year 5657 (1897), at the summons of the spiritual father of the Jewish State, Theodore Herzl, the First Zionist Congress convened and proclaimed the right of the Jewish people to national rebirth in its own country.

This right was recognized in the Balfour Declaration of the 2nd November, 1917, and reaffirmed in the Mandate of the League of Nations which, in particular, gave international sanction to the historic connection between the Jewish people and Eretz-Israel and to the right of the Jewish people to rebuild its National Home.

The catastrophe which recently befell the Jewish people - the massacre of millions of Jews in Europe - was another clear demonstration of the urgency of solving the problem of its homelessness by re-establishing in Eretz-Israel the Jewish State, which would open the gates of the homeland wide to every Jew and confer upon the Jewish people the status of a fully privileged member of the community of nations.

Survivors of the Nazi holocaust in Europe, as well as Jews from other parts of the world, continued to migrate to Eretz-Israel, undaunted by difficulties, restrictions and dangers, and never ceased to assert their right to a life of dignity, freedom and honest toil in their national homeland.

In the Second World War, the Jewish community of this country contributed its full share to the struggle of the freedom- and peace-loving nations against the forces of Nazi wickedness and, by the blood of its soldiers and its war effort, gained the right to be reckoned among the peoples who founded the United Nations.

On the 29th November, 1947, the United Nations General Assembly passed a resolution calling for the establishment of a Jewish State in Eretz-Israel; the General Assembly required the inhabitants of Eretz-Israel to take such steps as were necessary on their part for the implementation of that resolution. This recognition by the United Nations of the right of the Jewish people to establish their State is irrevocable.

This right is the natural right of the Jewish people to be masters of their own fate, like all other nations, in their own sovereign State.

Accordingly we, members of the People's Council, representatives of the Jewish Community of Eretz-Israel and of the Zionist Movement, are here assembled on the day of the termination of the British Mandate over Eretz-Israel and, by virtue of our natural and historic right and on the strength of the resolution of the United Nations General Assembly, **hereby declare the establishment of a Jewish state in Eretz-Israel, to be known as the State of Israel.**

We declare that, with effect from the moment of the termination of the Mandate being tonight, the eve of Sabbath, the 6th Iyar, 5708 (15th May, 1948), until the establishment of the elected, regular authorities of the State in accordance with the Constitution which shall be adopted by the Elected Constituent Assembly not later than the 1st October 1948, the People's Council shall act as a Provisional Council of State, and its executive organ, the People's Administration, shall be the Provisional Government of **the Jewish State, to be called "Israel."**

The State of Israel will be open for Jewish immigration and for the Ingathering of the Exiles; it will foster the development of the country for the benefit of all its inhabitants; it will be based on freedom, justice and peace as envisaged by the prophets of Israel; it will ensure complete equality of social and political rights to all its inhabitants irrespective of religion, race or sex; it will guarantee freedom of religion, conscience, language, education and culture; it will safeguard the Holy Places of all religions; and it will be faithful to the principles of the Charter of the United Nations.

The State of Israel is prepared to cooperate with the agencies and representatives of the United Nations in implementing the resolution of the General Assembly of the 29th November, 1947, and will take steps to bring about the economic union of the whole of Eretz-Israel.

We appeal to the United Nations to assist the Jewish people in the building-up of its State and to receive the State of Israel into the community of nations.

We appeal - in the very midst of the onslaught launched against us now for months - to the Arab inhabitants of the State of Israel to preserve peace and participate in the upbuilding of the State on the basis of full and equal citizenship and due representation in all its provisional and permanent institutions.

We extend our hand to all neighbouring states and their peoples in an offer of peace and good neighbourliness, and appeal to them to establish bonds of cooperation and mutual help with the sovereign Jewish people settled in its own land. The State of Israel is prepared to do its share in a common effort for the advancement of the entire Middle East.

We appeal to the Jewish people throughout the Diaspora to rally round the Jews of Eretz-Israel in the tasks of immigration and upbuilding and to stand by them in the great struggle for the realization of the age-old dream - the redemption of Israel.

Placing our trust in the Almighty, we affix our signatures to this proclamation at this session of the provisional Council of State, on the soil of the Homeland, in the city of Tel-Aviv, on this Sabbath eve, the 5th day of Iyar, 5708 (14th May, 1948).
