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Citizenship law makes Israel an apartheid state

We do not have to identify the characteristics of South African apartheid in the civil rights discrimination in Israel in order to call Israel an apartheid state. It is best that we not try to evade the truth: The Citizenship Law's existence turns Israel into an apartheid state.

By Amos Schocken | Jun. 27, 2008 | 12:00 AM

The government's decision last week to extend the validity of the Citizenship Law (Temporary Order), for another year, is evidence that the legal barriers preventing severe discrimination against Israel's Arab citizens and harm to their civil rights have been removed.

This extension is the eighth since the law was first passed in 2003, and it shows just how naive Justice Edmond Levy's position was when he refused to join in the 2006 decision by five judges from the High Court of Justice, who stated that the law was unconstitutional, that it contravened the Basic Law on Human Dignity and Freedom, and that it must be removed from the law books. Levy explained his refusal by saying that he saw no need to intervene because only two months remained until the law expired. However, at the end of the two months, the law was extended by a year, and now they want to extend it for yet another year.

Had Levy known that the law's limited validity was nothing but a deception aimed at preparing a discriminatory and unconstitutional law, there is no doubt he would have joined the five justices' majority opinion that it was unconstitutional and should be removed. We must hope that the High Court of Justice, when it rules on the new petition submitted against the law after it was extended in 2006, will take into account that the term "temporary provision," which both the government and Knesset take pains to stress, is a deception. We are talking about, in effect, a permanent law.

The law stipulates that the interior minister does not have the authority to approve residence in Israel for a resident of Judea and Samaria (unless, of course, they are Jews - that is, settlers). This is so even regarding family reunions, meaning marriage, when it comes to Palestinian spouses who are younger than 35 (for men) or 25 (for women). In effect, the law prevents young Israeli citizens from marrying the spouse of their choice and living with this spouse in Israel, if the spouse is a Palestinian from Judea and Samaria.

It is obvious that this has barely any effect on the right of young Israeli Jews to live in their country with the spouse of their choice, because there are hardly any marriages between Israeli Jews and Palestinians from Judea and Samaria. On the

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other hand, these Palestinians constitute Israeli Arabs' natural pool for choosing a spouse. For this reason, the law severely discriminates when comparing the rights of young Israeli Jewish citizens and young Israeli Arab citizens.

When the law was first passed in 2003, supposedly as a temporary one-year measure, it was accompanied by security reasoning - the risk of implanting terrorists in Israel via marriage. The reasoning was faulty even at that time: Every Palestinian who wishes to enter Israel must be addressed individually. It is the Shin Bet security service's task to do this and thus carry out its mission - protecting the security of Israel's citizens such that the country remains democratic, with equal rights for all. However, as the years go by, it becomes clear that the security argument and the term "temporary measure" are merely a deception aimed at "koshering" discriminatory legislation for demographic reasons.

The claim that there are characteristics of an apartheid state in Israel is widely heard in the Western world. The word apartheid is catchy and understood in many parts of the world, which makes it useful to send a message that we resent and which we claim has no connection with reality in Israel. However, we do not need to replicate exactly the characteristics of South African apartheid within discriminatory practices in civil rights in Israel in order to call Israel an apartheid state. The amendment to the Citizenship Law is exactly such a practice, and it is best that we not try to evade the truth: Its existence in our law books turns Israel into an apartheid state.

The government decided to add the Gaza Strip to the list of countries for which the interior minister does not have the prerogative to approve residence in Israel on the grounds of family reunions, regardless of age. Both the list and the new addition are superfluous and harmful. Since Hamas gained control, no one enters or leaves Gaza anyway, and the new restriction harms couples' cases from the time when there was passage between Israel and Gaza. There is no need for this affront.

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