

Look for the override clause in Rabbi Kook

Shaul Arieli, Haaretz, May 14, 2018

The addition of the override clause to the Basic constitutional Law of Human Dignity and Liberty does not stand alone. The addition of the mechanism that enables the Knesset to re-enact a law that bypasses the High Court of Justice, which overrides the Basic Law, effectively nullifying the High Court's ruling, is a significant milestone in the social-legal-political mosaic that has been accumulated for years in accordance to the nationalist and anti-democratic agenda of the "Jewish Home" party. Beyond the megalomania and belligerence that characterize the party's leaders, ministers Naftali Bennett and Ayelet Shaked, this legislative move derives its inspiration from a 100 year old ideology, from the teachings of Rabbi Yitzhak Avraham Hacoheh Kook, and even more so from the teachings of his son, Zvi Yehuda Kook, The spiritual father of "Gush Emunim" throughout the generations.

A glance beyond Bennett and Shaked's shoulders, to the beginning of Zionism's modern history, can clarify and remind them where they come from and where they want to lead. To understand what they perceive as a deterministic move in which we are subjected, as Rabbi Yitzhak Avraham Hacoheh Kook wrote about the Balfour Declaration: "The beginning of redemption must be before us ... Every person who has the ability to penetrate and observe what is beyond the apparent external phenomenon knows that the hand of God is being seen leading history and will lead this process to its completion".

The national movement of the Jewish people, Zionism, in its demand for self-determination in the Land of Israel, restored to the Jewish people the need for a political system related to the use of force: It's leaders, Herzl, Weizmann, Ben-Gurion, Jabotinsky and others, believed that the use of power requires faith in the justness of the road ahead and its moral values, determined under the

assumption of equality between peoples and states, according to universal principles and agreed international rules.

The use of governmental power internally, must be based on the Zionist vision of a democratic state for the Jewish people that maintains equality for all its inhabitants. The weight and recognition given to the diversity of ideologies that ran through the Jewish camp prevented the constitution of the State of Israel from being established at the time of the state's establishment, but its laws were designed by the Supreme Court to uphold the spirit of the Declaration of Independence. In other words, Zionist nationalism, like any other nationalism, sought to strengthen the collective aspect of the Jewish individual, but not at the expense of his individual values and rights, and without limiting his unique personality and the values that comprise it.

Religious Zionists throughout the generations turned in a different direction and introduced nationalism and territoriality to the Jewish religion, thereby turning it, naturally and comprehensively, under the assumption of "the chosen people" into nationalistic and messianic Zionism. In the words of Prof. Moshe Halbertal: "The Gush Emunim movement is the conduit that transferred the European cesspool - nationalism, the organic vision of the nation - to the heart of Judaism." An approach that sees the values of the nation as superior to other human values, such as those belonging to the individual, and which are in conflict with them. These followers are at peace with the nationalist approach, which separates the Jewish people from others on the basis of inequality and even among individuals in the Jewish people who do not identify with this concept.

At the basis of the nationalist worldview is the assumption that any relationship is a power struggle. The same applies to the Israeli-Palestinian conflict. The conflict is a zero-sum game, and the Palestinian other must be subdued. There is a demand to deny recognition of his nationality and his right to self-determination in the Land of Israel, as well as a demand for acceptance of the

Jewish-nationalist narrative, which is mainly expressed by the claim that "the Jewish people's right to the Land of Israel is absolute." The purpose of this approach is to prove superiority over the other, as is the attempt to dictate a surrender agreement, such as the "Stability Initiative" of the "Jewish Home" or the "Decision Plan" of the "National Union". Any other approach would be seen as weak, as a "Munich agreement," naive, one that "does not really understand the Arabs" as inviting new demands from the Palestinians: "Whatever you give them will not be enough".

In contrast, other parties, and especially human rights and peace organizations in Israel, are working to present an alternative to the current government and its policy towards the conflict. Eighty years ago, Hans Cohen, one of the most important researchers of nationalism, was able to offer an alternative to an approach that sees power in a conflict as the essence of everything. Cohen estimated that the Jewish community had only two ways to deal with the conflict: "Either to oppress and subdue the Arabs by perpetuating the use of the worst kind of military force, or to try as much as possible to find routes to the Arabs and completely change the face of Zionism, on the basis of values such as pacifism, anti-imperialism and democracy". These, Cohen believed, are the essence of the true spirit of Judaism. Various parties and peace organizations are convinced that today, more than ever, we must adopt the alternative approach.

The members of the "Jewish Home" party, reject any alternative because they see themselves chosen by the heroism to lead the "chosen people," as MK Bezalel Smotrich wrote in an article entitled "We deserve more": "The State should invest more of its budget in the education of the Religious Zionists. Why? Because their sons were entrusted with the task of leading the people of Israel". This leadership, which is guaranteed by their faith, is not the result of democratic elections, but because only "our people" have the ability to decipher God's will and the course of history.

These followers believe and claim that they only have the ability to understand the political reality and reveal to the people of Israel that it carries a Messianic message. That all the politics of the earth are led over the one above, and that there are those who are "the Messiah's donkey" even without their knowledge. This is how Rabbi Kook explained in 1917 at a public meeting in London, the role of Britain in the Balfour Declaration: "I did not come to thank the British monarch but to congratulate him on the fact that the Holy One, blessed be He, chose him to be the messenger, in order to fulfill his promise to return us to the land of Israel". This is how Smotrich recently explained the partition plan: "The UN resolution is the expression of God's will and the way he chose to realize it in our generation". It is not inconceivable that this is how they view the Trump Declaration, recognizing Jerusalem as the capital of Israel and transferring the American embassy to it.

These followers proclaim the primacy of Judaism over democracy. "I would say that today, Israeli democracy has one central role: to disappear from the field ... Israeli democracy has finished its role, and it must disintegrate and bend towards Judaism," ruled in 2012 Benny Katzover, one of the leaders of Gush Emunim. Therefore, in recent years, we have been witnessing a trend led by Bennett, Shaked, Ariel, Yogev, Smotrich and others, whose main points are weakening of the opposition, the alternative, the supervision and control over the Knesset and the government.

It is long a list to mention all the slander and incitement against the Supreme Court and against the movements and organizations of civil society that express this line. We will suffice with noting the words of Shaked: "The High Court of Justice has trampled on the legislative branch," after the Supreme Court overturned the amendment to the Anti-Infiltration Law, and Yogev followed suit: "The High Court's intervention is a serious violation of the principle of the separation of powers and democracy in Israel." Add to that the "Nationality Law", which requires explicitly adding the principles of Jewish law to the state's law, as distinct from the "principles of liberty, justice, integrity and peace of the heritage of Israel", as well as the NGO law and the organizations oriented

legislation such as the V15 law. We must not forget the limitation on the acceptance of National Service volunteers to certain organizations only, as part of the amendment to the National Service Law. Recently, her perception of the nature of democracy and its public role has led the justice minister to view as unnecessary the practice of inviting an opposition representative to a committee for the appointment of judges.

Where do they want to lead in their own name? The people of national-religious Zionism believe that "the ingathering of the exiles, the establishment of the state and its security, are but the first layers ... We have before us other monumental goals that are an integral part of Zionism, first and foremost: the establishment of a kingdom of priests and a holy nation, returning the Shekhina to Zion, establishing a kingdom of the house of David, and building the Temple - as a key point in repairing the world in the kingdom of Shaday" - as former MK Hanan Porat, a disciple of Rabbi Zvi Yehuda Kook and one of the founders and founders of Gush Emunim, wrote in 2008.

Herzl was the first in modern Zionism to discern the potential threat of religious involvement in politics even before Rabbi Kook's doctrine was formulated, and in "The Jewish State" he warned: "Will we have a theocracy?" No!. Faith binds us, while science makes us free. Therefore, we will not allow for the theocratic tendencies of our clerics to raise their heads ... They must not intervene in matters of state - with all our respect for them - lest they bring about difficulties from within and from without".

The first to warn against the radicalization led by Zvi Yehuda Kook in his father's teaching was Yeshayahu Leibowitz, who argued that "the messianic teachings of Rabbi Tzvi Yehudah will lead to the transition from humanity through nationalism to animalism and turn the people of God into Am Haretz". Yitzhak Rabin, in his first term, called to fight the followers of Tzvi Yehudah who, in 1974, had established Gush Emunim and said: "In few cases in the history of Judaism has such a wild group taken on a mandate in the name of God ... All

under the abysmal guise of love of the Land of Israel and bursts into the streets rudely to install fear and terrorize". And later:" In Gush Emunim I saw a very grave phenomenon - cancer in the body of Israeli democracy. Against their basic concept, which is contrary to Israel's democratic basis, there was a necessity to wage an ideological struggle that exposes the true meaning of the group's positions and methods of action".

The override clause is not the beginning, and to our sorrow is not the end. But it is a black flag waving over the future of democracy in Israel. The fertile soil that Netanyahu grants in his government to this nationalistic and messianic agenda, allows it to drag the indifferent society in Israel far from the Zionist vision of the founders of the state.