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"No Entry"

Israeli Media Coverage of the Proposed Law on Admission Committees in Community Settlements

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Introduction

On October 27, 2010, the Knesset Constitution, Law and Justice committee agreed to second and third readings of a bill that would normalize admission committees in small community settlements (with up to 500 residents). The bill, which would grant admission committees in these communities the right to turn down candidates who do not match the "community's basic outlook" or its social fabric, was proposed by MKs from Shas, Yisrael Beiteinu, the National Union and Kadima.

The proposed law supposedly does not allow rejection of candidates on the basis of religion, race, gender, nationality or disability. But in practical terms it lets community committees reject applicants on the basis of personal considerations alone and thus citizens who do not share the opinions, religion, or outlook of the community's members can be kept out. The bill's opponents regard it as a discriminatory measure that violates the principle of equal justice under the law. It should be noted that the bill's sponsors see it as a means of bypassing High Court rulings that prevent discrimination against Arabs that seek to reside in Jewish community settlements (e.g., the *Ka'adan* ruling).

This controversial bill, in the view of many, joins an array of anti-democratic, racist and discriminatory legislative proposals that have been put forth during the Knesset's current term, and which have reached various stages of the legislative process.¹ Many of these proposed laws target Israel's Arab public as a collective. These proposals warrant adequate discussion in the media since they are the subjects of deep public, legal and moral controversies. The bill concerning admission committees should be regarded in the context of an ongoing debate in Israel over the image of the Israeli regime and Israeli society. Responsible media should make it possible for its consumers to participate in this important debate.

An investigation by Keshev finds that the major Israeli media failed to fulfill this role in this case. Keshev examined coverage of the proposed legislation on admission committees in the main news editions on Channel 1, Channel 2 and Channel 10 and in the newspapers *Ha'aretz*, *Yedioth Aharonoth*, *Ma'ariv* and *Israel Hayom*, on October 27 and October 28, 2010.

The investigation finds that before the legislation was approved, the vast majority of major media outlets in Israel completely ignored the issue and thus kept an important public debate from taking place.

After the bill was approved, three media outlets covered the debate about the bill's ramifications, but two of them (*Yedioth Aharonoth* and *Israel Hayom*) consigned this coverage to places deep inside their editions. Only *Ha'aretz* gave this discussion higher billing in the public agenda.

Of greater concern is the fact that the remaining four media outlets (the three television channels and the newspaper *Ma'ariv*) chose not to cover the controversial bill at all, thereby excluding an important debate from the media agenda and from the public's consciousness.

¹ These include a bill that would ban commemoration of the Nakba as a day of mourning; a bill that would amend legislation on incitement to outlaw publication of any call denying Israel's existence as a Jewish and democratic state; a bill that would require immigrants to declare their loyalty to Israel as a Jewish, democratic and Zionist state; a bill that would require any organization or person that receives support from a foreign country to register with the registrar of political parties; a bill that would outlaw boycotts; a bill that would strip citizenship from anyone convicted of terrorism or espionage; a bill that would ban headscarves in public places; and a bill that would outlaw the Islamic Movement.

No Coverage: Ma'ariv & the News Broadcasts on Channels 1, 2 and 10

The newspaper *Ma'ariv* and the main news broadcasts of the major television channels (Channels 1, 2 and 10) did not cover the subject at all on the day before the bill received committee approval, or on the following day.

The news editors at these media outlets chose to refrain from any discussion of the bill and its ramifications, nor did not raise any discussion of threats to democracy that stem from the proposed legislation.

Yedioth Aharonoth

Yedioth Aharonoth did not cover the subject on the day the bill came up for discussion in the Knesset committee. The paper's editors chose to publish an article on the subject only the day after the bill was approved by the committee, on October 28. The article appeared deep in the newspaper, on page 18.

There, far from the main news pages, the article presented the views of the bill's opponents and dwelled on its ramifications. By their choice of headline, the paper's editors gave expression to the bill's problematic nature:

SOON: COMMUNITY SETTLEMENTS WILL BE ABLE TO DECIDE WHOM TO ACCEPT
(banner headline)

FILTER LAW (main headline)

ARAB MKS WALK OUT AND HIGH COURT BYPASS LAW PASSES IN COMMITTEE.
ADALAH: LAW WILL CREATE HOUSING APARTHEID IN ISRAEL (sub-headline)

The main headline "FILTER LAW" and the sub-headline that presents the opinion that this legislation will create "housing apartheid in Israel", give prominence to the claim made in the text of the article that the proposed law would permit racial segregation and discrimination against Israel's Arab citizens. The sub-headline also refers to the fact that the law could be used to bypass the High Court's ruling. The text of the article makes this clear by referring to the court's verdict, from several years earlier, that required the community of Katzir and other communities not to discriminate against candidates based on nationality. The text goes on to state that:

According to the proposal, admission committees and appeals committees will be established in cooperative associations. The admission committee will be composed of five members: Two representatives of the settlement, a representative of the community movement, **a representative of the Jewish Agency or the World Zionist Organization and a representative of the regional council.** [Our emphasis]

The article explains that this law would apply to hundreds of settlements where Arabs are forbidden from residing and it reports on protestations by Arab Knesset Members and by Adalah (The Legal Center for Arab Minority Rights in Israel).

The article and its headlines expose readers to the idea that Israel's democracy is being harmed. Nevertheless, it is fair to ask why the newspaper's editors chose to relegate this discussion to page 18, deep in the edition, and not to give it greater prominence in the front news pages, as would befit an issue of such public importance.

Ha'aretz

Ha'aretz covered the bill the day before it was approved in committee, on October 27. This was the only major media outlet that gave slightly more prominence to the proposal before it was approved. The newspaper's editorial on the same day voiced clear opposition to the proposed law. Nevertheless, despite the editorial's adamant tone, the newspapers did not give prominence to this subject in the news pages. The headline of the editorial called it a discriminatory and superfluous law, stating:

This is an outrageous proposal that would blatantly circumvent the High Court's Ka'adan decision. Community settlements are situated on public land and offer candidates a high quality of life at a relatively low price in order to achieve the controversial objective of judaizing different regions.

In 2003 the High Court defined the selection process carried out by admission committees as a "serious blow to equality", but since then the communities have continued [...] with this policy. Single mothers, persons with disabilities and others who stray from conservative standards are rejected with underhanded excuses. Arab candidates are rejected out of hand with the excuse that they "lack compatibility". [...] Now Knesset members seek [...] to entrench this blatant discrimination in law. [...] It is hard not to reach the conclusion that the goal of this proposal is to keep communities "purely Jewish" (the charters of the communities are written such that non-Jews will not be compatible with the "spirit of the community") through intentional exclusion that makes a mockery of Israel's Basic Laws. If this bad amendment is approved by the committee it will join other discriminatory and segregationist laws that have recently been approved and it will be another embarrassing stain upon the Knesset.

However, mentions of the public significance of this law and the claim that it would strike a major blow to democratic values were not given prominence in the news pages. While a minor article was published on page 4, it appeared at the bottom of the page. The article's headline only stated that **"THE ARABS PROTEST"** without explaining the reason for the protest and as though this was not an issue that concerned all Israeli citizens:

LAW ON ADMISSION COMMITTEES IN SETTLEMENTS WILL BE DISCUSSED IN THE KNESSET TODAY; THE ARABS PROTEST.

Only deep in the text of the article was it mentioned that the bill's sponsors claimed that "this is a law for preserving Zionist action," and that they "rejected criticism that it is a law that discriminates against the Arab public". The article presented this criticism, which, as it turns out, demonstrates that not only "Arabs protest" the proposed law:

The proposed law has spurred opposition in the Arab sector and among human rights organizations. [...] A document to be presented by the Abraham Fund states, among other things, that "an indication of the immediate practicality of this law was already evidenced several months ago when some settlements quickly adopted charters that effectively prevent admission of Arabs".

A day after the bill's approval, on October 28, Ha'aretz chose to promote the issue in the news agenda in a more prominent and comprehensive way. On the front page of the edition there appeared a referral to an article inside, under the headline **ADMISSION COMMITTEE LAW FOR COMMUNITY SETTLEMENTS APPROVED**. This headline does not convey any information about the significance of the law or criticisms of it, but the paragraph beneath the headline addresses the issue, stating:

The law has spurred criticism since it will allow an opening for the heads of communities with up to 500 households to reject Arab candidates. An investigation by the organization Adalah finds that the communities where the law will apply control most of the land in Israel.

The front page referral refers to a long article that was published on the second page of the edition, under a headline that emphasizes problems with the law:

CONSTITUTION COMMITTEE UNANIMOUSLY APPROVES LAW THAT WILL ALLOW DISCRIMINATION IN COMMUNITY SETTLEMENTS

The sub-headline elaborates:

MEMBERS OF THE CONSTITUTION COMMITTEE APPROVED THE CONTROVERSIAL LAW FOR SECOND AND THIRD READINGS * INVESTIGATION BY ADALAH ORGANIZATION FINDS THAT THE LAW WILL APPLY TO 81 PERCENT OF STATE OF ISRAEL LANDS AND WILL ALLOW ADMISSION COMMITTEES TO MAINLY TURN AWAY ARAB CANDIDATES

Alongside the article there appear three sidebars that illustrate the information contained in the article about barriers to Arabs gaining admission to community settlements. The first sidebar reports on the High Court ruling in 1995 that prohibited discrimination against the Ka'adan family, adding that only in 2004 did the family receive permission to build their home. The second sidebar refers to the High Court's ruling in 2006 concerning the Rakefet community settlement, which still has not resolved the case of the Zabidat family which underwent a compatibility test to join the settlement, but was rejected. The third sidebar explains that in April 2010 the admission committee in Nevatim turned down a request from the Tarabin family to rent an apartment in the communal settlement, an issue that still awaits a court ruling.

Another sidebar shows a photograph of the Constitution Committee chairman David Rotem, beside this cynical quotation:

"In my opinion, every Jewish settlement should have at least one Arab. What will happen if my refrigerator stops working on the Sabbath?"

The article deals extensively with legal matters and the newspaper's editors consequently chose to emphasize in the headline the issue of the blow to democracy. The article reports:

The legislative proposal lists a series of criteria according to which admission committees can reject or accept a candidate. But among these there are criteria that are open to broad interpretation, for example: "The candidate's lack of compatibility with the social-cultural fabric of the settlement", and "the candidate is not compatible with social life in the community". However, the proposed law also states that the admission committee shall not refuse to accept a candidate solely based on race, religion, gender, nationality or disability".

The article goes on to report:

The debate yesterday dealt mainly with technical reservations brought up by Knesset members and legal personnel concerning the bill's phrasing. For example, it was suggested that the criteria for banning discrimination in admittance to settlements be expanded to include a candidate's country of origin and sexual preference. Almost all the reservations and requests for clarification were dismissed by the committee members.

The article gives extensive coverage to opposition by human rights and civil rights organizations to the legislative proposal and also presents the positions of the bill's supporters. Thus, *Ha'aretz* chose to emphasize and elaborate the public significance of this issue only once the proposal was already approved by the Knesset Constitution Committee.

Israel Hayom

The day before the bill's approval in committee (October 27), *Israel Hayom's* coverage of the bill was marginalized and relegated to a single article at the bottom of page 17. The item's headline read:

LEGISLATIVE PROPOSAL: COMMUNITY SETTLEMENTS WILL BE ALLOWED TO REJECT CANDIDATES FOR ADMISSION

The article headline and text presented basic information about the proposed law, but there was no discussion of its public significance and no reference was made to its discriminatory aspects or to the claims of its critics that it strikes a blow to the basic rights of minorities and to democratic values. Through this manner of dry reporting *Israel Hayom* concealed the profound public significance of the proposed law.

The next day, October 28, after the bill was approved by the Knesset Constitution Committee, *Israel Hayom* provided its readers will more comprehensive information about the law. Though the subject appeared only on page 7 of the newspaper edition, the article's headline clearly presented the question that begged to be asked:

"ADMISSION COMMITTEE LAW": RACISM OR PRESERVING COMMUNITY CHARACTER?

The sub-headline continued:

THE LEGISLATIVE PROPOSAL WAS APPROVED FOR SECOND AND THIRD READINGS IN THE KNESSET. CONSIDERATIONS INCLUDE: COMPATIBILITY WITH THE SOCIAL FABRIC AND CANDIDATES' ECONOMIC CAPACITY. MKS ON THE LEFT: "THE LAW IS MEANT TO HARM THE ARAB PUBLIC"

In contrast with the coverage on the previous day, these headlines give expression to the controversy that arose about the proposed law and dwell on its significance. In the body of the article both supporting and opposing viewpoints are presented.

However, it should be mentioned that beside this news item an opinion piece by Dr. Aviad Cohen was published which expressed support for the proposed law and determined that there is nothing wrong with it. In a break with the media's established practice in covering subjects beset by deep public, legal and moral controversies, the newspaper chose, this time, not to present opinions on both sides of this issue.

Conclusion

The proposed law on admission committees for community settlements spurred severe criticisms and generated public discussion of questions concerning the nature of the regime in Israel and current threats to democratic values in Israeli society.

However, before the bill was approved by the Knesset Constitution Committee, at a time when a public discussion could have influenced the treatment of this bill, most of the major media outlets did not address the subject and Israeli media consumers were not exposed to analyses of the proposal's public significance and to criticisms of the bill. In effect, the main Israeli media chose not to allow its consumers to partake in a discussion of the character of the Israeli regime. Only readers of *Ha'aretz* that read the editorial in part B of the paper or delved into the details of an article published on the bottom of page 4 could understand the issue.

After the proposed law was approved only *Ha'aretz* emphasized the anti-democratic character of the law and its ramifications. The two other media outlets that reported the subject, *Israel Hayom* and *Yedioth Aharonoth*, dealt with the issue and its significance but demoted it from the front news pages to places deep in the inside pages (pages 7 and 18, respectively).

Four major media outlets, *Ma'ariv* and the three main television channels, left this issue out of their coverage completely. Their consumers did not even receive basic information about the fact that the proposed law was approved. Neglecting to cover this subject was a severe omission. A major share of media consumers, perhaps a majority of Israelis, could not obtain basic information about the subject and could not take part in an important national debate on the future face of Israel's society and its regime.

Refraining from covering a controversial subject that was fiercely debated by public figures and legal scholars was a flawed journalistic choice and a disservice to the public.

These outlets failed to shed light on a newsworthy development at a time when the media should intensify its role as the "watchdog of democracy", for the sake of democracy in Israel.