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DATA REPORT AUGUST 7, 2026

What Is the Historical Basis for Claims of Jewish Supremacy in Israel? Reading the Enacted Texts and the Court Record

The 1948 Declaration, the 2018 Basic Law passed 62 to 55, and two Supreme Court rulings: what the dated documents behind the claim actually say.

Israel

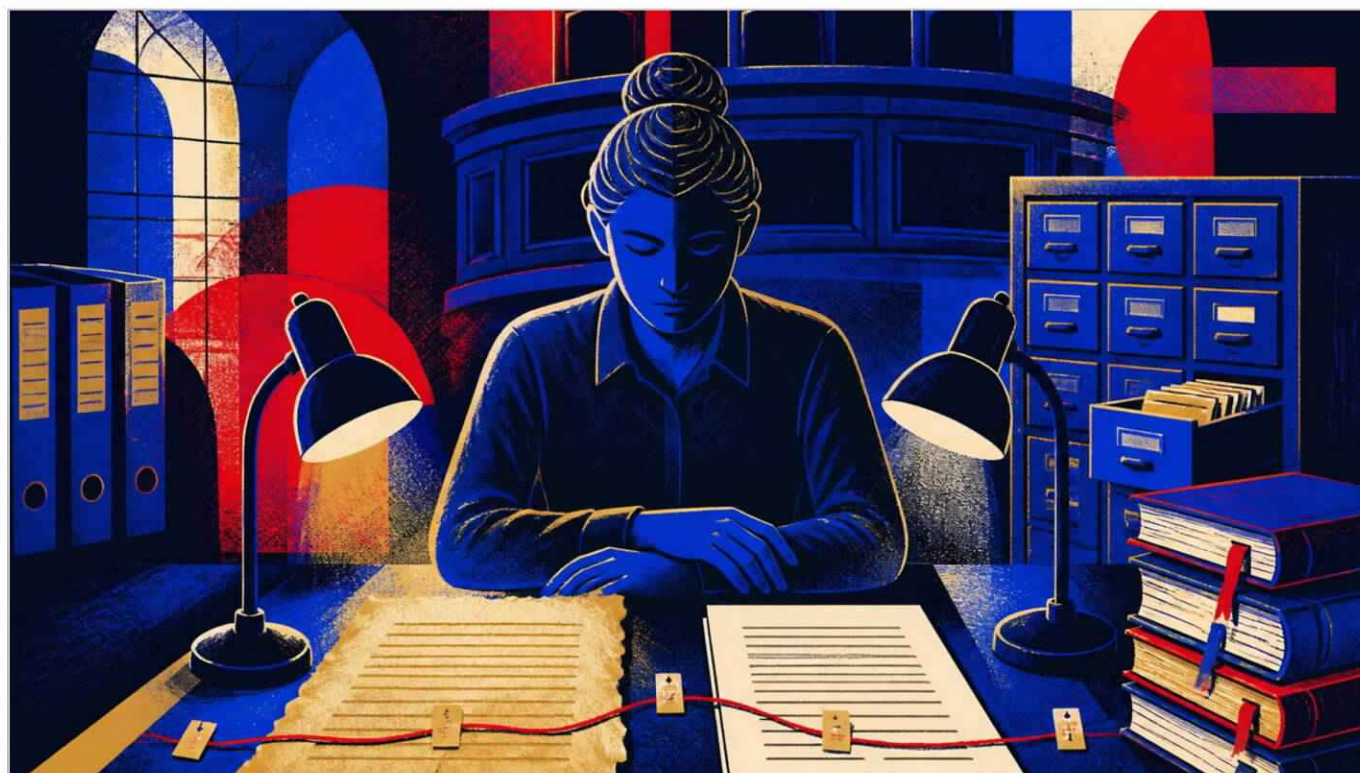
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The claim rests on a chain of dated, published instruments, and the two that anchor it sit 70 years apart: Israel's Declaration of the Establishment of the State of Israel of 14 May 1948, which declares a Jewish state and in the same document pledges complete equality of rights, and Basic Law: Israel as the Nation-State of the Jewish People, passed by the Knesset 62 to 55 on 19 July 2018, whose enacted text carries no equality clause. Between them sits a judicial record that runs in both directions: Israel's Supreme Court barred allocating state land on the basis of nationality in Ka'adan (HCJ 6698/95, March 2000), then upheld the 2018 Basic Law by 10 to 1 in July 2021 while holding that its settlement article must be read consistently with equality. The organizations that describe the record as a system of Jewish supremacy are named below, dated, and quoted, alongside the scholars who classify the same record four different ways.

Key Findings

- Israel's founding Declaration of 14 May 1948 declares "THE ESTABLISHMENT OF A JEWISH STATE IN ERETZ-ISRAEL" and, in the same text, pledges "complete equality of social and political rights to all its citizens irrespective of religion, race or sex" (Provisional Government of Israel, 1948, Official Gazette Number 1).
- Basic Law: Israel as the Nation-State of the Jewish People, enacted 19 July 2018 by a Knesset vote of 62 to 55, states that "the exercise of the right to national self-determination in the State of Israel is unique to the Jewish people" (Article 1(c)) and that the state "views the development of Jewish settlement as a national value" (Article 7).
- In Ka'adan v. Israel Land Administration (HCJ 6698/95, March 2000), the Supreme Court of Israel held that the state may not allocate land on the basis of nationality, including where allocation is routed through an intermediary body.
- In HCJ 5555/18 (8 July 2021), the Supreme Court rejected petitions against the 2018 Basic Law by 10 to 1, Justice George Karra dissenting, while reading Article 7 as not authorizing allocation of state land by religion or nationality.
- The classification dispute predates the 2018 law by two decades: Sammy Smooha published "ethnic democracy" in Israel Studies in 1997 and Oren Yiftachel published

“ethnocracy” in Constellations in 1999.

What does Israel’s founding declaration actually say?

The Declaration of the Establishment of the State of Israel, read in Tel Aviv on 14 May 1948 and published in Official Gazette Number 1, does two things in one text. It declares “THE ESTABLISHMENT OF A JEWISH STATE IN ERETZ-ISRAEL, TO BE KNOWN AS THE STATE OF ISRAEL,” and it pledges that the state “will ensure complete equality of social and political rights to all its citizens irrespective of religion, race or sex.”

The same document adds a third element that is quoted less often. It appeals “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.” It also pledges that the state “will guarantee freedom of religion, conscience, language, education and culture.”

The wording matters and the translation matters with it. The text quoted here is the Knesset’s own published English version, which reads “all its citizens” in the equality sentence; other widely circulated English translations render the same word as “inhabitants,” a difference that changes who the pledge is addressed to. Any report that quotes the sentence is obliged to say which translation it is quoting, and this one quotes the Knesset’s.

The Declaration was signed by the 37 members of the People’s Council, David Ben-Gurion first. Both halves of it, the national definition and the equality pledge, appear in the same paragraph sequence, adopted on the same day, by the same signatories. **Neither half is a later gloss on the other.** That is the documentary starting point for every argument built on 1948, in either direction.

Who traces a supremacy system through Israel’s history?

It is often said that Jewish supremacy in Israel rests on a continuous historical foundation running from early Zionist settlement institutions through the 1948 founding to the 2018

Basic Law. That position is held and published by specific, named bodies, each with a date, a document, and a stated method of its own.

B'Tselem, the Israeli Information Center for Human Rights in the Occupied Territories, published a position paper in January 2021 titled "This Is Apartheid: A Regime of Jewish Supremacy from the Jordan River to the Mediterranean Sea," which advances the supremacy framing in the title itself and applies it to the whole area under Israeli control rather than to Israel within the Green Line alone. Human Rights Watch published "A Threshold Crossed: Israeli Authorities and the Crimes of Apartheid and Persecution" in April 2021, arguing that maintaining Jewish Israeli control over demographics, land, and political power has long guided Israeli government policy. Adalah, the Legal Center for Arab Minority Rights in Israel, maintains a Discriminatory Laws Database, its own compilation on its own inclusion criteria, presenting more than 65 Israeli laws it identifies as discriminating directly or indirectly against Palestinian citizens of Israel.

The scholarly version of the same argument is Mazen Masri's "The Dynamics of Exclusionary Constitutionalism: Israel as a Jewish and Democratic State" (Hart Publishing, 2017), which locates the claim in constitutional structure rather than in any single policy, and which was published a year before the Basic Law that is now most often cited as the claim's anchor.

Body (type)	Publication, date	Position as stated by that body
B'Tselem (monitoring and advocacy organization, Israel)	"This Is Apartheid," January 2021	A regime of Jewish supremacy from the Jordan River to the Mediterranean Sea
Human Rights Watch (monitoring and advocacy organization)	"A Threshold Crossed," April 2021	Policy long guided by maintaining Jewish Israeli control over land, demographics and political power
Adalah (legal advocacy organization, Israel)	Discriminatory Laws Database, ongoing	More than 65 laws it identifies as discriminatory, its own count on its own criteria
Mazen Masri (scholarly monograph, Hart Publishing)	"The Dynamics of Exclusionary Constitutionalism," 2017	Exclusion located in constitutional structure

Each of these is the publishing body's own characterization on its own definitions. None is an official statistic, a court finding, or a measured share.

How did Israel's courts treat nationality-based land allocation?

The Supreme Court of Israel ruled in *Ka'adan v. Israel Land Administration* (HCJ 6698/95, March 2000) that the state may not allocate land on the basis of nationality, and that it may not do indirectly what it may not do directly, including where allocation is routed through an intermediary national institution. That is the precise institutional form the historical argument cites: land held and distributed through national bodies rather than by the state to individuals.

Twenty-one years later the same court reached the 2018 Basic Law. In HCJ 5555/18, decided 8 July 2021, an expanded panel rejected the petitions against the law by **10 to 1**, with Justice George Karra dissenting. The majority held that Article 7, the settlement clause, must be read consistently with the principle of equality, and that it does not authorize the allocation of state land on the basis of religion or nationality.

The two judgments are the counterweight the historical account has to absorb, and they cut in two directions at once. *Ka'adan* is a ruling against nationality-based allocation, delivered by Israel's own highest court, eighteen years before the Basic Law. HCJ 5555/18 is a ruling that left the Basic Law standing, and it is the near-unanimity of that outcome, 10 justices to 1, that makes it load-bearing rather than marginal.

What a court says and what an administrative system does are separate questions, and the judgments settle only the first. The judgments are the record of how the practice was treated when it was tested at law. The organizations named in the previous section were writing after both rulings, and both rulings are dated, published, and checkable.

What did the 2018 law change?

Basic Law: Israel as the Nation-State of the Jewish People, passed by the Knesset **62 to 55** on 19 July 2018, states in Article 1(c) that “the exercise of the right to national self-determination in the State of Israel is unique to the Jewish people,” and in Article 7 that the state “views the development of Jewish settlement as a national value and shall act to encourage and promote its establishment and consolidation.”

The feature of the enacted text most often cited is not what it contains but what it omits: the law carries no equality clause. That is the drafting difference between it and the 1948 Declaration, which paired its national definition with the pledge of complete equality of social and political rights, and it is the contrast on which the modern version of the historical argument turns. A basic law is part of Israel's constitutional framework in a way the Declaration is not, which is why the 2018 text, rather than the 1948 one, is the instrument most frequently placed at the end of the chain.

The law was upheld in July 2021 by the reading described above, that Article 7 does not license allocation of state land by religion or nationality. Both the enacted text and the judgment are public and dated, and the arguments over the individual provisions are set out in the Institute's report on [the Israeli laws described as Jewish supremacist](#).

Do scholars agree the history adds up to supremacy?

The dispute over how to classify Israel's regime is 21 years older than the 2018 Basic Law. Sammy Smooha set out the category of "ethnic democracy" in Israel Studies in 1997, describing a democracy that institutionalizes the dominance of one ethnic nation. Oren Yiftachel answered with "ethnocracy" in Constellations in 1999, developed at book length as "Ethnocracy: Land and Identity Politics in Israel/Palestine" (University of Pennsylvania Press, 2006).

Position	Source, year, type	What it holds
Ethnic democracy	Smooha, 1997, peer-reviewed journal	A democracy combined with institutionalized ethnic dominance
Ethnocracy	Yiftachel, 1999 and 2006, peer-reviewed journal and university press	A regime organized around ethnic expansion and control of land
Nation-state within European practice	Yakobson and Rubinstein, 2008, Routledge	A nation-state of a majority people, comparable to established European constitutional forms
Exclusionary constitutionalism	Masri, 2017, Hart Publishing	Exclusion built into the constitutional structure itself

Alexander Yakobson and Amnon Rubinstein's "Israel and the Family of Nations: The Jewish Nation-State and Human Rights" (Routledge, 2008) is the standing counter-position: it places a state defined as the nation-state of a majority people inside, rather than outside, the range of European constitutional practice, and reads the arrangement against international human-rights norms rather than against a supremacy category.

One further document sits between the scholarship and the legislation. Ruth Gavison, commissioned by Israel's Minister of Justice to advise on constitutionally anchoring the state's character as Jewish and democratic, delivered her recommendation in 2015 that identity should not be legislated in a basic law at all. That is a government-commissioned review, published three years before the Knesset legislated, recommending against the instrument that was subsequently enacted.

Four positions, four dated publications, and a commissioned review that recommended a fifth course. **Three of the four scholarly positions were in print before the 2018 law existed.**

Is a connection claim the same as a supremacy claim?

The Declaration's own recitals carry a chain of instruments the founding text invokes for Jewish historical connection and international recognition: the First Zionist Congress convened by Theodor Herzl in 1897, the Balfour Declaration of 2 November 1917, the League of Nations Mandate, and the United Nations General Assembly resolution of 29 November 1947, which the Declaration calls a recognition that "is irrevocable."

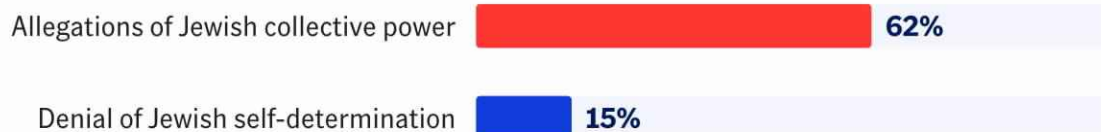
Those are the founding text's own assertions about connection and recognition, and they are a different object from a claim about hierarchy between groups inside the state.

The two objects are separable in the documents and they are also separable in measurement. In the expert-annotated corpus of 4,016 English-language tweets built by Jikeli and colleagues (2022, peer-reviewed) and coded against the IHRA working definition, about 62% of the antisemitic tweets mentioning Jews fit the paragraph on mendacious or stereotypical allegations about Jewish collective power, while 15% fit the paragraph on denial of the Jewish people's right to self-determination. Those are shares of coded content within keyword-

drawn samples under one stated definition, not shares of all discourse, and the two categories are separate paragraphs of that definition rather than one.

Which IHRA paragraphs the antisemitic tweets fit

EXPERT-ANNOTATED TWEETS MENTIONING JEWS, JANUARY 2019 TO AUGUST 2020



Source: Jikeli and colleagues, 2022, peer-reviewed; 4,016-tweet gold-standard corpus.

The distinction runs through the whole subject. A claim about ancient presence, a claim about recognition by the League of Nations or the General Assembly, a claim about a state's constitutional definition, and a claim about hierarchy between the people living under it are four different propositions resting on four different bodies of evidence. The Institute's separate reports set out [what the research measures under the term Zionism](#) and [what the evidence measures where anti-Zionism and antisemitism are compared](#).

Methodology

This report measures the documentary record behind a contested claim, not the claim itself. Four source types were used, each labelled where it appears. Primary and official records: the Declaration of the Establishment of the State of Israel (Official Gazette Number 1, 14 May 1948, quoted from the Knesset's published English text), Basic Law: Israel as the Nation-State of the Jewish People (enacted 19 July 2018), and two Supreme Court of Israel judgments, HCJ 6698/95 (March 2000) and HCJ 5555/18 (8 July 2021). Peer-reviewed research and university-press scholarship: Smootha (1997), Yiftachel (1999, 2006), Yakobson and Rubinstein (2008), Masri (2017), and Jikeli and colleagues (2022). A government-commissioned review: Gavison (2015). Monitoring and advocacy organizations: B'Tselem (2021), Human Rights Watch (2021), and Adalah's database.

The organizational counts and characterizations carry their publishers' definitions. Adalah's tally of more than 65 laws is that organization's own count on its own inclusion criteria and is not a measured share, an official statistic, or an independently replicated figure. The B'Tselem and Human Rights Watch formulations are those organizations' stated positions, published in 2021, and are cited as positions held rather than as findings.

Two limits on the quoted texts. The Knesset's English rendering of the Declaration reads "citizens" where other translations read "inhabitants," so the equality sentence is quoted here from one specific translation and identified as such. The phrase "Jewish supremacy" does not appear in any of the enacted or judicial texts quoted above; it is the term used by the organizations and authors named in the second section, in their own publications.

The Jikeli and colleagues figures are shares within an expert-annotated sample of tweets returned by keyword queries, not shares of a platform or of public opinion, and the corpus covers January 2019 to August 2020. Where sources disagree, as they do on classification, the competing works are named with their venues and years rather than reconciled.

Conclusion

So what is the historical basis? It is a set of documents, each of which can be read, dated and quoted, and which do not point one way. The 1948 Declaration declares a Jewish state and pledges complete equality of social and political rights in the same text. The 2018 Basic Law declares self-determination in Israel unique to the Jewish people and settlement a national value, and carries no equality clause, which is the sharpest change across the 70 years. Israel's own Supreme Court barred nationality-based land allocation in 2000 and left the Basic Law standing by 10 to 1 in 2021 while narrowing how its settlement article may be read.

The interpretation is older than the law now used to anchor it. Smooha named ethnic democracy in 1997, Yiftachel named ethnocracy in 1999, Yakobson and Rubinstein placed the same arrangement inside European constitutional practice in 2008, and Masri located exclusion in constitutional structure in 2017, a year before the Knesset voted 62 to 55. Israel's own commissioned adviser recommended in 2015 against writing identity into a basic law at all. B'Tselem, Human Rights Watch and Adalah published their formulations after both court rulings, in their own words and on their own criteria. Four scholarly categories, one

government-commissioned recommendation, three organizational positions and four instruments, all describing the same record.

That leaves a question the documents raise and do not settle. Under one definition, coded content alleging collective Jewish power and coded content denying Jewish self-determination were counted separately, at 62% and 15% of an annotated corpus, because they are separate propositions. The historical record here separates in the same way: a claim about a state's constitutional definition and a claim about the character of a people are not the same claim, and the vocabulary of supremacy is now doing service for both in ordinary argument. When a phrase written for a constitutional structure is carried into everyday talk about a people, which of the two does the listener hear?

Frequently Asked Questions

Why is the 2018 Basic Law cited more often than the 1948 Declaration?

A basic law sits inside Israel's constitutional framework, and Basic Law: Israel as the Nation-State of the Jewish People (enacted 19 July 2018) states in Article 1(c) that national self-determination in Israel is unique to the Jewish people. The 1948 Declaration is a founding instrument that pairs its national definition with an equality pledge, which is why the later text, not the earlier one, is placed at the end of the argument.

Did Israel's Supreme Court strike down any part of the 2018 law?

No. In HCJ 5555/18, decided 8 July 2021, the court rejected the petitions by 10 to 1, with Justice George Karra dissenting. The majority read Article 7 as requiring consistency with equality and as not authorizing allocation of state land by religion or nationality.

Which organizations actually use the phrase "Jewish supremacy"?

B'Tselem uses it in the title of its January 2021 position paper, "This Is Apartheid: A Regime of Jewish Supremacy from the Jordan River to the Mediterranean Sea." Human Rights Watch's April 2021 report "A Threshold Crossed" makes a related argument in the language of apartheid and persecution. Both are those organizations' own characterizations on their own definitions.

How do scholars who reject the supremacy framing describe Israel instead?

Alexander Yakobson and Amnon Rubinstein, in “Israel and the Family of Nations” (Routledge, 2008), describe a nation-state of a majority people and place that form inside established European constitutional practice, assessed against international human-rights norms. Sammy Smooha’s “ethnic democracy” (Israel Studies, 1997) is a third category, combining democratic institutions with institutionalized ethnic dominance.

Did any Israeli government body advise against the 2018 law’s approach?

Ruth Gavison, commissioned by Israel’s Minister of Justice to advise on constitutionally anchoring the state’s Jewish and democratic character, recommended in 2015 against legislating identity in a basic law. The recommendation preceded the Knesset’s 62 to 55 vote by three years.

Why does the translation of the 1948 equality clause matter?

The Knesset’s published English text pledges “complete equality of social and political rights to all its citizens irrespective of religion, race or sex,” while other widely used translations render the word as “inhabitants.” Citizenship and residence are different categories, so the two renderings address different populations, and any quotation should say which text it uses.

What did the Ka’adan ruling actually decide?

In Ka’adan v. Israel Land Administration (HCJ 6698/95, March 2000), the Supreme Court of Israel held that the state may not allocate land on the basis of nationality, including where the allocation is routed through an intermediary body rather than made by the state directly. It is a judgment about allocation practice, delivered eighteen years before the 2018 Basic Law.

Sources

- Adalah, the Legal Center for Arab Minority Rights in Israel, ongoing. The Discriminatory Laws Database. adalah.org. Monitoring and advocacy organization.
- B’Tselem, 2021. This Is Apartheid: A Regime of Jewish Supremacy from the Jordan River to the Mediterranean Sea. Position paper, January 2021. btselem.org. Monitoring and

advocacy organization.

- Gavison, 2015. Recommendations to the Minister of Justice on constitutional arrangements anchoring the character of the State of Israel as Jewish and democratic. State of Israel, Ministry of Justice. Government-commissioned review.
- Human Rights Watch, 2021. A Threshold Crossed: Israeli Authorities and the Crimes of Apartheid and Persecution. April 2021. hrw.org. Monitoring and advocacy organization.
- Jikeli, Axelrod, Fischer, Forouzesh, Jeong, Miehl, Soemer, 2022. Differences Between Antisemitic and Non-Antisemitic English Language Tweets. Computational and Mathematical Organization Theory. DOI 10.1007/s10588-022-09363-2. Peer-reviewed.
- Knesset, 2018. Basic Law: Israel as the Nation-State of the Jewish People. Enacted 19 July 2018. Official record (enacted statute).
- Masri, 2017. The Dynamics of Exclusionary Constitutionalism: Israel as a Jewish and Democratic State. Hart Publishing. Scholarly book.
- Provisional Government of Israel, 1948. Declaration of the Establishment of the State of Israel. Official Gazette Number 1, Tel Aviv, 14 May 1948; English text published by the Knesset at main.knesset.gov.il. Primary and official record.
- Smooha, 1997. Ethnic Democracy: Israel as an Archetype. Israel Studies, 2(2). Peer-reviewed journal.
- Supreme Court of Israel, 2000. Ka'adan v. Israel Land Administration, HCJ 6698/95, March 2000. Official record (court judgment).
- Supreme Court of Israel, 2021. Judgment on the petitions against Basic Law: Israel as the Nation-State of the Jewish People, HCJ 5555/18, 8 July 2021. Official record (court judgment).
- Yakobson and Rubinstein, 2008. Israel and the Family of Nations: The Jewish Nation-State and Human Rights. Routledge. Scholarly book.
- Yiftachel, 1999. "Ethnocracy": The Politics of Judaizing Israel/Palestine. Constellations, 6(3). Peer-reviewed journal.
- Yiftachel, 2006. Ethnocracy: Land and Identity Politics in Israel/Palestine. University of Pennsylvania Press. Scholarly book.

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Discourse

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