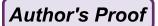
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Does Dignity Promote Law's Autonomy or Undermine It? The Israeli Controversy

Orit Kamir 3

Abstract In Israel, as in other parts of the world, liberals view human dignity and 4 the human rights it inspires and supports as a supreme universal principle, that serves 5 to free the law and the judiciary from populist majoritarian chauvinism that some-6 times takes hold of the parliament. The right wing, on the other hand, views human 7 dignity as a doctrine that is foreign to the spirit and culture of the national majority 8 that rules the state (in Israel: the Jewish majority), and demands that the law, 9 represented by the legislature, be liberated from it. This chapter suggests that the 10 right wing attitude promotes national honor as an alternative to universal human 11 dignity. The chapter presents the Israeli struggle over this issue by introducing 12 Israel's 1992 Basic Law: Human Dignity and Liberty, as well as the fierce backlash 13 against it, as manifested in the 2018 enactment of Basic Law: Israel as The Jewish 14 Nation State, and the ruthless attack on illegal African immigrants and judiciary that 15 has tried to secure their human dignity and rights. The final section illustrates the 16 clashing perspectives by reading an Israeli feature film, Manpower.

1 Introduction

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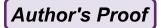
Does the legal constitution of human dignity and human rights enhance the autonomy of law, or jeopardize it? In one way or another, this fundamental question has 21 polarized several societies in the first decades of the twenty first century. Proponents 22 of human dignity and human rights claim that their legal recognition liberates the law 23 from populist agendas and empowers it to fulfill its sacred mission of protecting 24 individuals from powerful governmental agencies. Opponents claim that by 25 enforcing human dignity and rights, courts undermine and castrate the law that is 26 legitimately legislated and carried out by representatives of the populace, i.e., the 27 majority (which is usually a national majority).

This chapter sketches the manifestation of this heated debate within Israeli society 29 in the twenty first century. 30

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O. Kamir (🖂)

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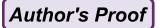


Israel defines itself as the national homeland of the Jewish people. It claims to be both Jewish and democratic. Unlike most democracies, it has no written constitution. In 1992, Israel enacted its *Basic Law: Human Dignity and Liberty*, thus finally embracing via legislation the fundamental tenet of the United Nations' 1948 Universal Declaration of Human Rights. Due to severe disputes and fierce, unresolved controversy among legislators, the basic law is so laconic and opaque that only very creative interpretation can give it operative meaning. Israel's Supreme Court took on the task, and in the years following the basic law's legislation it channeled much of its energy into developing such an interpretation. The court declared the basic law to be Israel's Bill of Rights; it read into it important values and rights (such as equality) that are not explicitly mentioned in it; it read the basic law as authorizing Israeli courts to strike down new legislation that contradicts the basic law and offends human dignity and liberty.

The Supreme Court and the judiciary at large, as well as many liberal Israelis, have viewed the basic law and the principle of human dignity that it embodies as expanding and strengthening the autonomy of Israeli law. In this view, the judiciary and the law it pronounces are empowered by the basic law to review both legislative and executive acts, and to protect individuals' human dignity, liberty and rights to the degree of striking down not merely administrative acts, but also offensive legislation. According to this narrative, dignity afforded the judiciary the necessary tools and authority to overcome populist legislation, and to pursue law's true cause: the championing of humanity and its protection from offensive intervention of the legislative and executive branches.

The opponents, right wing parties that have held both legislative and administrative power in Israel for decades, consider both the principle of human dignity and the basic law (as interpreted by the judiciary) as obstructing the ability of the (right wing) government to govern and the (right wing) legislature to legislate. Dignity and its basic law are claimed to undermine the sovereignty of the people, hence the principle of democracy, as well the autonomy and governance of the legislative and executive branches. In this line of thought, human dignity and the basic law that protects it constitute a liberal dictatorship, overruling the nationalistic sentiment of the majority of Israeli citizens.

Clearly, in Israel as in other places, these two lines of argument reflect different understandings of the law and its mission, of democracy, and of "law's autonomy". The right wing argument equates democracy with majority rule and views the law as representing the will of the majority. The autonomy of law is, therefore, a combination of two components: 1. the law's (negative) freedom from universal principles, such as dignity, that are external and foreign to the will of the majority; and 2. law's (positive) power to impose the majority's world view and execute it. In contrast, the liberal argument assumes that the law's definitive mission is to cherish humanity and human dignity and enforce human rights. It stresses democracy's obligation to protect minorities and individuals from a majoritarian dictatorship. In this view, human dignity is not external to the law, but the core of the value system that underlies it. Law's autonomy, in this story, combines 1. the judiciary's (negative) freedom from majoritarianism and populism enacted and enforced by the legislative



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and executive branches, with 2. law' (positive) power to protect humanity, through 76 enforcement of human dignity and rights.

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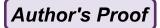
Presenting the Israeli case, this chapter suggests that the conflict described above 78 can be framed as a clash between a liberal human dignity-based agenda, and a 79 national honor-based one. For liberal Israelis, Basic Law: Human Dignity and 80 Liberty has freed the law from complete subordination to national Jewish honor, 81 imposed by the right wing legislature and government. For the right wing, the same 82 basic law subjected national Jewish honor, together with the law that should 83 rightfully convey it, to universal, individualistic human rights, that are external 84 and foreign to the Jewish nation and its culture. These rights express the superiority 85 of the individual and universalist ideology over the nation, thus offending the nation's honor. Furthermore, when bestowed on the nation's enemies, human rights. derived from human dignity, are a clear affront to the nation's honor.

In order to flesh out this argument, this article begins with a brief presentation of 89 the exact meanings of both human dignity and national honor, as I understand and 90 use them. Next it presents the enactment in 1992 of Basic Law: Human Dignity and 91 Liberty, followed by a presentation of Israel's right wing's backlash campaign, manifested in the ruthless attack on illegal immigrants and in the enactment of 93 Basic Law: Israel as The Jewish Nation State in 2018. Both these developments embody the return of national honor and the weakening of human dignity. The chapter ends with a short analysis of an Israeli feature film (Manpower) that presents the persecution of illegal immigrants, and offers a cultural critique that can be phrased in the relevant terms: dignity, honor and autonomy. 98

2 **Human Dignity and Honor as Fundamental Moral** Attitudes¹

Human dignity is the inherent positive value the enlightenment-based worldview 101 ascribes to anyone who belongs to the human family. It is equally innate to the human make-up of each and every one of us. We can think of it as the moral stamp of 103 "human quality" that is similarly imprinted on every human being and brands us identically from womb to tomb. Dignity does not depict people's empirical value; it 105 constitutes them as normatively worthy by mere virtue of their humanity. In line with 106 Kantian philosophy, since human dignity is the moral value of human subjects as such—it must always be acknowledged, preserved and upheld fully and unconditionally. In this line of thought, it is absolutely prohibited to forgo human dignity and 109 treat any member of the human category with no regard of his or her intrinsic human 110 value; we are forbidden to treat any human being as an object, as a mere means to 111 an end.

¹This section summarizes the lengthy presentations of honor and dignity in Kamir (2020), pp. 17–48 and pp. 73–106 respectively.



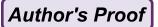
On December 10, 1948, the United Nations adopted the Universal Declaration of Human Rights, which determines in its first article that "[a]ll human beings are born free and equal in dignity and rights." In its opening statement, the declaration proclaims that "recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world" (emphasis added). In this world view, human rights are inseparable from human dignity: our dignity gives rise to our rights. It is in human dignity and rights that we are all equal, and these equal dignity and rights are the basis of our freedom.

This statement famously came in the aftermath of WWII and the unprecedented brutality that members of the human family forced on each other. Horrified by humankind's unleashed potential for cruel self-destruction, the world realized and declared that future human survival and prosperity ("freedom, justice and peace") depended upon a universal acceptance of the tenet of human dignity. Half a century later, human dignity is widely accepted as the foundation of contemporary human rights-oriented culture.

Since the Universal Declaration, human dignity is the focal point of contemporary enlightenment-based civilization; it underlies the universalistic, humanistic, secular moral order that many of us adhere to. Yet this veneration of universal human dignity is culture specific; it is by no means shared by all societies and cultures worldwide or throughout the ages. Many cultures have relied on alternative value systems and their alternative focal points to ascribe value, i.e., worth, to their members, as well as to groups and phenomena. The most popular and successful of those types of systems has been that of honor-and-shame. Most traditional societies in most parts of the world adhered—and often still do—to honor-and-shame foundational attitudes, their logic, psychology and economy. What distinguishes a dignity culture from an honor one is that one ascribes every human being absolute, universal, immeasurable worth, whereas the other ascribes each of its members worth, prestige and standing according to his or her relative adherence to the group's honor norms.

In honor-and-shame societies, honor is the relative value attributed to and felt by a member of society *vis-à-vis* his peers. This type of value is neither universal nor innate to all members of a group *per se*; quite the contrary, it implies comparative social status, prominence, rank and standing in the hierarchical structure of a specific group. It is admired and sought after, because its accumulation promises superiority over others, hence better living and improved prospects of survival and prosperity. In honor-based societies, shame is dishonor: the absence of honor due to inherent lack or circumstantial loss.

In most honor-and-shame societies, honor is partially bequeathed and mostly gained through the careful and disciplined adherence to the norms defined by the relevant honor code. Different honor societies adhere to different honor codes, *i.e.*, to different sets of social norms, sometimes formally acknowledged and often unconsciously internalized. Yet in many honor societies, proud, "manly" self-assertion, bravery, extreme sensitivity to slight, and unreserved, manifested loyalty to group and leader are prevailing honor-norms. A meticulous observance of the appropriate



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honor norms entitles a person to honor; failure bestows shame. Honor is ceaselessly 158 coveted, achieved, enhanced, accrued and inevitably lost, while shame is dreaded 159 and avoided at all cost.

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Honor is reserved exclusively to group members. Outsiders, "Others", are 161 deemed honor-less, hence not protected by social rules: offense to them involves 162 no loss of socially recognized honor and is therefore non-consequential. The strong distinction between insiders and outsiders is crucial for the sense of identity of 164 members of an honor-based society. Maintaining their insider's status justifies the 165 harsh struggle for honor they experience throughout their lives.

In an honor-revering society, peers are in perpetual competition for honor, always 167 measuring themselves up each against all others. Since social hierarchy is a pyramid 168 and honor corresponds to a position in the pyramid, one member's promotion must 169 entail the demotion of others. The logic of the honor competition is, therefore, as Bill 170 Miller aptly put it, that of a zero-sum-game (Miller 1993, p. 116). Whereas loss of 171 some honor relegates a group member down the social ladder towards the bottom of 172 the pyramid, complete loss of honor entails loss of group membership altogether: a 173 member who lost all honor becomes an outsider. For many group members, this is 174 fate worse than death.

Groups that encourage adherence to honor standards among their members are 176 likely to exhibit an honor mentality in their relationships with other groups. Sport 177 clubs whose members compete for honor amongst themselves are likely to compete for honor against other clubs. Similarly, states in which honor competition prevails among their citizens are likely to manifest similar honor-bound conduct in their 180 relations with other states.

As this short overview shows, the logic dictated by an honor-and-shame foundational attitude differs dramatically from that dictated by a universalistic, humanistic, 183 dignity-based one. Nonetheless, many people around the world are intimately familiar with both, combining them or fluctuating between them in innumerable 185 ways. This is also true of groups, from classrooms and sports teams to countries and 186 nations. Rhetoric, legislation, policies and judicial decisions can manifest a state's 187 dignity or honor mentality, and may enhance it.

In the aftermath of WWII and in direct response to it, the international community chose to pledge allegiance to the social order of universal human rights, which is based on the moral foundation of human dignity: the unqualified recognition of the worth attributed to every human being per se. The horror evoked by the dehumanization and destruction that WWII entailed lasted for the first seventy years following it; it nurtured and sustained the proclaimed international commitment to human dignity and rights. Yet, in the second decade of the twenty first century, this commitment has been subsiding. In my book Betraying Dignity I argue that across the globe, commitment to dignity and to the social order it inspired has been replaced by reverence of social structures that derive from, manifest and enhance a very different fundamental value: honor, including national honor.

Instead of dignity's equal regard to every individual human being, honor pro- 200 motes fierce competition for dominance and prestige, on both the personal and the 201 collective levels.



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203 In this context, the argument made here is that Israel is participating in the international trend of betraying dignity and promoting (national) honor. Israel does 204 so by attacking its Basic Law: Human Dignity and Liberty and accusing the judiciary 205 of using the law and the principle of dignity to curtail the autonomy of law, i.e., the 206 will of the people, the principle of governance and the spirit of democracy.

3 Basic Law Human Dignity And Liberty: Israel's Attempt 208 to Move from National Honor to Human Dignity 200

In several previous publications I made the argument that Political Zionism was openly and explicitly committed to the transformation of Jews (Jewish men) into men of honor (Kamir 2002, 2004, 2005, 2008, 2011, 2014). Buying into the European (antisemitic) vision of Jews as honor-less outsiders to Europe's nations, Political Zionism aspired to mold Jews into an honorable nation. Herzl and Nordau's portrayal of national Jewish honor was central to their Zionist vision (Kamir 2004, pp. 53–65). Moreover, all sections of Zionism adopted this element, and the Zionist movement at large devoted significant resources and energy to the creation of Nordau's New Jew, i.e., the Jewish Man of Honor. Zionist pilgrims and their Sabra (Israeli born) ons distanced themselves from the "Diaspora Jew", building 219 muscles, carrying arms and training in "manly" self-assertion. They were to be the true sons of the bold *Makabim* (Jewish freedom warriors in the second century B.C.). 221 The Jewish Yeshuv (organized community) in Mandatory Palestine, as well as the 222 Jewish population of the new Israeli state were greatly immersed in this vision. The establishment of the I.D.F. (Israeli Defense Force) and ongoing war with the 224 neighboring Arab states contributed to the popularity of this vision. 225

Concomitantly, Israel's grapple with its Holocaust trauma played into the Zionist craving for national honor. The systematic extermination of Europe's Jewry was the ultimate offense against human dignity. It was the definitive denial of and assault on the sacredness of humanity and the value of each individual human. Indeed, the unprecedented dimension of this offense to human dignity led the United Nations to establish dignity as the underlying fundamental value of the post-war era. Yet, Jews at large and the Israeli Zionist community in particular, experienced the Holocaust as a colossal offense to Jewish national honor. In the mainstream Israeli discourse, Holocaust victims and survivors were typically referred to as "sheep who went to the slaughter", i.e., as honor-less exilic Jews who shamed the nation by not standing up for themselves; by not fighting back as "men of honor" must; by allowing the nemesis to subdue them, and through them to exhibit superiority over the whole Jewish nation. The sense of national shame was overwhelming, requiring extraordinary honorable achievements that would offer relief from the shame, and a regained sense of national honor.

The apprehension, in 1961, of Adolf Eichmann, the official who was in charge of 242 exterminating the Jews by Nazi Germany, was viewed as one such achievement. The

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1967 war (the "Six Day War"), in which Israel conquered its neighboring Arab states 243 and took over significant territories from Jordan ("The West Bank"), Egypt (The 244 Sinai desert) and Syria (the Golan heights), was another major achievement that 245 served Israel to regain its sense of national honor. The 1973 war (the "Yom Kippur 246 war') was once again experienced as disgraceful and a stain on Israel's national 247 honor; the subsequent Entebbe Operation (in which an Israeli military force liberated 248 hostages that were kidnapped to Uganda on July 4th, 1976) was felt to redeem the 249 nation's honor. Israel continuously valued itself in terms of honor and shame, 250 vacillating between feelings of euphoric honor and devastating shame.

Against this background, Basic Law: Human Dignity and Liberty was a historic 252 turning point. Its enactment was a strong signal that Israel was ready to adopt more 253 fully the discourse, worldview and psychology of human dignity. Literal scrutiny 254 reveals that the Basic Law is very laconic, abstract and inconclusive. In fact, it is 255 merely a small portion of a comprehensive Bill of Rights that liberal Knesset 256 Members failed to legislate. Most obviously, the basic law does not mention 257 equality, leaving this fundamental value unprotected. Nevertheless, Israel's Supreme 258 Court declared the basic law to be the country's Bill of Rights, reading into it the 259 protection of rights that are not specified in the letter of the law (Sommer 1997). So, 260 for example, the court read the basic law's protection of human dignity to preclude 261 group-based discrimination, thus reading equality into the statute that does not 262 mention it.

It was the Supreme Court's judicial interpretation and rhetoric that marked the 264 basic law as a socio-cultural turning point, placing human dignity and the derivative 265 universal human rights at the heart of Israel's legal ethos. Supreme Court Chief 266 Justice Aaron Barak did more than anyone to strengthen the hold of dignity on 267 Israel's legal system. Whereas liberal circles applauded this socio-legal reform and 268 willingly cooperated with it, conservative right wing circles rejected and resented it, 269 arguing that the Supreme Court was overstepping its boundaries in advancing an 270 ideological revolution that required wide public support which had never been 271 secured.

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The explicit connection between the elevation of human dignity and the demise of 273 national honor was made, in twenty first century Israel, in two contexts: the attack on 274 African immigrants and asylum seekers, and the legislation of Basic Law: Israel as 275 Nation State. I suggest that these two cases embody the backlash against dignity and 276 the swing back to national honor, i.e., the backlash against the liberal vision of law's autonomy, and swing back to the right wing's articulation of law's autonomy. 278



Dehumanization of Illegal African Immigrants and Asylum Seekers

From the end of the 1990s and until 2012, 30-40,000 Africans entered Israel 281 illegally; many of them were asylum seekers from disaster zones, and others 282 migrated seeking work and livelihood. In 2012, Israel completed the building of a 283 wall on its southern border with Egypt to prevent the entrance of more African 284 migrants. The Convention and Protocol Relating to the Status of Refugees UNHR (12.2010) was crafted in 1951 in the aftermath of the Holocaust, and ratified by Israel 286 in 1954.² The Convention states that refugees shall not be returned to a country in 287 which their life and freedom are endangered. In accordance with the ideal of human 288 dignity, such refugees must be guaranteed basic universal human rights, including 289 freedom of movement, the right to work, and equal treatment without prejudice based on religion, race or sex. A refugee must be treated with dignity as a member of 291 the human family. 292

It was not until 2009 that Israel finally acknowledged its responsibility to examine 293 asylum requests. Even then, it did everything in its power to avoid reviewing such 294 requests; almost none were examined, recognized or accepted.³ Since 2012 this 295 passive tactic of ignoring asylum requests has become an active offensive: the 296 Knesset passed a law, initiated by the government, permitting the state to incarcerate 297 illegal immigrants, pending deportation, for three years or more. 4 When, at the end of 2013, Israel's Supreme Court (sitting as the High Court of Justice) struck the law 299 down as constituting an affront to human dignity and human rights, the Knesset 300 immediately reenacted it with minor changes. Again the law was struck down as an affront to human dignity and basic human rights, and again the Knesset reenacted it, this time authorizing only twenty months of incarceration. When this third version

²https://www.unher.org/protection/basic/3b66c2aa10/convention-protocol-relating-status-refu gees.html.

https://www.idi.org.il/articles/2732.

https://www.mevaker.gov.il/he/Reports/Report_627/8eaa80a0-a426-4424-aefa-8fdc4e8b176a/221-zarim-2.pdf, p. 1427.

³For a thorough discussion of Israel's treatment of refugees see https://www.vanleer.org.il/sites/files/%D7%9C%D7%95%D7%99%D7%A0%D7%A1%D7%A7%D7%99%20%D7%A4%D7%99%D7%A0%D7%AA%20%D7%90%D7%A1%D7%9E%D7%A8%D7%94%20-%20%D7%9E%D7%91%D7%95%D7%90.pdf, pp. 23–26.

 $https://www.mevaker.gov.il/he/Reports/Report_627/8eaa80a0-a426-4424-aefa-8fdc4e8b176a/221-zarim-2.pdf.$

⁴https://fs.knesset.gov.il/18/law/18_lsr_301346.pdf.

⁵https://fs.knesset.gov.il/19/law/19_lsr_301620.pdf. https://www.idi.org.il/articles/3146.

⁶https://www.idi.org.il/articles/3138.

⁷https://fs.knesset.gov.il/19/law/19_lsr_306608.pdf.

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of the law was brought before the Court, it reduced the period of incarceration- 304 without-trial to one year.8

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This fierce and unprecedented battle between the legislative and judicial branches 306 gave rise to unparalleled attacks by Knesset members on asylum seekers, illegal 307 immigrants, the Supreme Court, the judiciary, and Basic Law: Human Dignity and 308 Liberty together with the worldview that it represents. Africans were dehumanized, 309 portrayed as a "cancerous growth" on the national body and an inherent danger to 310 the Jewish character of the state. The Court was accused of undemocratic judicial 311 legislation, castrating and replacing duly elected members of the legislature. Human 312 dignity and rights were said to override the will of the people and serve the legal 313 system in its attempt to form a left wing, liberal dictatorship. This public atmosphere 314 was instigated by the prime minister (Benjamin Netanyahu), ministers and Knesset 315 members. It reached its peak in 2017, when the government, frustrated by judicial 316 intervention, decided to deport illegal immigrants (including asylum seekers) to two 317 African countries (probably Rwanda and Uganda), which apparently agreed to 318 accept them in return for significant payment. 10 To justify this extreme measure 319 and counter the outcries of human rights organizations over this affront to the human 320 rights of the deportees, the government unleashed poisonous rhetoric, crudely 321 dehumanizing the African immigrants, the judiciary and human rights organizations. 322 Their commitment to universal human dignity and rights was portrayed as disloyalty to the Jewish nation and its state. The Africans were accused of threatening the 324 Jewish majority and Jewish character of Israel, and those who supported them, 325 chiefly the courts and human rights organizations, were denounced as internal 326 enemies who used Basic Law: Human Dignity and Liberty to stab the nation in the 327 back and cause its downfall.

This phenomenon combined three elements: ruthless dehumanization of a small, 329 helpless minority; rejection of the ideal of human dignity together with the Basic Law that affirmed it; vicious attacks on the judiciary that upheld and promoted 331 dignity and the Basic Law. The minority, human dignity and the Court were all 332 portrayed as threats to national integrity, sovereignty and honor. The Africans were 333 portrayed as external enemies, the Court and human rights organizations as internal 334 ones, hence traitors to nation and state. Human dignity as pronounced in the Basic 335 Law was said to be the tool of traitors who would hold external enemies above the 336 Jewish nation.

Furthermore, the Court's repeated interventions in legislation were described by 338 many on the right wing as an attempt to humiliate the legislature, the government 339 and through them the nation, and to override Israel's democratic and justified attempt 340

⁸https://law.acri.org.il/he/33661.

⁹https://hotline.org.il/wp-content/uploads/IncitementAndHateCrimesReport.pdf, see p. 19. https://www.ynet.co.il/articles/0,7340,L-4233655,00.html.

¹⁰https://hotline.org.il/refugees-and-asylum-seekers/un-voluntary/. https://www.makorrishon.co.il/nrg/online/1/ART2/476/796.html.



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to defend itself against hostile infiltration, "penetration" and take-over. ¹¹ The state system of checks and balances was redefined as offensive to the honor of the legislative and administrative branches, and with them—to the honor of the whole nation. The Court's review of the other branches through the lens of human dignity was constructed as an honor-driven maneuver, used by the Court to humiliate the other branches and enhance its own status. Right wing government and Knesset members encouraged a public outcry to restrain the disloyal, honor-driven court, demote human dignity and rights, revoke the Basic Law, and expel the "foreigners" who "infiltrated our sphere" and "threaten its Jewish character", and thereby, the nation's sovereignty and honor. ¹²

In terms of law's autonomy, this discourse held that the legislative attack on immigrants, supposedly reflecting the will of the people, represented law's autonomy, as well as democracy, sovereignty and governance. By this logic, judicial intervention in support of the immigrants' human dignity and rights undermined this legitimate, desirable autonomy of the people and the law.

Both lines of argument were intertwined in public discourse: law's autonomy was explicitly identified with national honor, and human dignity was constructed as an impediment.

359 5 The Legislation of Basic Law: Israel as A Nation-State

The enactment of *Basic Law: Israel as Nation-State* was often presented as the jewel in the crown of Netanyahu's right wing government. The Basic Law, enacted after a decade of failed attempts, reaffirms arrangements already enacted in earlier laws (for example, regarding the Israeli flag, the national anthem, and the state's capital); its value is purely symbolic. Perhaps the single achievement the Basic Law can boast is the demotion of Arabic from its previous status as one of Israel's two official languages, to a language with a mere "special status".

Nevertheless, the basic law conveys a powerful message: human dignity and liberty no longer enjoy exclusive and superior constitutional status; from now on, national Jewish honor enjoys parallel constitutional status. National honor, hence, has been elevated to the same status as dignity and liberty, as these values have lost their relative superiority. Significantly, national honor triumphed on its own terms, i.e., according to its competitive, comparative, status-oriented logic. In this context, the demotion of Arabic reflects the humiliation of the national Other, hence, once again, the comparative elevation of national Jewish honor.

¹¹ https://www.haaretz.co.il/news/law/1.2441374.

¹² Ibid

https://www.haaretz.co.il/news/education/.premium-1.2441550. https://www.haaretz.co.il/news/education/.premium-1.2441407.

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The many supporters of the Law say openly and explicitly that its purpose was to 375 "balance" Basic Law: Human Dignity and Liberty and to curtail its discourse of 376 universal human rights. In their view, since its legislation in 1992, the Basic Law has 377 been used by the courts, the Supreme Court in particular, as a trump card to 378 overcome any and every consideration, including national Jewish honor. The new 379 Basic Law, this argument goes, will force the judiciary to acknowledge the supremacy of national honor. Additionally, the new Law manifests the triumph of the 381 legislative and executive branches over the judiciary: the two have finally succeeded 382 in imposing their preference of national Jewish honor on the branch identified with 383 universal human dignity and human rights.

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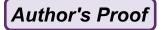
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Forum Kohelet is the right wing, ultra conservative research institute that initially 385 drafted the new Basic Law, and consistently pushed for its legislation. Presenting the 386 draft bill, Forum Kohelet stated that it "wishes to put Basic Law: Israel as Nation State on an equal footing with Basic Law: Human Dignity and Liberty. This means 388 that when the Court reviews a request [by a Palestinian-Arab Israeli citizen] to bring a spouse to Israel from an Arab country, the Court will have to balance Israel's 390 Jewishness against the affront to the dignity and human rights of the individual who wishes to live in Israel with a spouse from an enemy country, and deny it". 13 This reasoning leaves no doubt that that new Law was designed to counter the effect of 393 the earlier Basic Law, and curtail universal human dignity and rights.

Read in context, the new Basic Law is meant to allow the incarceration and 395 deportation of illegal immigrants, including asylum seekers, thereby supposedly preserving the integrity of the Jewish state. It is meant to curb the basic human rights of Israeli Palestinian-Arabs in the name of Israel's Jewishness. It is meant to 398 curtail the judiciary's commitment to universal human dignity and human rights, and to demote its status vis-à-vis the legislative and executive branches (both controlled 400 by the right wing most of the time since 1977). It goes hand in hand with the 401 discourse, promoted by Netanyahu, of loyalty to nation and the leader who 402 embodies it.

In the legislation of Basic Law: Israel as a Nation State, its proponents felt that 404 they enhanced the autonomy of Israeli law. They liberated if from the grip of the 405 external principle of human dignity, and empowered it to convey the agenda of 406 Israel's Jewish majority.

¹³ https://kohelet.org.il/publication/%D7%9E%D7%94-%D7%A9%D7%A8%D7%A6%D7%99% D7%AA%D7%9D-%D7%9C%D7%93%D7%A2%D7%AA-%D7%A2%D7%9C-%D7%97% D7%95%D7%A7-%D7%94%D7%9C%D7%90%D7%95%D7%9D-%D7%95%D7%9C%D7% 90-%D7%94%D7%A2%D7%96%D7%AA%D7%9D-%D7%9C%D7%A9.



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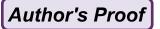
408 6 Manpower: A Film Analysis

Noam Kaplan's 2014 feature film Manpower is situated in the southern part of Tel Aviv, in a decaying neighborhood, where lower middle class Israelis and illegal immigrants (mostly from Africa) struggle to make ends meet. The film follows the lives of four men: two Israelis, Meir and Haim, an African whose Israeli nickname is Bamba, and eighteen year old Erez, who was born in Israel to a guest worker mother from the Philippines. Haim, an aging bus driver, is in search for meaning in his life, after his son left Israel seeking a better life, together with his guest worker wife and their son. Erez feels as Israeli as anyone. He struggles to get drafted into the I.D.F., desiring to protect "the villa in the jungle", as he refers to Israel, from its savage Arab neighbors. Finally drafted, he is not sent to the prestigious air force, as he had hoped, 418 but to serve in the military police, overseeing (i.e., oppressing) Palestinian civilians in the occupied territories. Bamba, a veteran migrant worker from Africa, cleans 420 houses attempting to provide a life for his wife and son. He is a proud, active member 421 of a local African soccer organization, and dreams of improving his situation through 422 determined, hard work. 423

Meir Cohen, the film's protagonist (Yosi Marshak), who, like the film's other characters, lives in southern Tel Aviv, commands a unit of the immigration police. His assignment is to convince African migrant workers to leave Israel "of their own free will". Meir detains Bamba and presses him to cooperate with the police and convince his friends to leave "at will". Refusing the offer, Bamba goes into hiding, but is eventually caught and deported forcefully.

The film opens with the image of Meir returning with fellow police officers from an organized visit to concentration camps in Germany. Meir admits to his wife that the visit affected him, and that like his father, he is grateful to have a Jewish homeland. His wife replies that their own home is owned by the bank, and asks whether he finally received the promised salary raise. Meir's difficult economic situation is a recurring motif throughout the film: he repeatedly fails to draw money from ATM machines, and feels humiliated when asking for yet another loan at the bank. When his commanding officer hails the work of the immigration police as the "new Zionism", Meir asks whether they will finally receive the promised compensation for the long hours they spend on the streets. But the promised compensation never materializes, and Meir finally leaves the force and offers his services to a private security company. The film ends with him drawing money from an ATM machine, declaring that "everyone is whores".

Manpower is about Israeli masculinity in crisis. But it is also about honor, dignity, and law's autonomy, as presented in this article. Meir enforces the law that is meant to embody national honor, the will of the people (the Jewish majority), and the nation's autonomy to define its (Jewish) character and to control and restrict immigration. In so doing, Meir offends the dignity of the African immigrants whose homes he invades, and whom he threatens, intimidates, humiliates, and deports. A just, sensitive man, he attempts to minimize the dehumanization his actions entail, but is well aware of the damage done. He tries to justify his actions



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by believing that his work is meaningful and important for the national collective. He 451 tries to buy into the Zionist story that his superiors narrate time and again.

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But unlike the young Erez, who is eager to join the Israeli collective at any cost, 453 Meir slowly sees through the story that national honor requires the enforcement of 454 laws that offend human dignity. He gradually realizes that as he jeopardizes the 455 dignity of African immigrants, his own dignity is also undercut. He causes grown 456 men to hide in attics and defecate in their pants in fear, compromising his con- 457 science, while his salary does not suffice to buy toilet paper and other basic goods. 458 He slowly understands that national honor is used to sweet-talk him into offending others' dignity, while his own dignity is similarly compromised by the state that he is 460 said to be serving: his state sends him to impose brutal humiliation and tarnish his 461 soul, while ignoring his basic needs.

Meir learns that the national honor that he is supposedly enforcing conceals a 463 much more powerful honor system; a wealth-based one. He discovers that the real 464 distinction is between "the haves", at the top of the honor pyramid, and the "have 465 nots", at the bottom. Both he and the African immigrants belong to the second 466 category. Like them he struggles to buy basic products, and lives in fear of losing the 467 roof over his family's head. Like them, his dignity is constantly threatened. The 468 haves use the rhetoric of national honor to seduce him to offend the dignity of his 469 fellow have nots; but their system does very little to secure his own dignity. They offer him empty rhetoric of national prestige, but not a dignifying line of work or an 471 income to support a dignified standard of living.

Honor-based law, that supposedly embodies the autonomy of the nation, comes at 473 the expense of "outsiders" such as immigrants. But Meir finds that it does not protect 474 the dignity of low class "insiders", who are used to enforce it on their neighbors. He 475 sees that offense to dignity does not stop at the door of "outsiders".

Meir does not become a human rights activist. But he does opt out of the system. 477 He denounces the rhetoric of national honor and autonomy, accepting that in a 478 wealth-based honor system, it is every man for himself. Focusing on his family's 479 well-being, he stops serving the state that requires of him to enforce the law that 480 supposedly enhances national autonomy. He prefers to sell his time and energy for as 481 high a price as he can get, like everyone else.

Manpower does not offer an optimistic vision of oppressed men from different 483 backgrounds uniting in universal struggle to uphold human dignity. But it does suggest a first step. It offers its protagonist a realization that buying into the rhetoric 485 of national honor and autonomy comes not merely at the expense of others' dignity, but also at the expense of one's own. It invites its viewers to realize that liberating the law from the rule of human dignity is destructive to everyone, including the law 488 enforcers. This view of dignity and law's autonomy has not been popular in Israel in the first two decades of the twenty first century. Manpower went unnoticed and 490 failed to incite public interest and discussion.



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