

Israel cannot be both a 'Jewish state' and a democratic one

“So the settler agenda is defining the future of Israel. And their stated purpose is clear. They believe in one state: greater Israel. In fact, one prominent minister, who heads a pro-settler party, declared just after the U.S. election – and I quote – “the era of the two-state solution is over,” end quote. And many other coalition ministers publicly reject a Palestinian state. And they are increasingly getting their way, with plans for hundreds of new units in East Jerusalem recently announced and talk of a major new settlement building effort in the West Bank to follow.”

John Kerry

The decision of the USA at the United Nations not to apply their veto on the resolution critical of Israeli settlements on the West Bank was denounced by the Israeli government as “a disgraceful anti-Israel manoeuvre”. The resolution called on Israel to “immediately and completely cease all settlement activities in the occupied territory, including East Jerusalem”. According to the Israeli government it is the resolution rather than the continued expansion of settlements which is “an obstacle to peace”. The UN resolution it seems was a response to a Bill going through the Knesset (the Israeli Parliament) which will retrospectively 'legalise' illegal building on Palestinian owned land. Areas where settlements were built by Israelis “in good faith...and were even encouraged or built in coordination with the state”, unaware that it is was privately owned land, apparently need to be “regulated”. The destruction of these settlements “is liable to seriously, unjustifiably harm those who have lived there for many years”. They stole somebody else's land but heck, they didn't realise it. It was just sitting there on the West Bank. How can you penalise them for this 'mistake'? The harm to the owners, of course, does not merit a mention.

Naftali Bennett, leader of the Jewish Home party, and Education Minister in the Netanyahu government, had no doubt about the implication of the proposed regulation. He hailed it as the first step towards annexing West Bank land for Israel.

“Today the Israeli Knesset shifted from a path to establish a Palestinian state, to a path of extending sovereignty to Judea and Samaria. Let there be no doubt, the regulation bill is what will spearhead the extension of (Israeli) sovereignty.”

This is the man who in response to the UN resolution said:

“We're not occupying any land. One cannot occupy his own home. These are not settlements. We've got about 650,000 Israelis living in East Jerusalem and Judea and Samaria. We've been here for thousands of years. We're staying here. We're going to live side by side in peace with the Arabs here, but not by forcing our hand....how dare anyone call the land of Israel 'occupied' territory. This has been our home forever and will be our home forever.”

How can you live in peace with Arabs, side by side, when you are annexing land from them? John Kerry in his speech pointed out that that this regulation meant that “For the first time, it would apply Israeli domestic law to the West Bank rather than military law,

which is a major step towards the process of annexation.” Annexation is clearly the intention of Bennett and co. He recently announced that he will be bringing forward a bill to annex Israel's third largest settlement in the West Bank, Ma'ale Adumin “by the end of January”, i.e. after Trump becomes President. He envisages this as a stage towards annexing the whole of 'Area C', that part of the West Bank which constitutes 60% of it. Area C is under complete Israeli control. The benevolent Bennett says he will offer Palestinians in Area C the right to become Israeli citizens.

For all the things which Kerry was right about, the US abstention, days before Obama leaves the White House is little more than a gesture to show their displeasure at the Netanyahu government. The Obama administration, despite its critical words against the current Israeli government, has continued to fund it so that its military power is overwhelming compared to all the states around it. The very administration which has supposedly “betrayed” Israel has just agreed \$38 billion of aid to ensure its military supremacy.

A two state solution?

Doubts as to the possibility of the 'two state solution' are growing even amongst people and states who support “the right of Israel to be a Jewish state”. It is difficult to see how such a solution can be reached for the simple reason that so long as (the increasingly right wing) Zionists control the Israeli state there is no prospect of them allowing a Palestinian state to exist freely on their border. After all, the PLO abandoned its historic position of a democratic and secular Palestine in which Jews and Arabs would live as equals, when it signed the Oslo accords. It recognised the state of Israel and accepted the 'two state solution'. Yet the entire Zionist establishment in Israel has consciously undermined prospects of such an outcome by encouraging the growth of the settlements in the occupied territories and financing them. Kerry points out that

“The number of settlers in the roughly 130 Israeli settlements east of the 1967 lines has steadily grown. The settler population in the West Bank alone, not including East Jerusalem, has increased by nearly 270,000 since Oslo, including 100,000 just since 2009, when President Obama's term began...Nearly 90,000 settlers are living east of the separation barrier that was created by Israel itself in the middle of what, by any reasonable definition, would be the future Palestinian state. And the population of these distant settlements has grown by 20,000 just since 2009.”

This makes a two state solution more and more impractical. Kerry adds:

“But if more and more settlers are moving into the middle of Palestinian areas, it's going to be just that much harder to separate, that much harder to imagine transferring sovereignty, and that is exactly the outcome that some are purposefully accelerating.

Let's be clear: Settlement expansion has nothing to do with Israel's security. Many settlements actually increase the security burden on the Israeli Defence Forces. And leaders of the settler movement are motivated by ideological imperatives that entirely ignore legitimate Palestinian aspirations.”

A gradual process of annexation

A process of de facto annexation of land in the West Bank has been taking place for many years. Writing in relation to Gush Etzion, a series of West Bank settlements near to Bethlehem, Dror Etkes explains that settlement supporters point to this area as an example of land bought by Jews prior to 1948. However, Etkies research of land ownership has found that the area covered by these settlements is seven times larger than the land bought pre-1948. Various methods have been used to effectively annex more and more land.

“The mechanism that has enabled the establishment of these settlements is the takeover of lands that Israel uses in all other parts of the West Bank – a mechanism based on land seizure for ostensible security needs, expropriation of public needs, declarations of state land, and of course, countless pirate takeover carried out against the law but enabled by the state's turning a blind eye time and time again, and sometimes with its outright support.”

More than half of this area comprising Gush Etzion, has been turned into 'state land'. Hence, throughout the West Bank there exists a patchwork quilt of settlements and Israeli control of what is supposedly a future independent state. Despite the withdrawal from Gaza, Israel has absolute control of the seas, the borders, and the air-space of the would-be Palestinian state.

A Jewish and democratic state?

One of the great myths of the Israeli state is that it is both Jewish and democratic. It is reputedly 'the only democratic state in the middle east'. The regime always points to the fact that Arab Israelis do have a vote. However, what is not commonly known is that political parties cannot stand candidates if they oppose Israel being 'a Jewish and democratic state'. So it is illegal at the political level to call for an end to the 'Jewish state' and for Israel to become 'a state of all its citizens'. A Basic Law enacted in 1958 barred candidates or party lists

“if the objects or actions of the list or actions of the person, expressly or by implication, include one of the following:

1. negation of the existence of the State of Israel as a Jewish and democratic state;
2. incitement to racism;
3. support of armed struggle, by a hostile state or terrorist organisation, against the State of Israel.”

Note the words “by implication” which gives scope for the State to prevent a candidate standing even if they haven't explicitly opposed the supposedly “Jewish and democratic” nature of the Israeli state. Would anybody suggest that political parties in the UK should be barred from standing in elections if they didn't support the monarchy or the Church of England?

No state can define itself ethnically or religiously and be in any real sense a democracy.

Such a method identifies the state as belonging to one community, ethnic or religious. It inevitably excludes those who do not share the same ethnicity or religion.

No Israeli nationality

Curiously the Israeli state does not recognise an Israeli nationality. Efforts by Israeli citizens, both Jews and Arabs, to have their nationality defined on their passports as Israeli have been fiercely resisted by the Israeli state. This issue has been subject to dispute in the courts. Israel refused to recognize an Israeli nationality at the country's establishment in 1948, making an unusual distinction between "citizenship" and "nationality." Although all Israelis qualify as "citizens of Israel," the state is defined as belonging to the "Jewish nation," meaning not only Israeli Jews but all Jews in whatever country they live in. Arab Israeli citizens have long had their nationality identified as "Arab". The interior ministry has adopted more than 130 possible nationalities for Israeli citizens, most of them defined in religious or ethnic terms, with "Jewish" and "Arab" being the main categories.

The head of the Campaign for Israeli Nationality, Uzi Ornan, a retired linguistics professor, said: "It is absurd that Israel, which recognizes dozens of different nationalities, refuses to recognize the one nationality it is supposed to represent." Ornan said that denying a common Israeli nationality was the linchpin of state-sanctioned discrimination against the Arab population.

"There are even two laws - the Law of Return for Jews and the Citizenship Law for Arabs - that determine how you belong to the state," he said. "What kind of democracy divides its citizens into two kinds?" Yoel Harshefi, a lawyer supporting Ornan, said the interior ministry had resorted to creating national groups with no legal recognition outside Israel, such as "Arab" or "unknown," to avoid recognizing an Israeli nationality.

"Imagine the uproar in Jewish communities in the United States, Britain or France, if the authorities there tried to classify their citizens as 'Jewish' or 'Christian,'" said Ornan. Two Arabs are party to the case, including Adel Kadaan, who in the 1990s by waged a lengthy legal action to be allowed to live in one of several hundred communities in Israel open only to Jews.

Uri Avnery, a former member of the parliament, said the current nationality system gave Jews living abroad a far greater stake in Israel than its 1.3 million Arab citizens.

"The State of Israel cannot recognize an 'Israeli' nation because it is the state of the 'Jewish' nation ... it belongs to the Jews of Brooklyn, Budapest and Buenos Aires, even though these consider themselves as belonging to the American, Hungarian or Argentine nations."

A similar legal suit brought by a Tel Aviv psychologist, George Tamrin, failed in 1970. Shimon Agranat, head of the high court at the time, ruled: "There is no Israeli nation separate from the Jewish people. ... The Jewish people is composed not only of those residing in Israel but also of diaspora Jewries."

If Israel is a 'Jewish state' with the right of citizenship based on ethnicity and/or religion, with the 'right of return' for people who have never been there and may have no link to the country, then necessarily its Arab citizens are treated as second class citizens. It is a country in which you can find Jews only towns. Is this acceptable? In a famous case referred to earlier the courts accepted the right of an Arab to live in a Jews only town but

the local administration simply refused to implement the decision. Inter-marriage which doesn't pass mention in Britain today, is a hot potato in Israel, considered a threat to the Jewish state by many. There is seen to be a 'demographic threat'; the fear that the Arab population might outgrow the Jewish.

Even more fiercely resisted is the very idea of Israel being 'a state of all its citizens'. Indeed the Israeli state and its supporters consider that if Israel would become such, then this would mark 'the end of the Jewish state'. Just imagine if Britain was deemed to be an Anglican state. There was such such a time, when Catholics were not allowed to hold office. There was a democratic struggle for the right of all citizens to be equal before the law, regardless of their race, religion or sex. Why does Israel offer special rights to the 'Jewish nation'? *There is no such thing as a Jewish nation*. No other country on the planet considers that people who share only a religion or ethnicity can automatically be entitled to become citizens.

An ethnic/religious state is incompatible with democracy

The struggle for democracy in Israel necessitates equality before the law and in practice, for all its citizens regardless of their ethnicity or their religion. This is nothing less than a revolutionary demand in Israel. It would end the 'Jewish state' and the oppression of non-Jews, and a good thing that would be. Ending the "Jewish state" does not equate to 'driving the Jews into the sea' or driving them out of the country. *There can be no solution of the conflict without Jews and Arabs living together as equal citizens*. In Israel itself there is collaboration between Jews and Arabs in the struggle for equality in law and for social equality. In contrast, those people who support Israel *as it is* today, as a 'Jewish state', are in reality supporting discrimination against and oppression of the Palestinian people.

Israel can be democratic or it can be a Jewish state but it cannot be both. No state can profess to be democratic, even in the formal sense, if its citizens do not have equal rights before the law, regardless of ethnicity or religion. No state which grants rights solely to one section of the population determined by ethnicity or religion and denied to others can be in any real sense democratic. If it is a 'state of the Jews' it cannot be the state of the Arabs as well.

In his speech John Kerry warned Israel that in undermining the possibility of a two state solution it could end up with a single state, which could be either democratic or Jewish but not both. In fact the Zionist establishment has for many years only paid lip service to the 'two state solution' whilst setting in concrete the facts on the ground – the settlements on the West Bank and in East Jerusalem. They may look forward to Trump's ascendancy on January 20th. His appointment as US Ambassador to Israel, David Friedman, is not only a Zionist, but is a supporter of the settlements, having helped to fund them. This may be to the immediate advantage of the current Israeli government. However, it is most likely to strip bare the reality of a policy which is opposed to any solution other than regional domination by the Israeli state. So long as Israel continues as a 'Jewish state' it can only do so as a militarised society because there is no way that Palestinians, even faced with overwhelming military superiority (the Israeli army enters the territory of the Palestinian Authority with impunity as and when it chooses), will simply acquiesce to their own oppression and the miserable conditions of life in which they live.

The continuation of the status quo with the duplicitous policy of lip service to peace combined with support for increasing annexation of the land of the supposed future

Palestinian state, only encourages the growth of those amongst the Palestinian population who see their enemy not as supporters of Zionism but all Jews. It has also encouraged the mirror image in Israel, of rabid right wing sectors in who see all Arabs as enemies, and, forgetting the Holocaust, shout slogans such as 'Kill all Arabs', and consider themselves 'God's chosen people'.

Israeli journalist Gideon Levy is probably right that no Israeli political party will support the removal of more than half a million settlers from the West Bank. The UN resolution does not call for that, it merely says that any changes in the lines should be by agreement of the two parties. A single state of equal citizens, Arab and Jews, appears unrealistic given the hatreds that have resulted from the conflict. However, a 'two state solution' has no prospects either under current conditions. The whole political establishment has shifted rightwards. It is the likes of Bennett who are making the running and he does not even recognise that there is an occupation. For him the whole land is Israel. He spouts nonsense, of course. He told CNN that there has been a 'Jewish state' there for 3,300 years, which is historical nonsense.

Jews and Arabs are not enemies. Political and class differences continue to exist in both 'camps'. It is no more natural for Jews to vote for a 'Jewish' political party than Arabs to vote for an 'Arab' one. The forces in Israel that recognise this and act accordingly are currently small. But the growth of a Jewish/Arab movement to challenge the status quo under Zionism is a key to the future.

Martin Wicks
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Some Israeli website worth a regular visit:

Challenge magazine

www.challenge-mag.com

"A leftist magazine focusing on the Israeli-Palestinian conflict"

WAC – Workers Advice Centres

<http://eng.wac-maan.org.il>

A trade union bringing together Jews and Arabs in Israel

Kav LaOved

www.kavlaoved.org.il/en/

Workers Hotline "campaigns to protect the rights of the most disadvantaged workers in Israel"

+972 Magazine

<http://972mag.com>

A blog-based news magazine "committed to human rights and freedom of information, and we oppose the occupation"