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ISRAELI VALUES, ISRAELI CONTROL

NATHAN TORONTO

Palestinians living in Israel's occupied territories do not enjoy the same political, civil, or human rights as their Israeli neighbors. Israel's desire to create a Jewish, democratic state in their historic homeland has led them to violate the basic rights of non-Jewish inhabitants.

Being an American gave me special privileges that night. Essentially, I was asking to be exempt from the rules, to be treated differently than people normally are. While living in Jerusalem, I often heard stories of the Israeli Defense Forces (IDF) detaining, questioning, and even beating Palestinians who defied their orders. I was being defiant as well, but I sensed, at the same time, that I was above the rules for Palestinians because I was a non-Arab and an American. There is a dual value system—implicitly understood in Israel—dictating that Palestinians should not receive the same treatment that others do. There are different rules for Palestinians than there are for Israelis. Fortunately for me, the rules that apply to Israelis also apply to Americans.

When Israel occupied the West Bank and Gaza in June 1967, it became apparent that Israel would not view Palestinian Arabs and Jews in the same light. At the time, Joseph Weitz, a prominent Zionist leader, emphasized "the need to sustain
the character of the state which will henceforth be Jewish, and obviously in the near future, by the majority of its inhabitants, with a non-Jewish minority limited to 15 percent." A member of the Knesset (MK), Shulamit Aloni, blasted this view as a double standard when arguing against the text of the 1980 Foundation of Legislation Law, which indirectly allowed the courts to discriminate against non-Jews:

This [discrimination] is the reason for the objection to add to the proposed law the principles of the Declaration of Independence. This is the reason why the text of the law does not include the phrase . . . “principles of freedom, justice, honesty and peace without discrimination for reasons of origin, race, nationality, religion or sex.” Such non-discrimination stands contrary to the “heritage of Israel” as it is interpreted today in the state of Israel.

The dual value system underlying Israeli society since 1967 has created a control system, leading to systematic human rights violations by Israel in the West Bank and the Gaza Strip. To establish the causal link between this dual value system and systematic human rights abuses in the occupied territories, I will describe the tripartite value system upon which Zionists founded Israel. Then I will explain how Israel's occupation of the West Bank and Gaza in 1967 challenged this tripartite value system, which in turn led to the development of the dual value system. Finally, I will outline the process by which the Israeli polity entrenched these dual values in control techniques responsible for extensive abuses of Palestinians' human rights in the occupied territories since 1967.

The Pre-1967 Tripartite Value System

Zionist leaders had three goals in mind when they created the state of Israel in 1948: to create a democratic state, to form a Jewish state, and to establish a state in the ancestral Land of Israel (which, they envisioned, would extend roughly from the Mediterranean Sea to the Jordan River).

A Democratic State. Peter Medding calls democracy “a set of normative ideals and a pattern of rule. Central to it are such key values as liberty and equality, which are simultaneously ends in themselves and means for attaining government by the people in the sense of responsiveness to popular preferences.” The Declaration of the Establishment of the State of Israel (May 14, 1948); the premier document in Israel's legal code, clearly envisions this set of ideals and pattern of rule for the citizens of its fledgling state:

The state of Israel will be based on freedom, justice and peace as envisaged by the prophets of Israel; it will ensure complete equality of social and political rights to all its inhabitants irrespective of religion, race or sex; it will guarantee freedom of religion, conscience, language, education, and culture; it will safeguard the Holy Places of all religions; and it will be faithful to the principles of the Charter of the United Nations.

The aim of creating a democratic state dates back to before Israel's founding. In 1942, the extraordinary Zionist Conference adopted the Biltmore Program, in which it reaffirmed its unequivocal devotion to the cause of democratic freedom and international justice to which the people of the United States, allied with the other United Nations, have dedicated themselves and give expression to their faith in the ultimate victory of humanity and justice over lawlessness and brute force.

Instilling democratic ideals into its political system was a primary goal of the new Israeli state. Zionist leaders—and after 1948, Israelis themselves—wanted a democratic state to preserve unfailingly the freedom and equality that Jews had not experienced for centuries.

A Jewish State. No less important to Israel's Zionist founders was the establishment of a state for Jews. Theodor Herzl, the father of the Zionist movement, called for “the restoration of the Jewish State” in his 1896 pamphlet Der Judenstaat, writing, “No one can deny the gravity of the situation of the Jews. Wherever they live in perceptible numbers, they are more or less persecuted.” In the Declaration of the Establishment of the State of Israel, Zionist leaders wrote that it is “the natural right of the Jewish people to be masters of their own fate, like all other nations, in their own sovereign State.” Nahum Sokolow argued in 1919 that the principle of Zionism is “a
Homeland for the Jewish people," pointing out that Jews "have grown tired of their role of a homeless Chosen People, and would prefer to be a self-supporting small nation, with a quiet spot of earth for themselves." The need to establish a Jewish state was indeed imperative to those who founded Israel. They knew, moreover, that without making Israel a haven for Jews, many of their people would fear that another Holocaust could occur in Palestine.

A State in the Ancestral Land. The founders of Israel also recognized the importance of establishing their state in the Land of Israel, or Eretz Israel, extending from the Mediterranean Sea to the Jordan River. Herzl recognized the centrality of the land to the Jewish psyche: "Palestine is our ever-memorable historic home. The very name of Palestine would attract our people with a force of marvelous potency." The Declaration of the Establishment of the State of Israel begins with these words, which represent the special place that Palestine holds in the Jewish heart:

Eretz-Israel (the Land of Israel) was the birthplace of the Jewish people. Here their spiritual, religious and political identity was shaped. Here they first attained statehood, created cultural values of national and universal significance and gave to the world the eternal Book of Books."

Even after the founding of the state, one of the principal aims of the World Zionist Organization was "the ingathering of the Jewish People in its historic homeland, Eretz Yisrael." Even Herut, the long-time opposition party to mainstream Zionism, agreed, claiming that "the Hebrew homeland, whose territory extends on both sides of the Jordan, is a single historical and geographic unit." Jewish history dictated, according to all segments of Jewry, that the Jewish homeland should be in Palestine. Sokolow holds that "the goal of [Zionist] efforts was to be united in an organic community, to feel entirely at home," in all aspects of their society. It is interesting to note, moreover, that the declaration establishing Israel did not delineate any borders for the new state. Palestine was the birthplace of Judaism, and Zionists felt it essential to build the Jewish home-land there, but it was not certain at the beginning how large the homeland would be.

The goal of the nascent state of Israel was to be a Jewish democratic state nestled in the ancestral homeland of the Jews. In reality, however, although the state was Jewish and democratic, its territory comprised only about half of what Zionists considered Eretz Israel. David Ben-Gurion convinced his people to be patient, telling them that the time would come when they could accomplish their final goal of living in all of Israel. After 1948, Israelis had a Jewish democratic state, but it wasn't until after the Six-Day War in 1967, when Israel gained control of the West Bank and the Gaza Strip, that Israelis gained the opportunity to live in all of Eretz Israel.

The Challenge of 1967

Acquiring all of the Land of Israel came with a price. Once again, Israelis could still satisfy only two of their three goals. Approximately one million Palestinian Arabs were living in the newly acquired territory of the West Bank and Gaza, forcing Israelis to face three options, none of which satisfied all the goals they had pursued in originally establishing their state. First, they could formally annex the new territory and remain a Jewish state. But that would mean curtailing Israeli democracy by severely limiting the civil and human rights of the indigenous Palestinian population. Second, Israelis could formally annex the territories and keep their democracy. This would cost the state its Jewish identity, since Arabs, given demographic trends, would soon outnumber Jews. It would alter the state's Jewish character if Palestinians enjoyed full political participation. Third, they could remain a democratic Jewish state. However, that would mean either giving up the territories or getting rid of the Palestinian population by mass transfer—something the international community would not countenance—which meant, essentially, that they would have to give up the West Bank and Gaza.
This dilemma asked Israelis to answer difficult questions. "Who were they? A nation of Jews living in all the land of Israel, but not democratic? A democratic nation in all the land of Israel, but not Jewish? Or a Jewish and democratic nation, but not in all the land of Israel?" To the Labor government of 1967, one thing was beyond debate: "Israel must remain a state with a predominantly Jewish majority. [Those in the Labor party] agreed that annexation of the territories would eventually threaten the Jewish character of the State of Israel." For Israel, controlling the territory was highly desirable in order to define its character as a Jewish state extending throughout Eretz Israel; yet, for the same reason, the inhabitants of the territories were highly undesirable. Despite the jubilation of finally acquiring all of Eretz Israel in 1967, Israelis still faced a very difficult dilemma: Which of their three goals were they willing to give up?

The Development of the Dual Value System

Israel answered that it was not willing to give up any of its three goals. This answer required a psychological shift in the Israeli polity. If Israel would not give up the land, and it would not give up its democracy or its Jewishness, then Israelis necessarily had to think of Palestinians as deserving fewer rights than Israelis. This made it possible for Israel to make a de facto annexation of the land, excluding the land's inhabitants from political participation, while not actually making the territories part of Israel. Thus, Israelis could have a Jewish democracy within the pre-1967 borders of Israel and still extend their statehood from the Mediterranean Sea to the Jordan River. As Yoram Peri describes it, "While the territories are not yet an integral part of the State of Israel, neither are they external to it." Israelis would not support a return to the status quo ante bellum, as Prime Minister Levi Eshkol iterated one week after the 1967 conflict: "The position that existed until now shall never again return." However, this entailed the creation of a selective democracy in the Israeli psyche, a democracy in which Israelis participated fully but Palestinians did not.

The solution to this philosophical dilemma was to ignore it altogether. The biographer of Israeli statesman Menachem Begin pointed out that "Begin did not acknowledge the existence of a 'Palestinian problem.'" According to one Israeli sociologist, the Israeli polity felt that "the best solution would be for these people [Palestinians in the territories] to evaporate miraculously." As Thomas Friedman describes it, it was as if Israelis had taken a ride on the New York subway:

Sometimes you get on the subway at Grand Central Station and take the last seat in the car. The train moves on to the next station and who should get on but a little old lady carrying two big grocery bags. What is the first thing you do? You take The New York Times you are reading and put it up in front of your face, covering your eyes, because if your eye meets her eye, you are going to have to give up your seat.

In order to achieve all three of their collective goals, Israelis had to ignore that a problem existed in offering fewer political rights to a Palestinian than to an Israeli. What developed, then, was a dual value system "characterized by totally different rules of the game, cultures and institutional arrangements applied in different spheres of activity for various components of the control system."*

Evidences of the Dual Value System

It did not take long for the dual value system to appear in the occupied territories. Soon after the 1967 war, Menachem Begin "asserted that Israeli law and jurisdiction must be extended to what he called the liberated territories." Less than three weeks after the war, the Knesset passed legislation extending Israeli law to all territory acquired in the 1967 war. Since 1948, however, the Knesset has also declared that a state of emergency exists in Israel, allowing the Israeli government to enforce both military and civilian law in the territory it controls. In reality, Israel applies military law only to Palestinians in the territories, for example, by trying Palestinians in military courts and Israeli in civilian courts. It applies civilian law inside Israel's pre-1967 borders, in East Jerusalem and the Golan.
Heights (Israel annexed those areas after the 1967 war), and in the occupied territories, but only in cases involving Israelis. The Defense (Emergency) Regulations are the basis for Israeli military law, and even leading Jewish lawyers opposed the regulations when the British imposed them in 1945. One of these lawyers, Dr. Dov Yosef, commented at that time:

Is the administration to be allowed to interfere in the lives of the people with no protection for the individual? As it is, there is no guarantee to prevent a citizen from being imprisoned for life without trial. There is no protection for the freedom of the individual; there is no appeal against the decision of the military commander, no means of resorting to the Supreme Court . . . while the administration has unrestricted freedom to banish any citizen at any moment. What is more, a man does not actually have to commit an offense; it is enough for a decision to be made in some office for his fate to be sealed.11

Also, Israel tends to be more lenient on Jews than on Palestinians. In the 1980s, a member of the Knesset suggested changing the criminal law so that a Jew who kills an Arab for nationalist reasons would not be prosecuted according to the existing criminal law, but dealt with preferentially.12

Though this suggestion never became law, leniency was the norm for soldiers who killed Palestinians during the intifada, the popular Palestinian uprising that began in late 1987. In the first half of the intifada, the IDF killed six hundred Arabs using live ammunition. Weak disciplinary procedures and concern for morale tended to “exonerate the security force even in the face of clear evidence of over-reaction on their part.”13

Israel also treats Jewish settlers in the occupied territories with lenience. According to one report, “violence against Arabs often goes unpunished whereas violence by Arabs is very harshly dealt with even before a trial. As far as the settlers are concerned, the territories are already part of Israel—the Arab population is largely excluded from the resulting benefits.”14 The rules of the game have dictated preferential treatment for Israelis in the occupied territories.

Even Israel’s annexation of East Jerusalem was selective. “Although Israel’s extension of jurisdiction in 1967 was such as to give Israel full national authority in East Jerusalem, it was selective enough to avoid granting full citizenship rights to the Palestinian majority in East Jerusalem.”15 Specifically, the Palestinian inhabitants of East Jerusalem could not vote in national Knesset elections,16 and the Israeli government issued them blue identification cards to distinguish them from their Jewish counterparts, while denying them Israeli citizenship and passports.17

Moreover, Palestinian workers in Israel do not enjoy the same rights as Israeli workers. None are members of the national workers’ union, Histadrut, and their employers can dismiss them quite easily. In addition, “they are usually paid less than Jews in the same jobs; they do not get many of the fringe benefits which their Jewish colleagues enjoy; they do not get anything in return for the national insurance and pension contributions automatically deducted from their wages (if they are employed legally).”18

Meir Vilner, a member of the Democratic Front for Peace and Equality, an Israeli political party, attacked the double standard that exists for Arabs and Jews in Israel:

What is the “democratic character” [of the State of Israel]? In my view, even today this democratic character is very limited. . . . There is discrimination against the Arab population in Israel, in . . . all domains of life. Lands are stolen on racist nationalist grounds. Is this democracy? Arab students are expelled from universities. Is this democracy?19

Israel has also rejected the Palestinians’ right to being a “people.” When the 1978 Camp David Accords made reference to “the Palestinian people,” Prime Minister Menachem Begin held that “the expressions ‘Palestinians’ or ‘Palestinian people’ are being and will be construed and understood . . . [by Israel] as ‘Palestinian Arabs’.”20 Israel is the state
of the "Jewish people," but it will not afford the same communal rights to Palestinians.

Entrenchment of the Dual Value System

The nature of Israel's political system helps explain why Israel, a democratic state, has implemented seemingly racist policies. In Israel's proportional representation system, there is a very low threshold requirement for parties to gain seats in the Knesset. This allows parties with a small constituency to have disproportionate power in government. This was especially evident after 1967, when the Labor party began to lose its influence in Israeli politics. From 1948 to 1967, Mapai (and later Labor, its successor) dominated Israeli politics, winning every election during that period. There was little to challenge the unity of the Israeli polity. That changed in 1967, however, with the acquisition of the occupied territories. The dilemma that Israelis faced allowed other groups besides Mapai to make their impression on the scene, leading to political gridlock and an ambivalent position towards the occupied territories. No one, including Labor, was willing to give up the occupied territories. And no one, especially Labor, was willing to annex them outright. Instead, Israel's political system developed a status quo policy that ignored the philosophical problems inherent in a democratic state subjecting a minority ethnic population to military rule.

Three segments of Israeli society had a political interest in the entrenchment of this status quo policy and the dual value system that went along with it. These three groups were Sephardic Jews, religious movements (especially Gush Emunim), and political parties (especially Likud and Labor, the two dominant parties). Understanding the motives of these three groups helps explain why a democratic Israel pursued undemocratic policies in the occupied territories.

Sephardic Jews. "In the case of conflict between ethnic groups, the ruling group tends to emphasize its primordial attributes, its ethnicity, as the central basis for defining the national collective," writes Yoram Peri. In 1967, Israeli society absorbed about one million Arabs, effectively creating a bi-national state.

Religious Movements. Ultra-religious movements were the second group benefiting from the results of the 1967 war. To these religious groups, Eretz Israel is sacred, and the liberation of Judea and Samaria (i.e., the occupied territories) was the first step in establishing the messianic theocracy. Consequently, any non-Jew living there had no right to live there, and it is the duty of these religious groups to settle as much of the land as possible, preparatory to ushering in the messianic reign. By influencing the political system at strategic points and benefiting from favorable public opinion, the most prominent of these religious groups, Gush Emunim ("Bloc of the Faithful," founded in 1974), was successful in injecting its views into Israel's policies on the occupied territories. Israel's political system allowed for the implementation of Gush norms to the extent that it helped entrench the dual value system in Israel.

Even though Gush membership represented only a fraction of Israel's population, broad public support was essential to Gush Emunim's success. Polls show that, after 1967, the Israeli public was even more reticent than the government to give up the territories. In 1973, 74 percent of Israelis were unwilling to return any land to the Arabs in return for peace, which coincides with Gush ideals. In 1978, half of the Israeli public was still opposed to relinquishing Israeli control over the territories." Indeed, "without . . . the legitimacy it received from the Israeli public Gush Emunim might have remained a protest movement with no ability to transform its ideology into a realistic enterprise."

Gush Emunim and its allies in the National Religious Party (NRP) have also benefited from the ambivalence of Labor government policies, an ambivalence which has been the result of Israel's political system. From 1967 to 1977, when Labor led the government, these religious activists would simply establish a presence where they wanted a settlement. Even though this was neither technically legal nor fully compliant with the Labor
party's policies, Labor officials would cave in, providing military protection, services, and road access.\(^\text{13}\) In fact, that is how the first settlement began. On the eve of Passover—April 4, 1968—two rabbis and a group of Orthodox Jewish families rented an Arab-owned hotel in Hebron, the city where (according to tradition) Abraham, Isaac, and Jacob are buried. They had told Israeli authorities that they would rent the hotel only for the week of Passover, but when the holiday was over they vowed to never leave the land of the Jewish Patriarchs.\(^\text{14}\) Thomas Friedman describes the reaction of the government:

> Eventually the Labor-led government, torn by mixed emotions, caved in to the settlers, allowing them to stay in a military camp in Hebron and later to build a Jewish settlement there called Kiryat Arba.\(^\text{15}\)

These settlements perpetuate and entrench the double standard of values governing Israelis and Palestinians. Once a settlement's foundations are laid, they are nearly impossible to uproot. Due to broad public support and effective political maneuvering, religious movements have succeeded in sewing dualist ideals into the patchwork of Israeli society.

**Political Parties.** A third group, political parties, stands at the heart of the political indecisiveness surrounding Israel's policies towards the occupied territories. This indecisiveness has led, in practice, to status quo policies that extend Israeli control over the land but do not extend Israeli democracy to the land's inhabitants and has ensured the perpetuation of dualist policies in the occupied territories as long as the indecision persists.

A 1985 study revealed the public's role in this indecisiveness. "The belief in majority rule, in freedom of expression, in the right of the citizen to criticize the government, and in equality before the law" received the support of between 80 and 90 percent of the respondents. However, there was a gap between the abstract norm and its practical application. "Only two-thirds [agreed] that minority-opinion groups should be allowed to operate freely to gain majority support for their positions." When the survey asked respondents to apply it to their "least liked" group, such as Peace Now or groups connected with the PLO, popular support decreased from 83 to 38 percent.\(^\text{16}\) This public uncertainty towards democratic principles weakens incentives for political parties to form clear policies on democracy in the occupied territories.

It has been politically inexpedient for Israeli political parties to develop policies that would lead to either formal annexation of or complete withdrawal from the occupied territories. The Labor-Gahal coalition government that ruled from 1967 to 1970 considered the status quo "the least disruptive policy to follow" because "the mainstream of public opinion supported" its continuation. "Within the government discussion focused more on transition arrangements within the territories than over their ultimate and final status."\(^\text{17}\) Defense Minister Moshe Dayan, an advocate of de facto but not formal annexation, took advantage of this opportunity to govern the territories as he saw fit by extending Israeli law to East Jerusalem; allowing the establishment of settlements; confiscating Arab land; extending Israel's road network, electric grid, and water system to the territories; creating investment incentives for Jewish entrepreneurs in the territories (but not for Palestinian ones); and freezing the demographic make-up of the territories by not allowing the return of refugees who had fled during the war.\(^\text{18}\)

The ambivalence of Israel towards the occupied territories continued after 1970, as did its continued implementation of dualist policies. The period from 1970 to 1973 was one of "standstill diplomacy," according to William Quandt. Gahal, the party of Menachem Begin, left the broad Labor-Gahal coalition. This made the Labor government even less willing to confront and oppose the actions of Gush Emunim settlers and
New Likud policies led to censorship of pro-PLO newspapers; increased expulsions, home demolitions, and curfews; seizures of property; and imprisonments without trial. The policies of Defense Minister Dayan in the territories. With the psychological loss of the 1973 war, the Labor government changed its leadership, appointing Shimon Peres, Yitzhak Rabin, and Yigal Allon, who were far from unified on their policies towards the territories. This made it even harder to exert significant pressure on militant groups like Gush Emunim. This, coupled with renewed opposition from the Likud party and Gush Emunim, further weakened Labor's hold on the Israeli political system and further ingrained its indecisiveness on the occupied territories."

In 1977, when Likud unexpectedly defeated Labor, the status of the occupied territories had still not become significant in the eyes of the Israeli polity. Likud was "dedicated to the integration of the historic Land of Israel." The new Likud government worked with Gush Emunim to maximize Israel's de facto control over the territories. In fact, the Likud's settlement patterns "were meant to establish facts which would make it difficult for any government to withdraw from the West Bank." This change in direction was possible because the election mandate did not proscribe it.

The public's ambivalence prompted Likud to institutionalize its policies in November 1981 with Military Order 949, which called for a "civil" administration in the occupied territories. The plan also called for more Palestinian participation in local affairs, but the "civilian" administrator was actually a reserve army officer who replaced incoherent Palestinian municipal councils with Israeli army officers. These new Likud policies led to censorship of pro-PLO newspapers; increased expulsions, home demolitions, and curfews; seizures of property; and imprisonments without trial. The new civil administration also closed Bethlehem, an-Najah, Hebron, and Bir Zeit universities "for weeks or months at a time." That Likud policies became entrenched is clear from the principles adopted by the 1984 National Unity Government, a Labor–Likud coalition. The agreement "guaranteed inaction on the issue that was most crucial, the future of the West Bank and Gaza, where the status quo was to be maintained: no annexation and no change in sovereignty." Moreover, the settlement program was to continue, and the new government even "thickened" existing settlements to allow the Jewish population of the territories to continue growing. The principles of the 1984 National Unity Government show the ambiguity of the Israeli political system—and of Israeli political parties—towards the occupied territories. This ambiguity resulted from the position of Sephardic Jews, the actions of religious groups like Gush Emunim, and the uncertainty of the Israeli public towards democratic principles. All this, in turn, contributed to the entrenchment of the dual value system in Israeli policies towards the occupied territories.

The Israeli Control System

The natural result of the dual value system's injection into Israel's policies is a control system that infringes on the rights of the Palestinian population in the occupied territories. Baruch Kimmerling defines a "control system" as a territorial entity comprising several subcollectivities, held together by purely military and police forces and their civil extensions (e.g., bureaucracies and settlers). When the "field of power" is much larger than the "field of authority," a control system is formed. These subcollectivities are stratified according to their ability to gain access to power, political power, and diverse rights, but mostly according to the ability to gain access to power, political power, and diverse rights. The central component differentiating between situations such as internal colonialism, deeply divided societies, the Soviet "satellite" system, slave-based societies, etc., and the control system is the ruling sector's virtually total lack of interest and ability in creating a common identity or basic value system to legitimize its use of violence to maintain the system, or in developing other kinds of loyalties toward force and power."
The purpose of the control system is to either keep Palestinians down or to drive them out, with the ultimate goal of preventing them from challenging Israel for control of the land. The Israeli control system does this by making the economy of the occupied territories dependent upon that of Israel, by using force to quell Palestinian resistance to the occupation, and by making living conditions unbearable to Palestinians. As Alexander Flores points out, “an often voiced suspicion is that [these restrictions] are geared to make life unbearable for the Palestinian inhabitants and to make as many of them emigrate as possible.”

In Israel, the control system has flowed from the existence of the dual value system, but only in conjunction with the Israeli political system. The Israeli polity has demonstrated its willingness to allow for a double standard in dealing with Palestinians, despite Israel's ideals of democracy and the desire of the Israeli polity to achieve all three of its national goals. This is how the dual value system that developed in Israel after 1967 resulted in the control system. In its turn, this control system has resulted in systematic human rights abuses because the entrenchment of the dual value system turned discriminatory ideas into discriminatory action.

These systematic abuses include Israel's “Judaiization” policy in Jerusalem, the settlement program, administrative methods of control, and Israel's response to the intifada. Israeli actions vis-à-vis the Palestinians demonstrate how the extension of the field of power beyond the field of authority—i.e., the implementation of the dual value system—has led to systematic human rights abuses in the West Bank and Gaza Strip since 1967.

The Judaiization of Jerusalem. Israel's policy in East Jerusalem is to encourage Palestinians to leave, while establishing a Jewish majority there. This discriminatory policy was evident from the beginning of Israel's occupation of East Jerusalem. After the 1967 war, the Israeli government “expanded” the municipal boundaries of the city to include as much land as possible and to exclude as much of the Palestinian population as possible.” Israel also extended “full Israeli law and administration” to East Jerusalem, though it did not offer the area's Palestinian inhabitants citizenship or passports.” Today, the dual value system has become fused with the control system in Israel's Jerusalem policies. Anat Hoffman, a member of the Jerusalem City Council, wrote in 1995:

Continuing discrimination against Arabs is ingrained in Jerusalem's political culture, a sort of accepted blemish we are trained to see and overlook. It characterizes the workings of this city in every walk of life, ranging from the macro to the minute. My file cabinets are literally overflowing with examples in every sphere: employment, economics, taxation, housing, construction, education, city planning, welfare, health, roads, buses, sewerage, street lights.”

Israel's attempt to Judaize Jerusalem is clear. For instance, Palestinians own 85 to 90 percent of land in East Jerusalem, though only a fraction of this land is zoned for residential building.” Of the 75,000 dunums annexed to Jerusalem in 1967, Israel has expropriated 25,000 to build new Jewish neighborhoods. The Israeli government has only designated 7,500 dunums of Arab land as residential. Also, from 1967 to 1994, the Jewish population of East Jerusalem grew by 204,200, while the Arab population grew by 96,300. However, 64,800 new housing units were built for Jews (or one unit for every 3.15 Jewish residents) and 8,800 for Arabs (or one unit for every 10.9 Arab inhabitants). In East Jerusalem, 87.5 percent of Jewish settlers “live in housing conditions of one or fewer persons per room, whereas only 33.4 percent of the Arabs live in such conditions.” The object of providing more housing for Jews than Arabs in East Jerusalem is to make the Palestinians feel crowded enough to leave the city altogether, making way for the further Judaization of Jerusalem.
Palestinian population from challenging Israel for control of the occupied territories. With its settlement program, Israel has gained exclusive control over more than 60 percent of the West Bank and 40 percent of the Gaza Strip. The discriminatory nature of the settlements is obvious, but especially so in Gaza, where 3,500 settlers in 16 settlements occupy 5,560 acres of land, while 300,000 Palestinian refugees in eight camps live on 1,375 acres.

The distribution of water in the occupied territories is also discriminatory. Settlers use three times as much water per head as do Arabs in the West Bank (thirteen times as much when it comes to agriculture), and Israel has frozen Palestinians' water consumption, though it has placed no such restrictions on settlers. Moreover, Israel has expropriated Arab-owned land on a large scale in order to support settlements. In May 1997 alone, the government confiscated 7,000 acres of Palestinian land in order to expand both settlements and the by-pass roads leading to them. Expropriating land also deprives Palestinians of their agricultural livelihoods, further depressing the economy of the occupied territories and making Palestinians' living conditions less desirable.

Administrative Methods of Control. Israeli control methods have also resulted in circumstances that worsen Palestinians' standard of living and keep them economically and politically unable to challenge Israel's control over the occupied territories. Israel forbids Palestinian workers from staying overnight in Israel and issues "work permits to control the flow of labour," further emphasizing the separate political and economic status of Palestinians from the territories. In an effort to solidify Israel's de facto control over the territories, Israeli officials have set frequent curfews, seized property, imprisoned Palestinians without trial, sent workers home without pay, jammed Palestinian radio broadcasts, and sealed the borders of the territories so workers could not get to work. The IDF has also "detained thousands of suspects without charge or trial. . . . The detainees, however, [have] had no right to learn the reasons for the government's suspicion, but [have borne] the burden of disproving them to gain release."

Israel's Response to the Intifada. The intifada was the general Palestinian uprising against Israel's occupation of the occupied territories that lasted from late 1987 to 1993. Israel's response to the intifada involved some of the most obvious cases of human rights abuses since the occupation of the West Bank and Gaza in 1967.

In 1987, Israel became the first UN member-state to officially sanction torture by limiting torture to "a moderate amount of force" and "non-violent psychological pressure." However, "a handful of prisoners have subsequently died under interrogation." During the intifada, "commonly used torture techniques included beatings, electrical shock, keeping a tight-fitting hood over a person's head for long periods, sleep deprivation, and tying a person's hands to a bar behind the person's back, making standing impossible." On January 19, 1988, Defense Minister Yitzhak Rabin announced a policy of "might, power, and beatings" to counter the Palestinian uprising. After the announcement of this policy, "hundreds of Palestinians were 'methodically beaten, many with the bones of their hands and arms broken.'" Minority Rights Group International reports, "By the end of 1991, over 1,000 Palestinians had been killed by shootings, beatings, tear gas or some other means. Over a quarter of those who died were under 16. Another 100,000 suffered serious injuries, while over 15,000 were held without trial for at least six months."

All of the control methods that Israel employed to counter the intifada were in addition to those already in place for controlling the occupied territories. After mid-1992, when the intifada was already in decline, cases of systematic torture, interrogation, and beatings decreased in both number and intensity. However, this reduction was due to the effectiveness of already existing control methods (such as economic repression, administrative methods of control, and home demolitions) and the weakening of Palestinian resistance to the military occupation.

The purpose of the control system is to maintain a de facto annexation of the occupied territories while not actually making them officially part of Israel. To do this, the control system uses the methods of control I have outlined to keep Palestinians in the territories economically and politically depressed and to encourage them to emigrate from the land. Though the methods
change over time, the purpose and underlying design of the control system remain essentially unchanged. During times of stiff popular resistance, as during the intifada, Israel employs stiff methods of control, such as severe beatings, school closings, and arcane torture methods. When the indigenous population is more docile, it is not necessary for the Israeli occupiers to be overtly coercive, and they employ more subtle means of control, such as home demolitions, roadblocks, and the manipulation of building licenses. In both cases, the purpose of the control system is the same: keep Palestinians down or out in order to perpetuate Israeli control over the West Bank and Gaza Strip.

CONCLUSION

Human rights abuses in the West Bank and Gaza have occurred as a result of the entrenchment of a dual value system in Israel's control structure. Therefore, Israel has two options if it wants to end—or significantly diminish, in any event—its human rights abuses in the occupied territories.

The first choice is for Israel to maintain its dual value system but eliminate its control system. In other words, Israel would withdraw from the territories, because the control system depends on a field of power that is larger than the field of authority, which is inherent in any military occupation. This option would not require Israel to modify its double standard with respect to Palestinians, even though—over time—this may be the result. At the same time, this option would require Israel to modify its national goals somewhat, for it could not be a state extending across all of Eretz Israel if it withdrew from the West Bank and Gaza, though it could still maintain a democracy within its new borders, as well as its Jewishness.

The second choice for Israel is to eliminate the dual value system altogether, by which it would offer equal political rights to Palestinians in the occupied territories. However, Israel would thus risk losing its Jewish identity, and it still might not have de facto control over all the Land of Israel. Even so, it would effectively eliminate human rights violations by raising Palestinians to the same civil and political level that Israeli Jews enjoy. The Law of Return (1950) grants all Jews, no matter where they live in the world, the right to Israeli citizenship. In late 1999, the Knesset debated a bill that would declare the Law of Return discriminatory, because it does not offer non-Jews the same right. Zehava Gal-on, a member of the Knesset from the leftist Meretz Party, said during the debate, “The Law of Return is discriminatory. It discriminates between Jews and non-Jews. I can accept that after the Holocaust, it was kind of a necessity. But maybe after 51 years, we are not in the same situation, and we don't need to run our country based on such undemocratic laws.” At the same time, Prime Minister Ehud Barak vowed to never discuss the law—much less amend it—during his term, which makes it unlikely that Israel will officially modify its dual value system any time soon.” The fact that a Jewish MK would even challenge the law, though, is a step towards eliminating the double standard between Jews and Palestinians.

With either option, Israel must compromise on its national goals. Thus, the dilemma that Israelis have faced since 1967 remains unchanged. Who are they, and which of their national goals are they willing to give up?

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2 Ibidem, 69.

3 The term “tripartite value system” is mine, but the terms “control system” and “dual value system” are not. See Baruch Kimmerling, “Boundaries and Frontiers of the Israeli Control System: Analytical Conclusions,” in The Israeli State and Society: Boundaries and Frontiers, ed. Baruch Kimmerling (Albany: State University of New York Press, 1989).


6 Israel has no formal constitution. Instead, its legal code has developed over time, drawing heavily on common law tradition.
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28 Peri, "Nationalism to Ethno-Nationalism," 51.
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34 Brian Barber, "Israeli-Palestinian Inequities in Jerusalem" (Jerusalem: BYU Jerusalem Center for Near Eastern Studies, 1999, typewritten lecture), 1.
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37 Ott, Palestine in Perspective, 107-8.
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39 Medding, Forming Israeli Democracy, 204-5.
40 Peri, "Nationalism to Ethno-Nationalism," 50-51.
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48 Idem.
50 Ibidem, 29.
52 Ibidem, 30-32.
54 Ibidem, 141.
56 Ibidem, 38.
57 Idem.
58 Kimberling, "Analytical Conclusions," 266.
59 Flores, Social Conditions and Political Attitudes, 18-20.
61 Barber, "Inequities in Jerusalem," 1.
62 Idem.
63 Ibidem, 2.
64 Ibidem, 3-7.
65 A dunam is approximately one-fourth of an acre.
66 Ibidem, 3.
67 McDowall, The Palestinians, 12.
68 Idem.
70 Quigley, "Loan Guarantees," 573.
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* Idem.

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