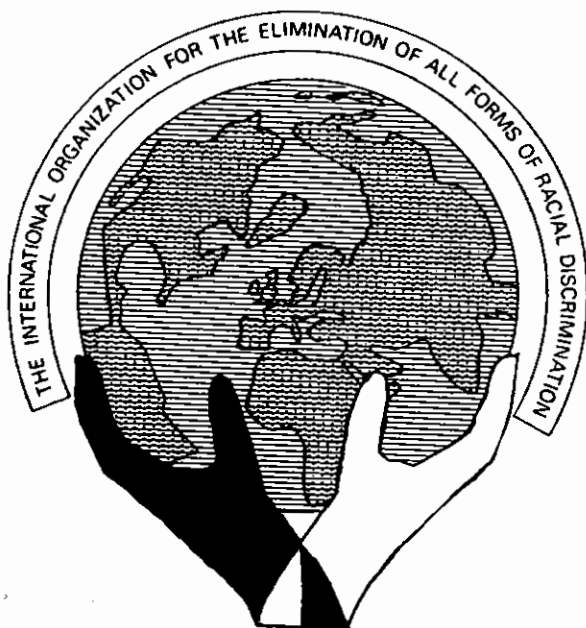


**THE INTERNATIONAL ORGANISATION  
FOR THE ELIMINATION OF ALL FORMS OF  
RACIAL DISCRIMINATION  
(EAFORD)**



**HUMAN RIGHTS OR  
SELF-RIGHTEOUSNESS?**

A Critique of The Department of State's 1981  
"Country Report on Human Rights Practices"

in

The State of Israel

by

**Elmer Berger**

**Paper No.26**

**The views expressed in this Paper are those of the author, and do not necessarily represent those of EAFORD.**

**All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.**

**Universal Declaration of Human Rights**

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## **I**

### **Pardonable or Unpardonable Superficiality?**

Only an act of diplomatic generosity would characterize as 'superficial' the sections on Israel and Israeli occupied territories in the Department of State's *Country Report on Human Rights Practices*, 1981. There is an unending stream of information on the Arab minority in the Zionist state and the Zionist policies in the Israel-occupied territories. The Department, generally, is strapped for funds, along with most other governmental agencies, except Defense. Israel and Israel-related problems are only one of 159 countries where the practice – or violations – of human rights are reviewed. Americans generally are presumed to have conscientious moral and intellectual interests in human rights in other countries and an aversion to repressive and dictatorial governments. But they are also prone to be generous and forgiving if a "friendly" nation's human rights practices are less than impeccable. So, an element of relativism often invades what is essentially a moral judgment. To some extent, the determination of another nation's respect for or violation of the rights which make for human dignity is in the eye of the beholder.

In the Israeli case some fixed landmarks invalidate most of these possible variants which might excuse mere "superficiality" in the recorded opinions of the Department's experts.

## **II**

### **The Permanent "Emergency"**

The first of these is that for more than thirty years of the existence of the State of Israel the Arab (Christian/Moslem) minority has been "governed" under "laws" which the Mandatory power imposed on the country in 1945. They are known as the Emergency Defence Regulations. At a conference of Zionist jurists in Tel Aviv, in 1946, a resolution denounced the legislation in these terms:

The power granted the authorities under the emergency regulations deprive the Palestinian citizens of the fundamental rights of man.

During the conference's debate about the legislation, a prominent legal authority who would become a legal advisor to the Zionist government after the establishment of Israel, said

Even in Nazi Germany there were no such laws . . .<sup>1</sup>

In effect this legislation puts the Arab minority of the state under the control of the military. Although the Israeli courts have, on occasion, denounced the laws, such civil pronouncements are almost always ignored by the local, military commanders in the interests of "security". As recently as January 28, 1982, *Al-Fajr*, the Palestinian paper published in East Jerusalem, reported that

Nine Palestinian nationalists from within the pre-'67 borders of Israel are now under house arrest.

No firm legal decision has been made by the Israeli courts because

the Israeli authorities say . . . the order is based on the British (Emergency) Defence Regulations, 1945.<sup>2</sup>

In a survey of Jewish-Arab relations in Israel proper, published in 1980, Ian Lustick, an American Zionist, observes that the Emergency legislation

Can become operative only after an "emergency situation" has been declared.

He adds immediately,

In Israel an "emergency situation" was declared immediately following the establishment of the state and that declaration is still in force.<sup>3</sup>

The State Department's Report takes notice twice of the "emergency laws". But it treats this legislation for a permanent "emergency" as if it is applied only hesitantly and sporadically. Under the heading "Arbitrary Arrest and Imprisonment" (p.995) it notes that any one subjected to "administrative detention" (read arbitrary arrest)

must be brought before a court within 96 hours of his being taken into custody.

The detained person has the right of appeal and his case must

be subjected to judicial review every three months . . . for the entire period of detention.

The Report however fails to observe that the "emergency laws" are

almost never applied to Jews; and, where Arabs are involved, the ameliorative conditions specified in the laws are usually honoured in the breach because it is military, not the courts, which has the final determination of “security” needs.

The other reference in the Report to the “emergency legislation” occurs in the section on “Freedom of Movement Within the Country, Foreign Travel, Emigration and Repatriation”. Blandly, the Report records that

13 Israeli citizens of *Arab* origin were confined at various times during 1980 to their neighborhoods or villages by military orders . . .

These restrictions were imposed

Under Article 110 of the security regulations carried over from the mandatory period. (Emphasis supplied) (p.999)

Lustick adds Zionist motivation to the low-key listing of statistics in the Department’s Report. If the restrictions on internal travel were lifted

The regime greatly feared that freedom of movement for Arabs would result in assemblies of politically minded Arabs and the formation of regional or even country-wide political associations. In particular it was feared that “internal refugees”, scattered after 1948 among various Arab villages, would return to their abandoned villages and attempt to reclaim their lands and rebuild their houses.

Lustick then quotes a former Advisor to the Prime Minister on Arab Affairs.

And then, when they have made as much trouble as possible about their own lands, they will start clamoring for the return of the refugees.<sup>4</sup>

In other words, the government of the Zionist state uses the 1945 Emergency Laws to violate the human rights of its Arab citizens. With the “emergency” having continued for more than 30 years it is difficult to excuse the State Department authors of the Report on the grounds of mere “superficiality”. Harrassed as they may be by the pressures of time and lack of funds, consistent observers of the Washington practice of treading softly and carrying no stick where appraisals of Israeli conduct are concerned, are unlikely to be so generous. Something more than mere superficial research is required to overlook a weapon of injustice which the government of what the Report describes as “a parliamentary democracy with high standards of justice and human rights” has so unapologetically employed for more than three decades.

### III

#### “Fundamental” Zionist Legislation

An even more serious deficiency than “over-looking” the permanent status

of these “emergency laws”, is the Department’s total neglect of any reference to, much less analysis and interpretation of, what are called “Fundamental” or “Basic” laws. The Zionist state inherited the “emergency laws” from the period of the Mandate. But these basic or fundamental laws were enacted by the Knesset with full debate, deliberation and legislative procedure established by the Knesset itself. The significance of the “emergency laws” may be somewhat diluted by the implication they are still – even after 30 years – of a somewhat temporary character. The basic or fundamental laws however, have the weight of constitutional enactments. The state, of its own volition, has no constitution. These basic, fundamental laws serve as the equivalent.

It is therefore incomprehensible how the Department’s Report can be accepted as complete, objective and responsible when it ignores completely the purpose and the impact of this definitive legislation. These laws have the element of permanence; and as the codification of deliberative, Knesset processes they reflect the intent of the state.

Their significance cannot be dismissed with the overworked apologia in the Department Report, that they are in reaction to Arab “refusal . . . to accept its [Israel’s] existence and to agree to live in peace with it”. These basic, fundamental laws are legitimate, lineal descendants of the Zionist ideology which is the progenitor of the state while, at the same time, the state exists to sustain, advance and establish Zionist-nationalism as a permanent fixture in international affairs. Lustick notes that “besides being a Jewish state Israel has also conceived of itself as a ‘Zionist state’; a state that

Contrary to other states, must regard itself as the State of a people the majority of which is not concentrated within its borders. As a Zionist state, it must bear the responsibility for the security, well-being unity, and continuous cultural identity of the Jewish people . . .

[A] state which was established to solve the problems of the Jewish people’s existence . . . problems [which] have not yet been solved.<sup>5</sup>

By definition such a state – dedicated to its own ideas of the welfare of one *religious* group, most of whom are not even citizens of the state – cannot discharge complete equity to its own citizens who are not of this religious persuasion. Nor should the implied intervention in the lives of Jews who are citizens of other states be ignored.

This description of the state is more than rhetoric. It is this character which is codified in the state’s “basic” legislation. There is no acceptable explanation for the failure of the Department’s Report to begin with an examination of this legislation followed by a judgment of its effect upon the human rights of the state’s own citizens, without regard to color, faith or ethnic derivation.

#### IV “The Jewish People”

A critical examination of standard Zionist semantics is essential to understanding the full significance of these laws.

The first Zionist term requiring examination is “the Jewish people”. In formal Zionist/Israeli political or legal instruments “the Jewish people” means more than a loose, amorphous collectivity of individuals who are Jews. Historically, the term has been a deliberately ambiguous synonym for “Jewish nation”. Theodor Herzl, the architect of Zionism which developed the Zionist state, knew that Jews living in emancipated societies generally rejected any concept which regarded them as a separate, political nationality. One of the basic dogmas asserted in Herzl’s classic, *The Jewish State*, is

We are a people – one people.

The perception of Jews as a *national* entity was indispensable to Herzl’s campaign to obtain a turf for the “Jewish” nation he wanted to believe existed and which he wanted the international community to recognize. The “Basle Program”, adopted at the First Zionist Congress in Basle, Switzerland in 1897, recommended a four part strategy for eventually realizing the movement’s stated objective of a “publicly secured, legally assured home” for “the Jewish people”. The third of these strategies was

The strengthening and fostering of Jewish national sentiment and consciousness.

The declared necessity to develop programs for this purpose was an admission that “the Jewish people” nationality entity did not yet exist. It needed to be created.

Whether, or not, such a nationality entity actually exists even now, it is sufficient to observe that, despite consistent, historic rejections *by Jews*, the international community of nations has often acted *as if* the entity does exist. Chaim Weizmann rejoiced in this international perception as early as 1922. In an address to an annual meeting of the Zionist Conference in Carlsbad, Germany, on August 25th, Weizmann said

The value of the Mandate, apart from being a great success of Zionism, consists in the recognition of the Jewish people. This is of immense value, which will bear fruit and will open up new perspectives as yet hidden from our weak eyes . . .<sup>7</sup>

From propagandist to Prime Minister, representatives and institutions of the Zionist state rarely overlook an opportunity to assert the centrality of mutual national responsibilities between the state and the alleged “Jewish people” entity. The highest courts of Israel used the forum of the trial of

Adolph Eichmann in 1961 to reiterate the dogma with judicial solemnity:

The connection between the State of Israel and the Jewish people needs no explanation. The State of Israel was established and recognized as *the State of the Jews* . . . It would appear that there is hardly need for any further proof of the very obvious connection between the Jewish people and the State of Israel: *this is the sovereign State of the Jewish People*.<sup>8</sup> (Emphasis supplied).

The question suggests itself as to whether a state where the equivalent of constitutional law declares the welfare of this “Jewish people” nationality to be of the highest priority can, at the same time, be the repository for the full complement of human rights for all of its own citizens. To answer the question it is obviously necessary to determine who the state includes in this alleged nationality entity.

## V

### Who is a “Jewish People” National?

It is self-evident that *the* crucial qualification is identification as a “Jew”. In 1947, the Jewish Agency representative, testifying to the United Nations Special Committee on Palestine said,

Technically and in terms of Palestine legislation, the Jewish religion is essential.

“Palestine legislation” at the time was Mandate law. The Jewish Agency’s own definition was broader. According to the same report, the Agency spokesman said,

Generally we accept as Jews all who say they are Jews . . . all who come and say they are conscious of being Jews are accepted.<sup>9</sup>

If there is some possible discrepancy between these two views, once the Mandate was terminated the state became the exclusive agency to determine who, by inclusion in “the Jewish people”, might be top priority recipients of its nationality rights and obligations. Raphael Patai, the anthropologist, is not unfriendly to either Zionism or its Middle East state. In *The Jewish Mind*, published in 1977, he says,

At present, the most important legal context in which the question of who is a Jew must be answered is the Law of Return enacted by the Knesset (parliament) of the State of Israel on July 5, 1950. The main provision of this law states, “Every Jew has the right to come to this country as an immigrant”. The term “Jew” in the law is vague; it is not clear whether it is used in a strictly religious or an ethnic sense.

Patai continues:

The halakhic definition of a Jew as a person who either was born of a



Jewish mother or has converted to Judaism was adopted by the Knesset in 1970 . . .

The dispute eventually graduated to one over proper conversion. Patia notes that the common element agreed to by all disputants.

Was the requirement that a formal conversion take place which could be effected only by a rabbi.<sup>10</sup>

In the judicial system of the Zionist state, therefore, religion is the *sine qua non* of membership in “the Jewish people”.

Within this context some of the most eminent Zionist legal authorities have stipulated the relative order of rights enjoyed by “Jewish people” nationals and those who, because they profess a different religious faith, do not qualify in this top priority category. Ernst Frankenstein, Professor at the Hague Academy of International Law, put it this way for an anthology of Zionist/Israeli law in 1949:

The Mandate admits only one *collective* right, viz., that of the Jewish people to its National Home, while such rights as are provided in the Mandate in favour of the non-Jewish inhabitants of Palestine are individual rights. Under the Mandate, a *non-Jew who is not an inhabitant of Palestine has no right to be admitted to the country*. It is true that Article 2 of the Mandate speaks of the National Home “as laid down in the preamble”; it then upholds the reservation of the “civil and religious rights of existing non-Jewish communities of Palestine” contained in the Balfour Declaration. But the right of a people to a land is, without any doubt, not a civil or religious, but a political right. (Emphasis supplied.)<sup>11</sup>

Nathan Feinberg, Associate Professor of International Law and Relations at Jerusalem’s Hebrew University, also contributed to the 1949 compilation. He candidly described the extra-territoriality of the Zionist system of nationality rights and obligations which was the principal *raison d’être* for the creation of a “Jewish” state and for the advancement of which in international law the state is on the constant alert.

The right to the National Home is granted to the Jewish people as a whole, and not to any part of it; it is granted not to Zionists or to Jews who have settled in Palestine or who will settle there, but to all Jews wherever they may be.<sup>12</sup>

Putting the Frankenstein and Feinberg analyses together it is clear that in the Zionist conception the state regards *all Jews*, wherever they may live and whatever citizenship they may possess, to possess a functional, Israeli nationality. It is just as clear that Israeli citizens who profess a faith other than Judaism or who have no inherited linkage to Judaism through their mother, do not enjoy the same status of nationality. The ideology which

produced the state therefore, is either racist or theocratic. There is no way to exonerate the investigators of the status of human rights in such a state from responsibility for the failure to note and evaluate the significance of this seminal fact.

## VI

### Ideology Into Law

#### A.

#### The "Law of Return"

#### and

#### The Nationality Law

With its establishment as a Zionist state, Israel lost no time translating this ideology into law. The first of this "basic" law legislation was the "Law of the Return". It converted the Zionist concept of functional nationality for "the Jewish people" into law by declaring that any Jew, at any time, had the *right* to immigrate to Israel. The *right* of anyone to enter any state at will is generally reserved only for citizens of that state. Others may, under specified conditions, be given the *privilege* of immigration. The *right* of immigration to the Zionist state is given only to Jews. The Nationality Law was a logical sequel to the Law of the Return<sup>13</sup> and is included in the "basic" or "fundamental" category. It provides that any *Jewish* immigrant *automatically* acquires Israeli citizenship upon entering Israel unless he or she renounces this citizenship within a brief, specified time period. For all others than Jews the law provides a process of naturalization. The two laws therefore codify in "basic" legislation the Zionist ideology which establishes a privileged position of rights for the alleged "Jewish people" nationality.

But perhaps most revealing of the Zionist state's skewed position on human rights is another "basic" law enacted by the Knesset in 1952. It is known as "The World Zionist Organization/Jewish Agency for Israel (Status) Law".<sup>14</sup>

## VII

### The "Status" Law

In 1954, the "Status" law was supplemented by a "Covenant" which had been negotiated by the government and the Zionist organization. Some scholars believe the law and the Covenant make the Zionist Organization an organic part of the government. Others think the combination makes the Zionist Organization an agent of the government. Whichever descriptive role is accepted, Dr. W. T. Mallison, Jr., International Law Professor at George Washington University, concludes,

The (Zionist) Organization/Agency would . . . have to be recognized as an integral part of a single Zionist-Israel sovereignty because of the effective control the Government exerts over it.<sup>15</sup>

During the Knesset debate on the law, Ben Gurion, who was then Prime Minister, was refreshingly clear about the relationship. In effect he told the Israeli parliament that the law authorized the Zionist organization to perform services for Israel *inside* other states which conventional amenities of international relations prevented the state from doing itself. The exact words of the Prime Minister, in context, are:

The sovereign authority of the State is confined within its own borders, applying only to its own citizens, while over 80 per cent of the Jewish people are still to be found – and who knows for how long? – outside the borders of the state. The State of Israel cannot intervene in the internal life of the Jewish communities abroad, cannot direct them or make demands upon them . . . It is the Zionist Organization . . . which is able to achieve what is beyond the power and competence of the State, and that is the advantage of the Zionist Organization over the State.<sup>16</sup>

Paragraph 5 of the “Status” Law reveals the inherent contradiction between conventional concepts of human rights and the system of rights in a state where Zionism’s “Jewish people” nationality is assigned pre-eminence in law. Paragraph 5 states:

The mission of gathering in the exiles, *which is the central task of the State of Israel and the Zionist movement* in our days, requires constant efforts by the Jewish people in the Diaspora; the State of Israel, therefore, expects the cooperation of all Jews as individuals and groups in building up the State and assisting the immigration to it of the masses of the people, and regards the unity of all sections of Jewry as necessary for this purpose. (Emphasis supplied).

Understanding the semantics of another common Zionist term is essential to comprehend fully what is meant by the assignment of “gathering in the exiles” as “the central task” of both the State and the Zionist movement. In the Zionist lexicon, “exile” means all Jews living outside “the Jewish state”. The paragraph specifies how the state and the Zionist movement are to join in mobilizing the resources of “the Jewish people” to facilitate “Jewish” immigration, whether of distressed Jews, or not. This is the state’s and the Zionist Movement’s “central task”.

It is indisputable that a state which shares its “central” responsibility with the trans-national Zionist movement and regards the immigration of *Jews* as its “central task” cannot, at the same time, allocate its services and resources on a completely equal basis among its citizens who cannot qualify as part of “the Jewish people”. The “Status” Law is *governmental* legislation. The government is a willing and voluntary partner with the Zionist infra-structure which serves only “the Jewish people”.

Paragraph 4 of the “Status” law provides the *modus operandi* which the

Zionist state “recognizes” for “the Jewish people” to use to discharge national Zionist obligations.

The State of Israel recognizes the World Zionist Organization as the authorized agency which will continue to operate in the State of Israel for the development and settlement of the country, the absorption of immigrants from the diaspora and the coordination of the activities in Israel of Jewish Institutions and organizations active in those fields.

Within the meaning of Paragraph 5 it is clear the World Zionist Organization operates in the state *only for Jews*. Benefits provided by the Zionist Organization are limited – in the Zionist state – only to “Jewish people” nationals. The operations of the Zionist Organization are prescribed by government legislation. It follows inexorably that discrimination against non-“Jewish people” citizens is the official policy of the state. The conventionally recognized government of the state can *appear* to be democratic. But behind the perceived democracy the government – by legislative act – conspires with a discriminatory infra-structure which advantages only “Jewish people” nationals of the state. It is a clever ruse. The Department’s Report gives no indication the authors are aware the ruse exists. Or, if it is known – and understood – the tax-payers, whose money financed the Report, have a right to demand an explanation for the glaring deficiency.

## VIII

### From Law to Social Conduct

#### A.

#### “Segmentation”

It is not surprising that a state conceived in this coupling of ideology codified into the equivalent of its “constitutional” law should exhibit social, economic and cultural patterns consistent with its origins. Not is it surprising that the government of such a state has employed administrative rulings and legal subterfuges to keep separate its “Jewish people” and its non-“Jewish people” citizens. However evenhanded the laws cited by the Department Report may read on their face a government committed by superior, “constitutional” law to the supremacy of “Jewish people” legislation can – and does – find ample latitude to initiate or condone administration which leaves Israel’s Arab minority in less than equal status.

Ian Lustick’s *Arabs in the Jewish State* may be the definitive study of this system.

#### 1.

#### Arab Villages

Lustick details what he calls three “components of control” which the state employs to frustrate Arab aspirations for full equality. They are “segmentation”, “dependence” and “cooptation”. Only a few examples of each tech-

nique can be given here. But Lustick leaves no doubt about the pervasiveness of the procedures, or their intent. It is difficult to explain why the Department's Report ignores the "facts on the ground" which Lustick found numerous and prevalent he was able to construct a systematic pattern.

"Segmentation" means the fragmentation of Arab life. Some of this fragmentation seems to be inherent in the Arab character. The Arabs are concentrated largely in their own villages in which old tribal and clannish rivalries persist. Rather than discourage these vestigial rivalries, the government has cynically exploited and perpetuated them. It introduced a system of local elections to councils for governing the villages. The fig leaf – which looked like greater democracy – covered the naked truth that Israeli Arabs are alienated from the nation's most significant political parties. Lustick explains. Historically,

Arabs had not been members of the party clubs or agricultural settlements; they did not subscribe to party newspapers, send their children to party schools or put their money in party banks. For these sub-cultures were thoroughly Jewish-Zionist in character, and not only were Arabs not Jewish but the Arab population as a whole have been consistently, intensely, even violently anti-Zionist.<sup>17</sup>

The national Zionist parties do sponsor "affiliated lists" of Arabs. They are always at the bottom of the party lists. With the Israeli system of proportional representation only a few "Uncle Tom", token Arabs, have ever been elected to the Knesset. 40% of the adult Jewish population of some 500,000-600,000, or more than 10% of the total population, "the total Arab membership in Zionist parties is no more than 6 to 7 thousand".<sup>18</sup>

Because it is anti-Zionist, the New Israel Communist Party – Rakah – attracts most of the Arab votes. But because it is anti-Zionist, Rakah enlists no Jews with real power. So the party has little leverage in national affairs. Consequently, Arab villages, community councils are without influence on the national scene. This basic political emasculation of Israel's Arabs, of course, is the crucial test of the state's alleged democracy. "Arabs have almost no access to circles influential with the authorities".<sup>19</sup>

So, by reinforcing Arab diversity – "segmentation" – the electoral system effectively deprives the minority non-"Jewish people" citizenry of effective political participation in the Zionist state's "democracy".

## 2.

### The Army

The army has often been called the "pressure cooker", the "melting pot" of Israeli society. Moslem Arabs are neither conscripted nor allowed to volunteer for the army, unless they are Bedouin. According to Lustick,

The rank and service records a soldier establishes . . . are among the most important elements in the determination of a future career . . . the officer

corps being, perhaps, the primary conduit for administrative and managerial personnel in all branches of Israeli industry, commerce and government . . .

Excluded from the ranks of Tzahal, (the armed forces) most Israeli Arabs are thus cut off from the major dynamic processes of social integration and mobility which exist in Israel.<sup>20</sup>

Both the regulations governing service in the army and the power of appointment to government (and many government-controlled civilian) jobs are controlled by government. The responsible authorities in Israel therefore, cannot be exonerated from the guilt of discrimination in this sector of the Zionist state. Not only do they fail to eliminate the "Jewish people" preference. They contribute to its perpetuation. The Department's Report is entirely blank on the subject.

### B.

#### Dependence

Arab alienation and disabilities created by what Lustic calls "dependence" are no less severe. To offer just one of many cited examples. The land acquisition policy of the government, in cooperation with Zionist organizations, has created enormous economic dislocations among the Arab population. Most of the land, with the encouragement of the government, has been acquired by the Zionist institution, The Jewish National Fund. Only Jews are allowed to lease such land and only Jewish labour is allowed to work on it.

Sabri Jiryis, a Palestinian lawyer, now living in Beirut, observes that Article 17 of the Declaration of Human Rights states,

"(1) Everyone has the right to own property alone as well as in association with others.

(2) No one shall be arbitrarily deprived of his property".

Israeli law is in gross violation of the provisions of this article. There are more than a dozen different Israeli laws *which have been enacted specifically* in order to expropriate the largest possible area of Arab land in Israel, turning its ownership over to the state which designates them expressly for the purpose of Jewish settlement . . . (Emphasis supplied).

These laws according to Jiryis

Represent a systematic policy pursued by the Israeli authorities in all cases where they find themselves constrained to seize land for the purpose of Jewish settlements, considered an essential pillar of the Zionist state.<sup>21</sup>

Prior to the establishment of the Zionist state in 1948, the majority of Palestinian Arabs depended upon agriculture or herding for a livelihood. As

a result of Israel/Zionist land legislation Arabs have been displaced from agriculture to blue-collar workers and service industries. Zionists are the major capitalists and comprise the more affluent classes. Arabs in these capacities therefore, have become increasingly dependent upon Zionists for their existence. Again, Lustick summarizes

The mass expropriation of Arab land has been the heaviest single blow which *government policy* has dealt the economic integrity of the Arab sector. (Emphasis supplied).

The government's land policies, he says are

Even more significant as aspects of a general pattern of economic discrimination against Arabs in all matters pertaining to development – a pattern that corresponds to government policy and that contributes to the continued economic under-development of the Arab sector.<sup>22</sup>

Once again, it seems peculiar that the compilers of the Department's Report failed to detect any of the laws mentioned by Jiryis or the "economic discrimination . . . that corresponds to government policy" which Lustick had no trouble identifying.

### C.

#### "Cooptation"

The Zionist/Israeli technique which Lustick calls "cooptation" resembles a phenomenon associated with the problems of Black civil rights in the United States. Even during slavery there were Blacks who, for a variety of reasons, became apologists for the system. They were called 'Uncle Toms'.

Israel employs a variety of seductive techniques to create Arab or Palestinian "Uncle Toms". Public meetings or protest gatherings are monitored. The most able dissenters are noted. They are later approached on a personal basis with job offers which promise either a higher than ordinary pay or compensation in the form of prestige. The government also exploits the lingering patterns of tribalism and clans in Arab villages. The old, so-called "notables" are flattered – and bribed – with tax preferences, decisions about land dispensation and other privileges. A result of this authorized corruption of democracy is that often whole villages – following their "notable" leadership – acquiesce in some policy which discriminates against Arabs. The Zionist bureaucracy governing Israel is not without means for "cooptation" even among the younger Arabs who aspire to better education and mobility. These younger people, Lustick observes, experience "near total dependence on the Jewish sector for white collar jobs". Consequently,

The younger, more educated elite are powerfully attracted to offers or promises of teaching positions with the Ministry of Education or of

deputy posts in the various government . . . agencies which operate in the Arab sector, regardless of the political strings inevitably attached to each job.<sup>23</sup>

Another technique of "cooptation" is providing favours for "informers". Such clients provide the regional and eventually the national government with an early warning system for detecting potential trouble in the Arab villages.

Lustick concludes, this system of "Uncle Toms" serves a "non-coercive means . . . for effective manipulation of the Arab minority". It also siphons off at least some potential leadership for effective Arab struggle against the whole pattern of inferior status and limited economic opportunity.

## IX

### The People's Right To Know

The Department issues this annual Report to comply with United States law requiring such a survey of human rights in all countries under consideration for United States economic or military assistance. Over the years, such United States subsidies to the Zionist state have probably totalled in the neighbourhood of \$25 billion. Currently, in a situation in which the law requires this survey of human rights, Israel is the largest recipient of American foreign aid, amounting to about 25% of total assistance.

The "Introduction" to this 1981 Report identifies the sources of information as:

United States Missions abroad, Congressional studies, non-governmental organizations, and human rights bodies of international organizations.

That is a sufficiently extensive and varied inventory for the compilers of the Department's Report to have avoided the glaring omissions of the Zionist discriminatory practices resulting from "basic" Israeli law and the administrative structuring which interprets and applies the law noted by Lustick.

These omissions may be charitably attributed to inadvertence, to simple ignorance or to deliberate concealment. But the frequent rationale for the generosity of the United States subsidies to the Zionist state is that it is "the only democracy" in the Middle East and "our most reliable ally". Americans know, after Chile, Pakistan, Guatemala, El Salvador and others, that the two explanations are not always consistent with the actual conditions in any one country. But they have a right to know about the Zionist state, as well. The Department's Report fails woefully short of providing the "full and complete" information about Israel which the mandate to the Department requires.

The bottom line question is, "Why the failure?"



1. *The Arabs in Israel*, Sabri Jiryis, Monthly Review Press, New York and London, 1976, pp.12-13. Pages 9-15 provide a history of the Emergency laws and a more detailed interpretation of their significance.  
For an updated account of specific variations of these 1945 regulations enacted by the Knesset, see, by the same author, "Domination by the Law", *Journal of Palestine Studies*, Vol.XI, No.1. Autumn, 1981, p.67ff, The Institute for Palestine Studies and Kuwait University, P.O.Box 11-7164, Beirut, Lebanon.
2. *Al-Fair*, Hatem al-Ta'el Street, East Jerusalem, January 22-28, 1982, p.5.
3. *Arabs in the Jewish State*, Ian Lustick, University of Texas Press, 1980, pp.123-124.
4. *Op. cit. Arabs in the Jewish State*, p.125.
5. *Op. cit. Arabs in the Jewish State*, pp.88-89.
6. *History of Zionism*, Nahum Sokolow, Longmans, Green & Co., London, England, 1919, Vol.1, p.268.  
For a detailed examination of the legal and political steps taken by the Zionist movement to establish the concept of "Jewish people" nationality in international law, see "The Zionist-Israel Judicial Claims to Constitute 'the Jewish people' Nationality Entity and to Confer Membership In It: Appraisal in Public International Law", W. T. Mallison, Jr., *The George Washington Law Review*, Vol.32 - June, 1964 - November 5, Washington, D.C. pp.983f.  
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