

Apartheid Israel And The Political Zionist Claim For National Self-Determination

By Uri Davis

I have spent good proportion of my life in academic framework, and since we are gathered here under the auspices of London University and SOAS, and also since we are not a massive audience, with your permission, I hope, I propose to make a fairly rigorous presentation and I ask you to walk with me at least some way. I also hope that the consequence of the conceptual journey I intend to follow will fetch useful results.

Allow me begin with one or two conceptual or definitional comments. First, perhaps, with reference to some of the introductory comments made by the sponsors and by professor Rabkin. I don't describe myself as a Palestinian Jew, I actually happen to be a Palestinian Jew, I was born in Jerusalem in 1943 in a country called Palestine and the title of my birth certificate is 'Government of Palestine'. That is neither here nor there, though. It is significant only in a political context in which I am situated, and the political context that is relevant to my work, my advocacy of a critique of Zionism. I'm an anti-Zionist Jew.

But in what sense do I justify the projection of my identity or the stranding of my identity as being "Jewish"? I do not subscribe to any or most of the 613 commandments or prescriptions which define Jewish lifestyle and observant obedient Jews. In this respect, if I am Jew, I am very much a sinning Jew. I am non-believer, at least a non-believer in the deity as described in scriptures that are alleged to be the word of God, the holy scriptures. So in what sense can I justify the projection of my presence here as a Jew?

I have an answer that for me is satisfactory and I invite you to challenge my answer. I am a member of one of the many Jewish tribes. There is a rainbow of Jewish tribes, there is a rainbow of European Jewish tribes, of Arab Jewish tribes, of African Jewish tribes, of Indian Jewish tribes etc. - and I happen to be a member of one of these tribes the Ashkenazi' Jewish tribe. I am regarded by the mainstream in Israel, mainstream political Zionism, as being, to an extent, radical - and, again, I wish to dissent at least to a degree because at least in philosophical terms and in terms of political science theory I am in no way radical: I am a disciple of the values of the American and French Revolutions, of the principle of separation of religion from the state. True, I take that principle one or two step further, and advocate, the derivative principles separation of nationalism from the state and tribalism from the state – but that is not that radical either.

So I have no problem with my tribal identity, I pick and chose from among such of the cultural baggage as I inherited being born into this particular constituency; celebrate the parts that are consistent with the values of the Universal Declaration of Human Rights (and mind you there aren't too many); and reject and deny the sections of my cultural baggage cultural heritage that are not consistent with the values of

universal declaration of human rights. It is in this capacity that I address you as a Jew, and I would welcome challenge or support for the position that I represent.

I did suggest or did ask for your permission to walk with me somewhat along the route I propose to outline. It could be for some of you a controversial route and the narrative might rub some of you the wrong way - but please give me the credit a guest speaker is entitled to expect, and perhaps, supported by my previous record as a human rights defender, allow me go that way.

I suggest that we go at least to an extent with the political Zionist narrative and see where it takes us. A mainstream argument of the political Zionist advocacy in defence of the right of the State of Israel to exist as Jewish State is that Jewish communities worldwide represent a Jewish people. I am old enough to remember the ferocious arguments within and without the ranks of Palestine solidarity as to whether Jewish communities worldwide constitute a people or alternatively a religion. A person whom I regard as a teacher and who I very much admire, Rabbi Elmer Berger (he is now deceased), spent much of his massive intellectual and other resources in defending the position that Judaism is only a religion and that projecting Jewish communities worldwide as a “Jewish people” was wholly unfounded and wrong theologically, politically, morally and in every other regard.

And as much as I admire Elmer Berger, I want to suggest that we suspend this debate and that we go along with the mainstream political Zionist advocates and say: ‘Ok, let’s accept that there is a Jewish people – so what?’. Once this utterance is delivered, the opposite party is likely to reply: ‘What do you mean by “So what”! If you accept there is a Jewish people then you must accept that like all other peoples, the Jewish people have the right to self-determination!’. And again the debate has raged for many decades as to whether Jews have the right to national self-determination. Allow me again suggest that we suspend the debate, walk along with the argument and say, ‘Ok, the Jewish people have the right to national self-determination – so what?’. ‘Ah, ha!’, the opposite party is likely to retort, ‘So if they have the right to national self-determination they have, ipso facto a right to a state of their own, a Jewish state!’.

Now if anyone of you would care to do their homework and do their research properly they would come along articles and debates in which I have been an active participant and a vocal opponent to the idea of a Jewish state, arguing that a Jewish state is by definition an apartheid state. It has been (and remains) my argument for many decades that one cannot have a Jewish state that is not an apartheid state (except that today I would say that one cannot have a “Jewish state” in the political Zionist sense of the term that is not an apartheid state). And again I suggest that at least for the purpose of this conference, this discussion, we bracket the question and say: ‘Ok, if there is a Jewish people, they have the right to national self-determination, and hence the right to a “Jewish State” – so what?’.

I also belong to the camp that for many decades have argued that the entire gamut of UN resolutions relevant to the question of Palestine represent an important defence of Palestinian rights. All UN resolutions. Not just those that I like such as UN General Assembly Resolution 194(iii) (resolving that the refugees wishing to return to their homes and live at peace with their neighbours should be permitted to do so at the earliest practicable date, and that compensation should be paid for the property of

those choosing not to return and for loss of or damage to property) but also such as I dislike, for example UN General Assembly Resolution 181(ii) (recommending to the United Kingdom, as the mandatory Power for Palestine, and to all other Members of the United Nations the adoption and implementation, with regard to the future Government of Palestine, of the Plan of Partition with Economic Union) or those that the opposite party likes or dislikes, all UN resolutions taken together, bundled together, represent a good defence of Palestinian rights. That includes not only resolution 194(iii), underpinning the rights of 1948 Palestine refugees to return to their titles, their properties inside Israel. It also includes resolution 181(ii), recommending the Partition of a country called Palestine into 3 components, not just two components: a “Jewish State”, an “Arab State”, and the city of Jerusalem under an international regime administered by UN. Until the past fifteen or twenty years mainstream Zionist advocates anchored their arguments on the legitimacy of “Jewish State” in that resolution. So if one accepts all UN resolutions one really shouldn’t pin one’s primary quarrel with the term “the Jewish State”. It entered into international legal narrative through UN resolutions. So there we go, for the sake of the argument let’s go along with the claim that there is a Jewish people; that the Jewish people have a right to self-determination, and, hence, to a state of their own, within the context of all UN resolutions.

Now that we have granted the opposite party the argument above, at least provisionally, there remains the truly important, interesting and critical question: what does one claim one has the right to do in the name of the Jewish people, in the name of the right for national self-determination, in the name of the Jewish State. If one claims that the fact there is a Jewish people, and the people have the right for national self-determination and to a State, entitles the leadership and the army of that people to perpetrate crimes against humanity, notably ethnic cleansing, destroying and razing to the ground in the process hundreds of indigenous localities, rural and urban - if that is what one claims, then its just not on. The only response to such a claim is resistance.

If on the other hand that one would claim that the Jewish people and their right to national self-determination and the entitlement to a Jewish State should be implemented in conformity to all UN resolutions and values the thirty articles of the Universal Declaration of Human Rights, then there is something to talk about. For instance, implementation of, not just recognition of the right of all 1948 Palestine refugees to return, to freedom of choice of their place of residence anywhere throughout the territory of the country of Palestine (1922 British Mandate boundaries), and definitely to the titles to their property inside Israel. For instance, implementation of all UN resolutions on Jerusalem, which, inter alia, means that Jerusalem is not the capital (eternal or otherwise) of the State of Israel - but rather an international city. For instance, implementation of UN Resolution 181(ii) including its constitutional sections, stipulating an outline for liberal democratic constitutions of the “Jewish State” and “Arab State” very much akin to the Constitution of South Africa, the new South Africa, or the Constitution of the United States of America (And please note emphatically that I here refer not to the practice of the United States, but to the Constitution of the United States!). For instance, implementation of the stipulations of UN General Assembly Resolution 181(ii) on citizenship, where the Resolution suggests that any person ordinarily resident in the territory allocated for the “Jewish State” has the right to “Jewish State” citizenship, and any person

ordinarily resident in the territory allocated by the UN for the “Arab State” has the right to “Arab State” Citizenship.

What does one get if one implements all UN Resolutions in this framework? One gets basically a federal arrangement consisting of three components: “Jewish State”, “Arab State”, and the international city of Jerusalem. Bound together by an economic union - and we know what an economic union can do, we have it unfolding before our very own eyes in the European Union today. And with a democratic constitution to boot, one guarantees in law freedom of residence, freedom of choice of location of neighbourhoods, and equal legal access to housing and to property. That is, what emerges, at least to my mind, is a fairly decent environment wherein to raise one’s family.

There is only one thing alleged “missing” in this environment: there is no demographic majority in law and probably not in practice of ethnic Jews (there is no demographic majority in law and probably not in practice for any constituency); there is no demographic majority in law and probably not in practice of Jewish tribes in this arrangement. And the crux of my argument against political Zionism, is not directed primarily at the conceptual domain of whether or not Jews constitute a people or otherwise, whether the Jewish people have a right to national self-determination or otherwise, or whether the idea of a Jewish State is a legitimate idea or otherwise. The crux of my argument against political Zionism is whether it is justified to attempt to establish in a country called Palestine a sovereign entity called a “Jewish State” or the State of Israel, that endeavour to guarantee in law and in practice a demographic majority of the Jewish tribes, of ethnic Jews.

The party that says that it is justified; it is necessary; it is inevitable; it is progressive; or it is enlightening; or whatever, belongs to attempt to establish in a country called Palestine a sovereign entity called a “Jewish State” or the State of Israel, that endeavour to guarantee in law and in practice a demographic majority of the Jewish tribes, of ethnic Jews is the political Zionism camp. And make no mistake, this party argues for apartheid, namely, for the implementation in law and in practice, not just in practice but in law, of such legal and practical measures as attempt to guarantee a demographic majority of a given constituency. That is apartheid plain and simple, Apartheid uses the legal instruments available to the state in order to attempt guarantee discrimination and enforce privileges in law benefiting one tribal and/or ethnic and/or national and/or religious group over others. That is exactly the case at hand. In the first decade following the establishment of the State of Israel in 1948, the strategic pieces of apartheid legislation were put in place by the Parliament of the State of Israel (the Knesset) in order to secure that in the area that is at the core of the Israel-Palestinian conflict, namely, the question of control of land and sub-soil - land tenure in Israel, access to land and housing, as well as access to water are controlled and legislated on an apartheid basis, implemented through the legal system, and underpinned by the law enforcement instruments of the State, designating the vast lands and properties ethnic cleansed in the course of and in the wake of the 1948-1949 war for “Jews only”.

So the lines should now be clearly drawn between the two core arguments; Are you for or are you against, can you justify or can you not justify, do you support or do you resist a settler-colonial project that attempts to consolidate in law and in practice and

apartheid system, namely a system that endeavour to guarantee in law and in practice a demographic majority of the Jewish tribes, of ethnic Jews in the country of Palestine?

The pro-Zionist or pro-Israel lobby has lost much of its ground in the arena of moral or principled discussion. They are in defensive position in universities or in any other environment that regards as relevant normative and ethical references, references to a sense of fairness or decency. The retreat of the Zionist lobby from the universities campuses represents an achievement of which we can be very proud. It is an important beginning. The achievement was gained through decades of Palestine solidarity work at many levels, both inside and outside Palestine, both at trade union levels and at student levels. It would not been able to get to this stage without the consistent and heroic resistance of the Palestinian people themselves represented by the PLO, and the achievement of the PLO in gaining UN recognition as the representative of the Palestinian people.

As all of us are aware the PLO has had a periods of achievement, of progress and of success and as well as of decline, notably since the strategically horrendous mistake of engaging in the Oslo peace negotiations, alleged peace negotiations, the so-called "peace process". We are facing today a circumstance that is perhaps more difficult to negotiate than immediately in the wake of the 1967 war. In the context of this difficulty I want to point out to the indications of resurgence on a very sound and strategically promising basis: the campaign for divestment, boycott and sanctions against the State of Israel. I would like to add my voice to all fora, academic, trade union and other, working towards the development of divestment, of boycott, of sanctions against the apartheid Government of the State of Israel, the Government of the State of Israel that stands in violation of most UN General Assembly and Security Council Resolutions. Confronting the State of Israel and the political Zionist establishment (the World Zionist Organization, Jewish Agency for the Land of Israel and Jewish National Fund) on an apartheid basis is productive. We, to the extent that I am allowed to say we, we lost one massive achievement of the Palestinian resistance, the achievement represented by the endorsement of the UN General Assembly of the resolution identifying Zionism as a form of racism and racial discrimination. In 1991 we lost that achievement. That resolution has been struck of the book of resolutions of the UN. The opposite party worked very hard to get it struck off, they knew the significance of that resolution, they were aware that this resolution represented the international legal basis for sanctions against Israel. The loss of the said resolution is a setback for Palestine solidarity, a massive setback. But we don't have to concern ourselves unduly with that setback. We should be able bring the import of what we want to bring onto the international arena on a better basis, a basis that is supported by the achievement of our brothers and sisters in Southern Africa, on an anti-apartheid basis. And if I have hope that I can share with you today, it is the hope that within the next decade or fifteen years the UN General Assembly will endorse a long overdue covenant, the covenant for the suppression of political Zionism as a crime against humanity.

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