

# Israel's Big and Small Apartheids

The meaning of a Jewish state

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Israel's apologists are very exercised about the idea that Israel has been singled out for special scrutiny and criticism. I wish to argue, however, that in most discussions of Israel it actually gets off extremely lightly: that many features of the Israeli polity would be considered exceptional or extraordinary in any other democratic state.

That is not surprising because, as I will argue, Israel is neither a liberal democracy nor even a "Jewish and democratic state", as its supporters claim. It is an apartheid state, not only in the occupied territories of the West Bank and Gaza, but also inside Israel proper. Today, in the occupied territories, the apartheid nature of Israeli rule is irrefutable — if little mentioned by Western politicians or the media. But inside Israel itself, it is largely veiled and hidden. My purpose today is to try to remove the veil a little.

I say "a little", because I would need far more than the time allotted to me to do justice to this topic. There are, for example, some 30 laws that explicitly discriminate between Jews and non-Jews — another way of referring to the fifth of the Israeli population who are Palestinian and supposedly enjoy full citizenship. There are also many other Israeli laws and administrative practices that lead to an outcome of ethnic-based segregation even if they do not make such discrimination explicit.

So instead of trying to rush through all these aspects of Israeli apartheid, let me concentrate instead on a few revealing features, issues I have reported on recently.

First, let us examine the nature of Israeli citizenship.

A few weeks ago I met Uzi Ornan, an 86-year-old professor from the Technion university in Haifa, who has one of the few ID cards in Israel stating a nationality of "Hebrew". For most other Israelis, their cards and personal records state their nationality as "Jewish" or "Arab". For immigrants whose Jewishness is accepted by the state but questioned by the rabbinical authorities, some 130 other classifications of nationality have been approved, mostly relating to a person's religion or country of origin. The only nationality you will not find on the list is "Israeli". That is precisely why Prof Ornan and two dozen others are fighting through the courts: they want to be registered as "Israelis". It is a hugely important fight — and for that reason alone they are certain to lose. Why?

Far more is at stake than an ethnic or national label. Israel excludes a nationality of "Israeli"

to ensure that, in fulfilment of its self-definition as a “Jewish state”, it is able to assign superior rights of citizenship to the collective “nation” of Jews around the globe than to the body of actual citizens in its territory, which includes many Palestinians. In practice it does this by creating two main classes of citizenship: a Jewish citizenship for “Jewish nationals” and an Arab citizenship for “Arab nationals”. Both nationalities were effectively invented by Israel and have no meaning outside Israel.

This differentiation in citizenship is recognised in Israeli law: the Law of Return, for Jews, makes immigration all but automatic for any Jew around the world who wishes it; and the Citizenship Law, for non-Jews, determines on any entirely separate basis the rights of the country’s Palestinian minority to citizenship. Even more importantly, the latter law abolishes the rights of the Palestinian citizens’ relatives, who were expelled by force in 1948, to return to their homes and land. There are, in other words, two legal systems of citizenship in Israel, differentiating between the rights of citizens based on whether they are Jews or Palestinians.

That, in itself, meets the definition of apartheid, as set out by the United Nations in 1973: “Any legislative measures or other measures calculated to prevent a racial group or groups from participation in the political, social, economic and cultural life of the country and the deliberate creation of conditions preventing the full development of such a group or groups.” The clause includes the following rights: “the right to leave and to return to their country, the right to a nationality, the right to freedom of movement and residence, the right to freedom of opinion and expression.”

Such separation of citizenship is absolutely essential to the maintenance of Israel as a Jewish state. Were all citizens to be defined uniformly as Israelis, were there to be only one law regarding citizenship, then very dramatic consequences would follow. The most significant would be that the Law of Return would either cease to apply to Jews or apply equally to Palestinian citizens, allowing them to bring their exiled relatives to Israel – the much-feared Right of Return. In either a longer or shorter period, Israel’s Jewish majority would be eroded and Israel would become a binational state, probably with a Palestinian majority.

There would be many other predictable consequences of equal citizenship. Would the Jewish settlers, for example, be able to maintain their privileged status in the West Bank if Palestinians in Jenin or Hebron had relatives inside Israel with the same rights as Jews? Would the Israeli army continue to be able to function as an occupation army in a properly democratic state? And would the courts in a state of equal citizens be able to continue turning a blind eye to the brutalities of the occupation? In all these cases, it seems extremely unlikely that the status quo could be maintained.

In other words, the whole edifice of Israel’s apartheid rule inside Israel supports and upholds its apartheid rule in the occupied territories. They stand or fall together.

Next, let us look at the matter of land control.

Last month I met an exceptional Israeli Jewish couple, the Zakais. They are exceptional chiefly because they have developed a deep friendship with a Palestinian couple inside Israel. Although I have reported on Israel and Palestine for many years, I cannot recall ever before meeting an Israeli Jew who had a Palestinian friend in quite the way the Zakais do.

True, there are many Israeli Jews who claim an “Arab” or “Palestinian” friend in the sense

that they joke with the guy whose hummus shop they frequent or who fixes their car. There are also Israeli Jews — and they are an extremely important group — who stand with Palestinians in political battles such as those here in Bilin or in Sheikh Jarrah in Jerusalem. At these places, Israelis and Palestinians have, against the odds, managed to forge genuine friendships that are vital if Israel's apartheid rule is to be defeated.

But the Zakais' relationship with their Bedouin friends, the Tarabins, is not that kind of friendship. It is not based on, or shaped by, a political struggle, one that is itself framed by Israel's occupation; it is not a self-conscious friendship; and it has no larger goal than the relationship itself. It is a friendship — or at least it appeared that way to me — of genuine equals. A friendship of complete intimacy. When I visited the Zakais, I realised what an incredibly unusual sight that is in Israel.

The reason for the very separate cultural and emotional worlds of Jewish and Palestinian citizens in Israel is not difficult to fathom: they live in entirely separate physical worlds. They live apart in segregated communities, separated not through choice but by legally enforceable rules and procedures. Even in the so-called handful of mixed cities, Jews and Palestinians usually live apart, in distinct and clearly defined neighbourhoods. And so it was not entirely surprising that the very issue that brought me to the Zakais was the question of whether a Palestinian citizen is entitled to live in a Jewish community.

The Zakais want to rent to their friends, the Tarabins, their home in the agricultural village of Nevatim in the Negev — currently an exclusively Jewish community. The Tarabins face a serious housing problem in their own neighbouring Bedouin community. But what the Zakais have discovered is that there are overwhelming social and legal obstacles to Palestinians moving out the ghettos in which they are supposed to live. Not only is Nevatim's elected leadership deeply opposed to the Bedouin family entering their community, but so also are the Israeli courts.

Nevatim is not exceptional. There are more than 700 similar rural communities — mostly kibbutzim and moshavim — that bar non-Jews from living there. They control most of the inhabitable territory of Israel, land that once belonged to Palestinians: either refugees from the 1948 war; or Palestinian citizens who have had their lands confiscated under special laws.

Today, after these confiscations, at least 93 per cent of Israel is nationalised — that is, it is held in trust not for Israel's citizens but for world Jewry. (Here, once again, we should note one of those important consequences of the differentiated citizenship we have just considered.)

Access to most of this nationalised land is controlled by vetting committees, overseen by quasi-governmental but entirely unaccountable Zionist organisations like the Jewish Agency and the Jewish National Fund. Their role is to ensure that such communities remain off-limits to Palestinian citizens, precisely as the Zakais and Tarabins have discovered in the case of Nevatim. The officials there have insisted that the Palestinian family has no right even to rent, let alone buy, property in a "Jewish community". That position has been effectively upheld by Israel's highest court, which has agreed that the family must submit to a vetting committee whose very purpose is to exclude them.

Again, the 1973 UN Convention on the "crime of apartheid" is instructive: it includes measures "designed to divide the population along racial lines by the creation of separate

reserves and ghettos for the members of a racial group or groups ... [and] the expropriation of landed property belonging to a racial group or groups or to members thereof.”

If Jewish and Palestinian citizens have been kept apart so effectively — and a separate education system and severe limits on interconfessional marriage reinforce this emotional and physical segregation — how did the Zakais and Tarabins become such close friends?

Their case is an interesting example of serendipity, as I discovered when I met them. Weisman Zakai is the child of Iraqi Jewish parents who immigrated to the Jewish state in its early years. When he and Ahmed Tarabin met as boys in the 1960s, hanging out in the markets of the poor neighbouring city of Beersheva, far from the centre of the country, they found that what they had in common trumped the formal divisions that were supposed to keep them apart and fearful. Both speak fluent Arabic, both were raised in an Arab culture, both are excluded from Jewish Ashkenazi society, and both share a passion for cars.

In their case, Israel’s apartheid system failed in its job of keeping them physically and emotionally apart. It failed to make them afraid of, and hostile to, each other. But as the Zakais have learnt to their cost, in refusing to live according to the rules of Israel’s apartheid system, the system has rejected them. The Zakais are denied the chance to rent to their friends, and now live as pariahs in the community of Nevatim.

Finally, let us consider the concept of “security” inside Israel.

As I have said, the apartheid nature of relations between Jewish and Palestinian citizens is veiled in the legal, social and political spheres. It does not mirror the “petty apartheid” that was a feature of the South African brand: the separate toilets, park benches and buses. But in one instance it is explicit in this petty way — and this is when Jews and Palestinians enter and leave the country through the border crossings and through Ben Gurion international airport. Here the façade is removed and the different status of citizenship enjoyed by Jews and Palestinians is fully on show.

That lesson was learnt by two middle-aged Palestinian brothers I interviewed this month. Residents of a village near Nazareth, they had been life-long supporters of the Labor party and proudly showed me a fading picture of them hosting a lunch for Yitzhak Rabin in the early 1990s. But at our meeting they were angry and bitter, vowing they would never vote for a Zionist party again.

Their rude awakening had come three years ago when they travelled to the US on a business trip with a group of Jewish insurance agents. On the flight back, they arrived at New York’s JFK airport to see their Jewish colleagues pass through El Al’s security checks in minutes. They, meanwhile, spent two hours being interrogated and having their bags minutely inspected.

When they were finally let through, they were assigned a female guard whose job was to keep them under constant surveillance — in front of hundreds of fellow passengers — till they boarded the plane. When one brother went to the bathroom without first seeking permission, the guard berated him in public and her boss threatened to prevent him from boarding the plane unless he apologised. This month the court finally awarded the brothers \$8,000 compensation for what it called their “abusive and unnecessary” treatment.

Two things about this case should be noted. The first is that the El Al security team admitted

in court that neither brother was deemed a security risk of any sort. The only grounds for the special treatment they received was their national and ethnic belonging. It was transparently a case of racial profiling.

The second thing to note is that their experience is nothing out of the ordinary for Palestinian citizens travelling to and from Israel. Similar, and far worse, incidents occur every day during such security procedures. What was exceptional in this case was that the brothers pursued a time-consuming and costly legal action against El Al.

They did so, I suspect, because they felt so badly betrayed. They had made the mistake of believing the hasbara (propaganda) from Israeli politicians of all stripes who declare that Palestinian citizens can enjoy equal status with Jewish citizens if they are loyal to the state. They assumed that by being Zionists they could become first-class citizens. In accepting this conclusion, they had misunderstood the apartheid reality inherent in a Jewish state.

The most educated, respectable and wealthy Palestinian citizen will always fare worse at the airport security check than the most disreputable Jewish citizen, or the one who espouses extremist opinions or even the Jewish citizen with a criminal record.

Israel's apartheid system is there to maintain Jewish privilege in a Jewish state. And at the point where that privilege is felt most viscerally by ordinary Jews to be vulnerable, in the life and death experience of flying thousands of feet above the ground, Palestinian citizens must be shown their status as outsider, as the enemy, whoever they are and whatever they have, or have not, done.

Apartheid rule, as I have argued, applies to Palestinians in both Israel and the occupied territories. But is not apartheid in the territories much worse than it is inside Israel? Should we not concern ourselves more with the big apartheid in the West Bank and Gaza than this weaker apartheid? Such an argument demonstrates a dangerous misconception about the indivisible nature of Israel's apartheid towards Palestinians and about its goals.

Certainly, it is true that apartheid in the territories is much more aggressive than it is inside Israel. There are two reasons for this. The first is that the apartheid under occupation is much less closely supervised by the Israeli civilian courts than it is in Israel. You can, to put it bluntly, get away with much more here. The second, and more significant, reason, however, is that the Israeli system of apartheid in the occupied territories is forced to be more aggressive and cruel — and that is because the battle is not yet won here. The fight of the occupying power to steal your resources — your land, water and labour — is in progress but the outcome is still to be decided. Israel is facing the considerable pressures of time and a fading international legitimacy as it works to take your possessions from you. Every day you resist makes that task a little harder.

In Israel, by contrast, apartheid rule is entrenched — it achieved its victory decades ago. Palestinian citizens have third or fourth class citizenship; they have had almost all of their land taken from them; they are allowed to live only in their ghettos; their education system is controlled by the security services; they can work in few jobs other than those Jews do not want; they have the vote but cannot participate in government or effect any political change; and so on.

Doubtless, a related fate is envisioned for you too. The veiled apartheid facing Palestinians inside Israel is the blueprint for a veiled — and more legitimate — kind of apartheid being

planned for Palestinians in the occupied territories, at least those who are allowed to remain in their Bantustans. And for this very reason, exposing and defeating the apartheid inside Israel is vital to the success of resisting the apartheid that has taken root here.

That is why we must fight Israeli apartheid wherever it is found — in Jaffa or Jerusalem, in Nazareth or Nablus, in Beersheva or Bilin. It is the only struggle that can bring justice to the Palestinians.

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