

## **Abstract**

In recent years, we have witnessed dramatic changes in Israel's course. The growing dominance of nationalistic, expansionist, and anti-democratic ideologies, goals and policies have already crossed the democratic and moral red lines. The ongoing occupation of the West Bank and the expansion of Jewish settlements in the occupied territories violate the basic human and collective rights of the Palestinians and tear apart the democratic and moral fabric of Israeli society — as did the past government's refusal to engage in the meaningful negotiations with the Palestinians and the Arab world that could bring about a peaceful settlement to the ongoing conflict. The Israeli governments have continued to ignore the Arab Peace Initiative, which was launched at the Arab Summit Conference in Beirut in 2002 and which called for the establishment of a Palestinian state in the West Bank, the Gaza Strip and East Jerusalem, alongside the State of Israel with its recognition and normalizing relations. Instead, they have forged ahead with their expansionist policies that, if not halted soon, will render a two-state solution impossible. In carrying out these policies, the governments not only violate international law, but at times also break Israeli laws, thus seriously undermining the very foundation of Israeli democracy. We are witnessing continuous, systematic and often, successful attempts to pass laws that contradict the fundamental democratic principle of equal treatment of minorities. The past government initiated educational policies that gradually eroded the humanistic and democratic values in education, and imparted narrow, nationalistic and intolerant values instead. There have been systematic attempts to silence criticism of Israeli policies and delegitimize dissenting voices in academia, the media, and NGOs. Attempts to control the legal system by attacking the Supreme Court and

limit its independence recur repeatedly. We are also witnessing increasing attempts by extremist religious forces to extend their monopolistic practices in different realms of life and attack other religious denominations. Altogether, we can identify serious deviations from the moral and democratic compass that ought to guide our society towards equality, freedom, and justice.

The present situation in Israel and the occupied territories can be best described with the following quotations taken from three chapters in the book by Daniel Bar-Tal and Izhak Schnell (Eds.), (2013). *The impacts of lasting occupation: Lessons from Israeli society*. New York: Oxford University Press.

"In evaluating the nature of the Israeli political system, one should take into account not only the prolonged occupation, with its slowly eroding effect on the areas beyond the Green Line and the increasing suppression of Palestinian resistance, but first and foremost the expanding settlement of Jews in the occupied territories. The settler Jewish population has increased in number, as has the political influence of their supporters on decisions regarding the nature of the state and their ideological influence on the social discourse concerning the identity of Israeli society. It is no longer possible to evaluate the state in Israel by focusing on the borders of the Green Line; rather, it is now necessary to consider the entire territory controlled by Israel as a single entity. Furthermore, the relationships between Palestinians and Jews in this territory are shaped in a synergetic process in which one entity can be understood only with reference to the conflict in which it is engaged with the other entity. The Israeli system is primarily characterized by the differential relationship between the various governmental

authorities, institutions, and security organizations, on the one hand, and the different populations that also enjoy different rights, on the other hand. It is very clear that within this system the Jews enjoy greater rights, derived from their greater accessibility to power, prestige, and resources. To preserve these greater rights, they pass laws that discriminate against the Arab citizens within the Green Line, such as the law that restricts the citizenship of a (male or female) Palestinian married to a Palestinian-Arab Israeli citizen. Another form of discrimination consists of practices such as denying non-Jews access to certain resources and opportunities, such as preventing them from holding public service positions. The political process of exclusion, of denying access to economic resources and certain residential areas, has also become established in the attitudes and behaviors of broad sectors of the Israeli Jewish public. Consequently, five different populations have crystallized in the Israeli system: (1) Jewish settlers who live in the occupied territories, with greater rights than Jews living within the Green Line; (2) Jews living within the Green Line with full civil rights; (3) Arab citizens of Israel with full civil rights but institutionalized discrimination, surveillance, and exclusion; (4) East-Jerusalem Arabs with restricted civil rights<sup>1</sup>; and (5) Palestinians in the occupied territories with no civil rights, under full surveillance and control, and legally discriminated against in comparison with the Jews living in those same territories<sup>2</sup>. This

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<sup>1</sup> Following the annexation of East Jerusalem in 1967, its inhabitants received a civil status of “permanent resident” of the State of Israel. The main right of a permanent resident is the right to live and work in Israel, without requiring special permits. Moreover, permanent residents are entitled to social benefits according to the National Insurance and Health Insurance laws, and to vote in municipal elections but not in elections to the Knesset. A permanent residency, unlike citizenship, is transferable to the resident’s children only under certain conditions. Residents married to someone who is not a resident or citizen of Israel, need to apply for a family unification permit for their partner.

<sup>2</sup> According to the Association for Civil Rights in Israel, the Palestinians in the occupied territories live under an occupying regime and are denied their basic rights as promised by a democratic regime. They are also denied partnership in those processes that affect their fate. Establishment of the Palestinian

regime, characterized especially by different levels of rights conferred upon different populations, has relied on different rationales for rights—from rescinding the rights of Palestinians in the territories, under what was presented as a temporary occupation, through rights conferred according to the liberal rationale on all citizens; preferential rights to specific communities according to the republican rationale; and privileged rights to the settlers along with restricted rights to Arab-Israeli citizens—all in the name of nationalist values".

Izhak Schnell and Daniel Bar-Tal. Conclusion: The Occupied Territories as a Cornerstone in the Reconstruction of Israeli Society (pp. 518-519)

"As a matter of fact, the tacit role of Israeli governments in both enabling and supporting the settlements in the occupied territories probably warrants renaming what is called "the settlements' project" the "project of the state" and therefore an integral part of the Israeli regime. Predictably, this clash between the commitment to democratic rules and the commitment to a right-wing and messianic interpretation of Zionism triggered antagonisms between the settlers and Israel's democratic institutions like the Supreme Court....The tensions between the covert and, later, more overt endorsement of a group of armed civilians united by a minority religious-nationalistic faith, protected by the army and right-wing parties, and the perception of Israel as a democracy have produced many anomalies. These include the use of legal language and procedures to whitewash the deployment of raw power by the military and later by the civil authority backed up by the occupying force....These developments gradually created the anomaly of a dual system

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Authority and the holding of elections did not essentially alter their civil status. In the West Bank the Palestinian Authority enjoys jurisdiction in regard to only a very few issues, and in very small enclaves. In the Gaza Strip Israel has continued to control all matters crucial to the lives of the inhabitants, even after the disengagement.

of law and law enforcement practices that adds up to a whole illegal subculture with corrosive effects on Israeli democracy, law, the army, the civil service, the educational system, and the nation's international status as a democracy. This illegal culture that continually generated multiple forms of coercion and violence remained protected by Israeli ministers, by the occupying army, and by the bureaucracy, the last increasingly staffed by ideologically and religiously committed settlers who have not hesitated to ignore or defy rulings of Israeli courts"

Yaron Ezrahi. *The Occupation and Israeli Democracy* (pp. 192-193).

"The system of control over the Occupied Territories has been characterized by what may be termed "legal hypocrisy." In practice, it rests on a dichotomy between the status of the OT and that of the Palestinians who reside there. The Occupied Territories itself is not regarded as occupied; its *Palestinian* residents are, however, subjected to the law of occupation....Despite their initial reluctance to consider the West Bank and Gaza as occupied territories, the Israeli authorities realized early on that the regime of belligerent occupation offered them tremendous advantages. They could maintain control over these areas by the use of military force without extending political or civil rights to the Palestinian residents. Under the guise of protecting military needs, they could focus on their own political interests without bothering too much about the interests of the local population. The regime of belligerent occupation does indeed place serious restrictions on the powers of the occupying power. However, the authorities sought ways to circumvent those restrictions that blocked the promotion of their political agenda, and in doing so they generally gained the support, tacit or express, of the Supreme Court...At the heart of Israeli policies relating to the Occupied Territories lies the issue of settlements. For it is this issue, more than any other, that exposes the fundamental clash between the regime of

belligerent occupation as a temporary, provisional regime based purely on military exigencies and the political agenda of successive Israeli governments that sought to make Israeli control over all or much of these territories permanent and irreversible".

David Kretzmer. *The Law of Belligerent Occupation as a System of Control: Dressing Up Exploitation in Respectable Garb* (pp. 32, 36)