

J a d a l

Issue No. 2, March 2009

Bi-Monthly Electronic Magazine

Editorial

Political Monitoring Project

Israel and the Palestinian Citizens, Bi-Monthly Monitoring Report of Mada al-Carmel | *Mtanes Shihadeh*

Analytical Papers

The Shrinking Arab Vote in Israeli Parliamentary Elections: But Why Do They Still Vote? | *Nadim N. Rouhana*

Palestinians in Israel After the Elections | *Mtanes Shihadeh and Muhannad Mustafa*

Viewpoints

On the Participation of Arab Citizens in Parliamentary Elections | *Ayman Odeh*

Why Boycott? | *Salma Wakim*

Between Voting and Boycotting: A Third Way of Activism | *Nimer Sultany*

Background Papers

Yawm al-Ard (Land Day) | *Khalil Nakhleh*

Palestinian Political Prisoners | *Abeer Baker*

From MADA's Ongoing Activities

Palestinian Women in Israel and Political Economy | *Nadera Shalhoub-Kevorkian*

Mada al-Carmel Seminar: Reading the Results of the Israeli Elections

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Editorial

While many in Israel and the world were surprised by the rise of Israel's extreme right, we think that the recent developments are merely reflective of a steady trend in the country. The perceptible move in the recent elections has made this conclusion inevitable. The rightward trend has also been reflected by many other indicators: the shift of the political center itself to the right, attitudes of the Jewish public towards the Palestinians in general and the Palestinians in Israel in particular, the massive popular support for the wars on Lebanon and Gaza in which war crimes were committed (according to many human rights organizations), an the increase in Israel of Anti-Arab hate speech, etc. Many of these trends were monitored and documented in our Political Monitoring reports that we started in the year 2000 and which we publish on a bimonthly basis in this publication.

Bringing this change to the fore is quite worrisome. The incoming Israeli government will be the most extreme since the country's establishment. It will have as its foreign minister Avigdor Lieberman, an individual who has been called racist and fascist by many Israeli observers and who is often compared to Joerg Haider of Austria. He has openly made anti-Arab statements, some of which could be considered incitement against Arabs. Lieberman, an immigrant to this land from far away, has gained major support for his call to make the citizenship of the Arabs in Israel – the indigenous people of land -- conditional upon their loyalty to the Jewish state. That is, these indigenous people, in order to be granted citizenship, should be loyal to a state established on their homeland that tells them that its not their state: it is the state of the Jews, including those who reside in the far away lands. The fact that somebody can ask these citizens to be loyal to a political system from which they are excluded and by which they are considered as outsiders at best and enemies in many cases, reflects a deep sense of superiority and deep-seated racism. What is remarkable about this issue is not only that it is the issue that has gained Mr. Lieberman's party its popularity – this we expected – but that it was as a matter of course accepted by



both Likud and Kadima in the coalitional negotiations that ensued after the elections with Mr. Lieberman's party.

While these results are alarming, we can them to find a possible glimpse of better possibilities for the future. Perhaps these results will help the international community see the urgency of showing its concern about Israel's policies towards its Palestinian citizens. The extreme rightward trend in Israel should be stopped. The international community, and particularly public opinion in the US, about which Israel cares most, should express its concern. The effect of not doing so will reach far beyond the Palestinians in Israel. If this trend is not stopped and reversed, then what Mr. Lieberman represents may become the mainstream, and what we saw in Lebanon and Gaza will be just cursory signs of the future.



Political Monitoring Project

Israel and the Palestinian Citizens

Bi-Monthly Monitoring Report of Mada al-Carmel

Mtanes Shihadeh*

This report covers December 2008 and January 2009 and focuses on three related subjects. The first is the reaction of Arab citizens to Israel's war on Gaza and the response of Israeli politicians and decision-makers to the Arab protest. The other two subjects arise from the national elections Israel held on 10 February 2009: one, the decision of the Central Elections Committee to disqualify two Arab political parties from running in the elections and the Supreme Court of Justice's decision to nullify the disqualification, and the other, the attack by the political party Israel Beitenu and its head, Avigdor Lieberman, on Palestinian citizens in Israel and on Arab political parties, an attack that provided the central issue in the election campaign of Israel Beitenu, which won fifteen parliamentary seats in the election.

The three subjects clearly indicate a great difference in Jewish consensus and Palestinian consensus on the status of the two populations and the relations between them. During the war, Israeli politicians, wanting Arabs in Israel to remain neutral and not to protest, called for a change in the position of the Arab population and of the Arab political parties toward the war. In the course of the election campaign, there was an attempt to force this change by political and legal means. Especially conspicuous in this regard was the activity of Israel Beitenu, which turned the issue of Palestinian citizens into a major election subject and attempted to bring about a new kind of citizenship in Israel, one requiring a declaration of loyalty to the state as the state of the Jewish people.

This report offers a brief survey of these three matters.

Political opinion opposing the war, forbidden

On the afternoon of Saturday, 27 December 2008, Israel began its air offensive on the Gaza Strip the first phase of the war Israel declared on Gaza. In the first hours of



the offensive, almost 200 Palestinians were killed and hundreds more were injured.¹ Learning of the hundreds of Gazans who were killed and injured, the majority of whom were innocent civilians, Palestinians in Israel began to protest against the war. Spontaneous demonstrations proceeded from Nazareth's city center the same afternoon that the offensive began. In the evening, Arab political parties organized a mass demonstration in Nazareth. The demonstration was orderly and quiet, with no exceptional incidents and without police involvement.² The longer the war continued and the harsher it became, the greater the Palestinian protests inside Israel.

With the start of the offensive, it was clear that the two groups – Jews and Arabs in Israel – would take different positions on the war. According to the war and peace index survey conducted by the Tami Steinmetz Center for Peace Studies, at the Tel Aviv University, a week and a half after the war broke out, some 94 percent of the Jewish public supported the war, and 92 percent believed that the objective of the war was security for Israel. Ninety-two percent justified the air-force bombings in Gaza despite the damage to infrastructure and the suffering it caused to the local civilian population. Contrary to the Jewish population, a large majority of Palestinians in Israel, 85 percent, opposed the war.³ Most Jews and decision-makers were not pleased with this position, and wanted Palestinians to remain on the side and refrain from expressing opposition to the war and from identifying with their Palestinian brothers and sisters.

Dr. Shlomo Tzedek, a jurist and lecturer, published an article in *Ha'aretz* that openly warned the Palestinians:

The necessary defensive, just, and moral war of the Jewish people in the South provides a great kindness specifically for Arab Israelis. The Jewish cast lead [the name Israel gave to the operation] requires Israeli Arabs to come out of the national closet. They are here or there... [In matters of] national consciousness and citizenship, being half pregnant is not acceptable and does not have to be acceptable to the Jewish people. Let [the Arabs] define themselves as they wish, just so that they don't become a national Trojan horse... Until now, it seems that they haven't

¹ *Ha'aretz Online, ynet*, 27 December 2008.

² *Arab48 Online and Alarab Online*, 27 December 2008.

³ Ephraim Ya'ar and Tamar Herman, *War-Peace Index, December 2008*, Tami Steinmetz Center for Peace Studies, Tel Aviv University, available at www.tau.ac.il/peace.



learned anything. Not from the history of nations, in general, and not from the history of the Jewish-Arab conflict, in particular. They simply stubbornly bring one destruction after another on themselves. The Jews weren't hoping for this kind of conduct. It was expected that if the Arabs in Israel cannot identify with the suffering of the Jewish state and its towns in the South, they would at least be smart enough to remain quiet at this time... Israeli citizens, all of them, must express their loyalty to their state, and to its democratic decisions... Whoever cannot be part of such a democracy, because it is contrary to his national identity, should go and make "aliya" [emigrate to] his new country. Gaza is a possibility as well.⁴

Tzedek's position was not out of the ordinary on Israel's political landscape. Decision-makers and politicians in Israel expressed a similar opinion. For example, at a special session of the Knesset plenum, held on 29 December, to discuss the war, opposition leader Binyamin Netanyahu said:

To Israel's Arabs, I say: Rid yourselves of the extremists among you, preserve the fabric of co-existence between us. To the extremists, I say: Beware, we'll act with an iron hand against Hamas supporters among us... We demand complete loyalty to the state from all its citizens. Whoever is not completely loyal to the state in which he lives will find it hard to demand all the rights in the state in which he lives.⁵

Minister of Foreign Affairs Tzipi Livni chose to give a threatening message to Palestinian leaders in Israel following their opposition to the war:

[This war] is also a test of the Arab leadership in the State of Israel. You are bringing the Arab public in the State of Israel, citizens of the State of Israel, to tread a thin line, and it is impossible to cross the clear line between what is permitted and what is forbidden, between legitimacy and illegitimacy, between the ethical and the erroneous. Everyone has to choose a side, and the choice is not between your being Arabs, on the one hand, and Israel and the Jewish people, on the other hand. The choice is being on the right side, and we are on that side, the State of

⁴ Shlomo Tzedek, "Days of Truth for Israel's Arabs," *Ha'aretz*, 28 December 2008.

⁵ The speech before the Knesset is available at www.knesset.gov.il/plenum/data/07311508.doc#_Toc218343695 [in Hebrew].



*Israel and all the moderate entities in the region, including the vast majority of Palestinians and the Arab world, against the terrorist side, against the side of the extremists. Ladies and gentlemen, there is no middle ground.*⁶

In his comments, Knesset member Avigdor Lieberman said to the plenum:

*I think that the time has come to make a clear comparison between citizenship and loyalty, between National Insurance [social security] and national service, between the demand for the right of return and the right of expulsion... Therefore, there is no reason for hesitation: these people, who are a fifth column here, are people who use a political wing of terrorists from the Hamas organization in the Knesset. These acts are real acts of treason, and we are at war. Identifying with the enemy in time of war, there is no other definition for it but this: treason. Therefore, there is no reason to hesitate, we must use expulsion, expulsion of those who incite day in and day out... The time has come to break the silence. The time has come for us to see a moderate Arab leadership, which says first of all: We are citizens of Israel and we are with you.*⁷

The peak of the threats directed at Palestinians in Israel was the declaration made by Foreign Minister Livni at her talk to students of the New School, in Tel Aviv, that the national solution of the Palestinian population in Israel will be realized after establishment of a Palestinian state.⁸

The claims made against the Palestinians following their opposition to the war, which resulted in carnage for their people, were held by the majority of Jews and decision-makers. But there were exceptions. An editorial in *Ha'aretz*, of 30 December, under the heading "Not a Test in Citizenship," stated:

War between Israel and its neighbors places the Arab citizens of Israel time after time in an oppressive and painful test. Even someone who believes that the offensive on the centers of Hamas activity in Gaza is justified must not shut his heart to the severe price in blood entailed in the action, and must take into account that every person looks at these images with a torn heart... The distress of Israel's Arab citizens has grown

⁶ Ibid.

⁷ Ibid.

⁸ *Arab48 Online*, 11 January 2009.



in recent years because all the state's promises to close the social-economic gap between them and the Jewish public have not been kept. The caustic memory of the events of October 2000 and the recommendations of the Or Commission (that was appointed in their wake) that have not been implemented to this very day aggravate the feeling of this large public that it is considered Grade B in the eyes of the establishment and also in the eyes of the whole society.

With complete irresponsibility, Netanyahu promised to handle "with an iron hand" the "supporters of Hamas at home," as if he does not understand that support of Hamas is not involved, but identity with the tragic fate of residents of Gaza...So long as Israel does not lift a finger to improve the trust between it and its Arab citizens, it cannot accuse them for not satisfying the imaginary tests that it places before them from time to time.

While the politicians threatened Israel's Arab population, the Israel Police suppressed Palestinian protest. However, this time, contrary to previous practice, the Police used means to deter and frighten Palestinian rather than force. The Police learned a lesson from the clashes of October 2000, in which thirteen young Arabs were killed by Police gunfire. Palestinian demonstrations and protests did not, therefore, deteriorate into violent events.

The Police chose not to enter Arab city centers while the political protests were taking place. Rather, they threatened the Palestinian leadership and summoned public officials and "warned" them (an understatement) to act with restraint in the protests and demonstrations.⁹ But the Police did not hold back from using force (albeit not live ammunition) to disperse demonstrations in places in which there was great likelihood that the protests would become violent, such as the demonstration of Arab students at Haifa University, in which twelve students were arrested and eight students were injured.¹⁰

During the first days of the war and the outbreak of a wave of protests, the Israel Security Agency (the Shabak) summoned the new general secretary of the Hadash political party, Ayman Odeh, and questioned him on his role in organizing the

⁹ Shanan Street, "Well Done, Police," *Yediot Aharonot*, 4 January 2009.

¹⁰ *Arab48 Online*, 6 January 2009. Jacky Khoury, "Operation Cast Led: Violent Altercations between Jewish and Arab Students at Universities in Jerusalem and Haifa," *Ha'aretz*, 6 January 2009.



demonstrations and in writing articles against the war, and asked him to restrain the wave of protest.¹¹ The Shabak also summoned dozens of Balad party activists for questioning, and warned them not to organize demonstrations and not to protest the war.¹² On 7 January 2009, the Shabak placed Amir Makhoul, chair of Ittijah-Union of Arab Community Based Associations, an umbrella organization of Arab non-profit organizations and chair of the Liberties Committee, which operates under the Higher Arab Monitoring Committee, in preventive detention, claiming also that they needed to question him.¹³ Shabak and Police interrogators made severe accusations against him, and called him a terrorist who operated against the State of Israel during the war. The interrogators also stated they would be happy if they could get rid of Makhoul by sending him to Gaza. His Israeli identity card prevented them from realizing their desire.¹⁴ Following the interrogation and threats, Makhoul was released.

Ha'aretz provided a summary description of the arrests and interrogations that took place during the war, as follows:

According to Police figures. during the war, 763 Arab demonstrators and young people were arrested. Two hundred and forty-four of the detainees during the demonstrations were youths under eighteen years of age. Members of the Arab public in Israel contended that hundreds of the detentions were political, and that the arrests were not made because the detainees had committed offenses. Amir Makhoul told Ha'aretz that, in the vast majority of cases, no indictment was filed against the detainees, and they were released within a few hours. According to Makhoul's figures, more than forty-five percent of the detainees were minors, under the age of eighteen, some of them as young as fifteen. "This is part of the policy of harassment of Arab political protest," Makhoul said. "They want to break the spirit of the young generation, which showed a high degree of national identity in recent years, and is committed and active."

¹¹ *Hadash Online*, 30 December 2008.

¹² *Arab48 Online*, 1 January 2009.

¹³ *Arab48 Online*, 7 January 2009.

¹⁴ *Ibid.*

In addition to the arrest of persons who took part in demonstrations, the authorities arrested and carried out other actions against Arab leaders. The general secretary of Balad, Awad al-Fahah spent a night in detention and was then released with no charges being filed against him. The same is true for heads of the Bnai Hakfar [Sons of the Village] movement, Muhammad Kananeh and Raja Agbariya.¹⁵

The war on Gaza, which was carried out at the same time as the elections campaign, had a great effect on the attitude of the Jewish political parties and of Jewish citizens toward Arab citizens and Arab political parties in Israel. Furthermore, the question of “citizenship” granted to Palestinians and the activity of some of the Arab parties played a central role in the run-up to the elections, as is seen in the following two sections.

Elections in the shadow of disqualification of Arab political parties

As has been the case before every election campaign since 2003, requests pursuant to the provisions of section 7A of the Basic Law: The Knesset are submitted to disqualify Arab political parties and thereby prevent them from running in the elections.¹⁶ In the 2009 elections as well, attempts were made to disqualify Arab parties. On 4 January 2009, three requests were made to the Central Elections Committee to disqualify Balad. One of the requests was filed by Israel Beitenu, one by the National Union party, and the third by a private citizen. In addition, the National Union requested the disqualification of Ra’am-Ta’al.

On 7 January 2009, Adalah: The Legal Center for Arab Minority Rights in Israel, on behalf of Balad and Ra’am-Ta’al, filed with the Central Elections Committee detailed responses to the requests for disqualification.¹⁷ Adalah argued there was no legal

¹⁵ Yoav Stern, Yehonatan Liss, and Ofra Edelman, “More than 700 Arabs Arrested in Demonstrations in Israel since the Beginning of the Operation in Gaza,” *Ha’aretz*, 18 January 2009.

¹⁶ Under this section, the Central Elections Committee is permitted to disqualify a candidate or candidates’ list if their purposes or acts (1) negate the existence of the State of Israel as a Jewish and democratic state; (2) incite to racism; (3) support the armed struggle of a hostile state or of a terrorist organization against the State of Israel. The last grounds – “supporting armed struggle” – was added in the 2002 amendment to the Basic Law. For further discussion in the amendment to the Basic Law: The Knesset, see Nimmer Sultany, *Citizens without Citizenship* (Haifa: Mada al-Carmel, 2003), 19-23.

¹⁷ Adalah Press Release, “Elections 2009: Attempts to Disqualify Arab Political Parties from Running for the Knesset,” 21 January 2009. the press release is available at www.adalah.org/eng/pressreleases2009.php



basis for disqualifying the parties: the requests for disqualification do not satisfy the provisions of section 7A of the Basic Law: The Knesset or the rules specified by the High Court of Justice relating to the minimal criteria for disqualifying a party. Furthermore, Adalah argued, preventing a party to run in elections violates the public's constitutional right to vote for these lists and to choose its representative in the Knesset. In addition, the requests for disqualification relied on partial quotations that were cited out of context, taken from newspapers and Internet sites, thus indicating the political motives underlying the requests.

On 12 January, the Central Elections Committee decided, by a vote of 26-4, to disqualify Balad, and by a vote of 21-9 to disqualify Ra'am-Ta'al.¹⁸ The decisions were made even though, as *Ha'aretz's* legal commentator Ze'ev Segal wrote, under the statute, it is not sufficient to identify with armed struggle against the State of Israel, and proof of actual support is necessary.¹⁹ Also, the Attorney General was of the opinion that Balad and Ra'am-Ta'al should not be disqualified, because the request to disqualify "was unsubstantiated and was supported by extremely weak evidence."²⁰

Regarding the Committee's decision, Knesset member Ibrahim Sarsur (Ra'am-Ta'al) said that, "The disqualification of the Arab political parties is proof that the State of Israel is fighting two bloody wars – in the Gaza Strip it murders humanity and destroys Palestinian life, and inside Israel, it destroys democracy."²¹ Knesset member Jamal Zahalka (Balad) said that, "The Israeli establishment must understand that disqualifying the party will increase the number of Arab citizens who boycott the elections... They are not doing us a favor, but they have to thank us for choosing to take part in the parliamentary elections."²² Adalah said in response: "The present attempt to keep the Arab political parties in Israel from sitting in the Knesset is the latest in a series of efforts by the Right in Israel to marginalize the Palestinian

¹⁸For details on the vote, see: Shachar Ilan and Roni Zinger-Heruti, "Balad and Ra'am-Ta'al Lists Disqualified from Running for the Knesset," *Ha'aretz*, 13 January 2009.

¹⁹ Ze'ev Segal, "Proof Needed," *Ha'aretz*, 13 January 2009.

²⁰ Tomer Zarchin, "Mazuz: No Grounds to Prevent Balad and Ra'am-Ta'al from Running for the Knesset," *Ha'aretz*, 20 January 2009.

²¹ Ibid.

²² Ibid.



Arab minority politically. In its decision to disqualify Arab lists, the Central Elections Committee disregarded the right of the Arab minority, which comprises some twenty percent of the state's population, to be involved in political matters.²³

The response in the Israeli press about the lists' disqualification was not uniform. For example, Dr. Haim Misgav, an attorney and lecturer at Netanya Academic College, supported the Committee's decision:

*A decision of this kind had to be made years ago. Not because the Arabs are not citizens with equal rights in the State of Israel, but because they are citizens who are not committed to being loyal to the state. This is not the state in which they want to live, so they are not willing to contribute to its strength and stability... It is insufferable to continue a situation in which citizens in the State of Israel deny the very purpose for which it was established – creation of a national home for the Jewish people, as expressed in its founding document. Anyone who wants to continue to live in it has to learn how to live with the idea.*²⁴

Gad Barzilai, a professor of political science, law, and international studies at Washington University, held a divergent opinion, viewing the Committee's decision as a threat to democracy:

The mistaken and dangerous decision greatly damages the existence of Israel as a democracy. If not nullified by the Supreme Court, pursuant to its statutory authority, this decision would officially turn Israel into an Apartheid state... Section 7A of the Basic Law: The Knesset, which currently enables disqualification of political parties or candidates, was expanded a number of times in the past following political pressure by the Likud and other parties on the Right. Giving a broad reading to the language of the statute will result in the shattering of democratic procedures in Israel... Identification with Palestinians in Gaza and sharp condemnation of the war there are not grounds for disqualification, inasmuch as they do not clearly indicate support for armed struggle against the State of Israel. Statements condemning the use of military force in the Occupied Territories, or the claim that the state must be a

²³ Adalah, Press Release, supra, footnote 17.

²⁴ Haim Misgav, "Heretics," *ynet*, 13 January 2009.

*state of all its citizens and not a Jewish state, also is not grounds for disqualification.*²⁵

Avirama Golan, a journalist for *Ha'aretz*, also criticized the disqualification:

*Even if the Supreme Court overturns the miserable decision of the Central Elections Committee to ban Balad and Ra'am-Ta'al, and the two parties can again run for the Knesset, the damage has already been done, Israel's democracy having been exposed as being in total panic... For protection, democracy has secret services, police, and courts, which are charged with thwarting any action, including treason and incitement, and punishment that brings about removal from the political arena. Every other means, including a slap in the face of the Arabs, does not protect democracy; rather, it destroys it.*²⁶

In a similar spirit, *Ha'aretz*, in an editorial, criticized the Committee's decision:

*In recent years, this has become a kind of shameful ceremony on the eve of every elections: political parties on the Right seek to ban Balad or Ra'am-Ta'al as part of the propaganda and in an attempt to gain a few headlines. Therefore, the real chance of disqualifying the two parties is not what those seeking disqualification are taking into account. Rather, they wish to declare that they think the Knesset is no place for these lists.*²⁷

The two Arab parties that were disqualified by the Central Elections Committee petitioned the Supreme Court.²⁸ In the appeal, filed on their behalf by Adalah, the petitioners argued that the Central Elections Committee did not hear the requests for disqualification with due fairness and did not base its decision on substantive proofs. The petitioners added that the Committee's decision to disqualify Arab parties that call for complete equality and support universal principles was patently unreasonable and contrary to section 7A of the Basic Law: The Knesset. Democracy is impossible if a national minority, constituting twenty percent of the state's population, cannot be

²⁵ Gad Barzilai, "On the Way to an Apartheid State," *ynet*, 13 January 2009.

²⁶ Avirama Golan, "Frightened Democracy," *Ha'aretz*, 14 January 2009.

²⁷ Editorial, "Don't Disqualify," *Ha'aretz*, 12 January 2009.

²⁸ The petition was filed on 18 January 2009. The complete text of the petition is available at www.adalah.org/features/political/petition%20diquali%202009.doc [in Hebrew].



represented in the Knesset. Furthermore, the decision also breached international law, which emphasizes the right of national minorities to receive suitable representation in parliament, to influence state institutions by democratic means, and to support positions that are contrary to those held by the majority.²⁹

On 20 January 2009, a special nine-judge panel of the Supreme Court held an emergency hearing on the petition. On 21 January, the Supreme Court nullified the decision of the Central Elections Committee to disqualify Balad and Ra'am-Ta'al from competing in the elections. Regarding the petition on behalf of Balad, the vote was 8-1. In the matter of Ra'am-Ta'al, the panel's decision was unanimous.³⁰

"Now it is necessary to take action to nullify section 7A of the Basic Law: The Knesset," said Adalah's executive director, Attorney Hassan Jabarin, who represented the two parties, following the Supreme Court's decision. Jabarin noted that, "In recent years, the Right in Israel has used this section of the statute as a tool to incite against Arab citizens of Israel and against Arab political parties."³¹

Right-wing parties sharply criticized the Supreme Court's decision. Knesset member Avigdor Lieberman, head of Israel Beitenu, declared that he would submit a proposed bill that would condition Arab citizens' right to be elected to the Knesset on a "test of loyalty to the Jewish state."³²

Lieberman's position reflected a vision in which Arab parties and Palestinians in Israel threaten the character of the State of Israel. This theory was laid out in detail in the election campaign of Israel Beitenu and constituted a central component in efforts to limit the political and party activity of Palestinians in Israel, as will be described below.

No loyalty, no citizenship

The recent election campaign provided fertile ground for a few groups in Israel to attack Palestinian citizens of the state. The leader of the attack was Avigdor

²⁹ Adalah Press release, supra, footnote 17.

³⁰ Aviad Glickman, "Supreme Court Rules: Balad and Ra'am-Ta'al will Run in Elections," *ynet*, 21.1.2009. The High court's decision is available at www.adalah.org/features/political/decision%20diquali%2009.pdf [in Hebrew].

³¹ Yoav Stern, "Supreme Court Rules: Balad and Ra'am-Ta'al to Take Part in Elections," *Ha'aretz*, 22 January 2009.

³² Ibid.



Lieberman and his party, Israel Beitenu, which made the attack on Arabs in Israel its prime campaigning issue, under the slogan "No loyalty, no citizenship."³³ In this framework, Israel Beitenu seeks a new kind of citizenship for the Palestinian population, conditional on Arab citizens signing a declaration of loyalty to the state, to the state's flag, to the national anthem, to the Declaration of Independence, and to Israel as a Jewish and Zionist state.³⁴

Avigdor Lieberman was born in 1958 in Moldavia. In 1978, when he was twenty years old, the Lieberman family emigrated to Israel. Lieberman studied in Beersheva University's pre-academic program. After completing his studies there, he moved to the Hebrew University, in Jerusalem, where he obtained a bachelor's degree in international relations and Slavic studies. In 1988, the Lieberman family moved from Jerusalem to the Nokdim settlement, not far from the Palestinian city of Bethlehem. According to reports in the Israeli press, Lieberman was a member, for a short period, of the far-Right Kach movement, which was ultimately banned.³⁵

At the end of the 1980s, Lieberman was appointed director general of the Likud party. With the victory of Binyamin Netanyahu and the Likud in the 1996 elections, Lieberman was appointed director general of the Prime Minister's Office. In 1999, Lieberman founded Israel Beitenu, which won four seats in the elections that year. Following the special elections for prime minister, in 2001, won by Ariel Sharon, Lieberman was appointed National Infrastructures Minister. In the 2003 elections, Israel Beitenu ran jointly with Moledet and Tekuma, winning seven parliamentary seats. Lieberman was appointed Minister of Transport in the new government. In the 2006 elections, Israel Beitenu won eleven seats, and ultimately joined the coalition government but later withdrew.

Two years ago, Lieberman suggested a solution to resolve the Israeli-Arab conflict that would ensure state security with an eternal Jewish majority, as he described it. In his book, *My Truth*, which was recently published, Lieberman dwelled at length on this plan, which is based on exchange of land and populations, with Arab land in the Triangle [an area of Arab towns and villages not far from the Green Line, in the eastern Sharon plain] being handed over to the Palestinian Authority, in exchange of

³³ See the party's Website, www.beytenu.org.

³⁴ Ibid.

³⁵ Ehud Hamu and Ronen Leibovich, "People on the Extreme Right: Lieberman was a Member of Kahane's Kach Movement," *Nana10 News*, 3 February 2009.



Jewish populated areas in the West Bank, and implementation of a new citizenship law that would require every citizen of Israel to declare loyalty to the State of Israel and do military service or alternative national service.³⁶

In an article Lieberman published on Israel Beitenu's Website, he described what the slogan "No loyalty, no citizenship" means:

*In the next Knesset, Israel Beitenu will enact a Citizenship Law, which will return to us our national dignity and give meaning to the word loyalty. The statute will require every citizen to sign a pledge of loyalty to the Jewish state, to its principles and its laws. Whoever refuses will lose his right to vote and to be elected. In addition, Israel Beitenu will develop a closer connection between military service or national service and rights given under National Insurance. All this will be carried out in the spirit of the simple principle that the more loyal a person is, the more he receives. We have reached a situation in which we no longer have a choice: forgiveness is the same as suicide. Whoever fails to say things clearly and precisely now will face more serious threats later. We have enough threats from outside, so it is forbidden that we continue to hesitate and give in to the threats at home. Loyalty is a central foundation of our strength, and we must have it so we can cope with the dangers before us and triumph.*³⁷

In addition to the demand for loyalty from Palestinian citizens of Israel, Lieberman also attacked the Arab political parties, especially Balad. The following statement appeared on Israel Beitenu's Website:

In the acts, statements, and objectives of members of Balad and the party's theorists, the party denies the existence of the State of Israel both as a Jewish state and as a democratic state, and even expresses support, praise, and encouragement for hostile acts carried out against Israel and Israelis.

After the Central Elections Committee disqualified Balad, Lieberman stated this was only the beginning: "After it was decided that the terrorist organization Balad cannot take part in the elections, the first stage ended. The next stage is to ban Balad

³⁶ Lieberman's personal history is taken from the party's Website, and is available at www.beytenu.org./116/686/article.html.

³⁷ "No loyalty – No citizenship!", article by Avigdor Lieberman.

outright, on the grounds that it is a terrorist organization whose objective is to harm the State of Israel.”³⁸

Just prior to the hearing on the petitions Balad and Ra’am-Ta’al filed in the Supreme Court, Lieberman said that, “The objectives of Hamas and Balad are identical – the destruction of Israel. There is only one difference – Hamas is situated in Gaza, outside of Israel, while Balad is inside Israel, and worse than that, inside the walls of its legislative body.”³⁹ These claims were made even though the Supreme Court had ruled in the past, as well as and in the latest petition, that Balad would be allowed to take part in the elections, and rejected the claims that Balad supports armed struggle against Israel.

A few days before the election, Lieberman participated in the annual Herzliya Conference [which deals with Israel’s military, political, and economic situation], where he said: “The threat from within is more dangerous than the threat from outside. We did not seek the outlawing of Balad because we are anti-leftwing or anti-Arab. We sought to ban Balad because it is a terrorist movement.”⁴⁰ In the same speech, Lieberman made it clear that Israel Beitenu’s demands were acceptable everywhere in the West:

In 2003, Spain outlawed the Basque party. Only a week ago, the Spanish police recommended the banning of two more parties. We would like to adopt the Spanish law here in Israel. These are the accepted norms in the USA, the European Union and the rest of the western world.

Lieberman also views the struggle of Israel Beitenu against Balad as an integral part of Israel’s struggle against the axis of evil that calls for the destruction of the State of Israel.⁴¹ Lieberman also promises to treat Arab Knesset members in the same manner that Israel handled Hamas leaders, without providing details. As the world

³⁸ Avigdor Lieberman, “The Next Stage – Ban Balad Outright,” Israel Beitenu Website, 12 January 2009.

³⁹ Avigdor Lieberman, “Objectives of Hamas and Balad are Identical,” Israel Beitenu Website, 11 January 2009.

⁴⁰ Avigdor Lieberman, “Enough of Dual Morality!”, Herzliya Conference, available at www.beytenu.org./119/2925/article.html.

⁴¹ Avigdor Lieberman made the comments in a talk at the pre-army academic program at the Eli settlement. See www.beytenu.org./119/2881/article.html.



knows, during the second intifada, Israel eliminated a substantial portion of Hamas' political leadership.⁴²

Lieberman did not settle for harassing Arab political parties and Palestinians in Israel. He also attacked the publication of the vision of the Committee of Arab Local Authorities, viewing it as a sign of the growing extremism of the Palestinian population in the country, especially in its demand for collective rights recognized in international law. In a speech opening his party's election campaign, held in the Golan Heights, Lieberman contended that:

As always, the threat at home is always more destructive. The Israeli leadership's shutting its eyes in the face of the radicalization of the Arab sector is foolishness, an attempt to bury its head in the sand despite the heavy price we pay day after day... This growing mockery by these extremists threatens the delicate relations between us and the entire Arab population. It is forbidden to ignore this problem. The state must prosecute the extremists to the full extent of the law and strengthen those who seek coexistence. Everyone must realize that being a friend of ours is preferable to being our enemy. It is not a matter of the High Court of Justice or the international community. We shall not shut our eyes! We shall ensure a solid Jewish majority in the State of Israel!

We shall also ensure that it pays to be a loyal and faithful citizen of the state. Every citizen who lives here must respect the Declaration of Independence and the Jewish and Zionist character of the State of Israel. The state must reinforce belief in the justice of our way and strengthen Jewish heritage and values, at the expense of the post-Zionist ideology. It is necessary to provide more deeper Jewish and Zionist studies, and not studies of the Nakba, Mahmud Darwish, and their ilk. Whoever wants all the rights will also have to bear all the obligations. No national service, no National Insurance! Persons accepted to study in the sought-after professions in schools of higher education – medicine and law, for example – in the framework of affirmative action (a lower psychometric test score) will be limited to soldiers from combat units. Whoever gives

⁴² Avigdor Lieberman, "Handle Arab Knesset Members like Hamas," *Politico Online*, 7 January 2009, available at www.politico.co.il/article.asp?rId=653 [in Hebrew].



*more must receive more. By acting in this way, the state gives a signal as to its order of priorities, as to the values it wants to encourage.*⁴³

Lieberman also promises to change, by statutory amendment, the oath that Knesset members take. In a letter he sent to the heads of the big factions in the Knesset, he wrote:

*In light of the radicalization that is proceeding apace among the Arab parties, Israel Beitenu decided to draft an initiative to change the oath for Knesset members. Our proposed version will require every Knesset member to make a commitment to the values of the State of Israel as set out in the Declaration of Independence as well as its symbols and anthem.*⁴⁴

The elections to the Eighteenth Knesset, recently held, strengthened Lieberman's political status: Israel Beitenu received fifteen parliamentary seats (two more than the Labor Party). He has become a man of significant influence in Israeli politics. The rightist bloc won sixty-five seats. Kadima won twenty-eight seats. Kadima's platform regarding Palestinian citizens of Israel is not significantly different from that of the parties on the Right, and Kadima's representatives in coalition talks with Israel Beitenu that followed the elections even agreed with Lieberman's demands regarding "no loyalty, no citizenship."

Thus, the number of parliamentary seats held by parties wanting to force an inferior, conditional citizenship on Palestinian citizens comes to ninety-three (the Right and Kadima). The results reflect a new political consensus in Israel, in which the Palestinian population is viewed as a threat to the State of Israel. The implications of this consensus for Palestinian citizens will no doubt be discussed in future political-monitoring reports. ■■■

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⁴³ Lieberman's speech is available at www.beytenu.org.il/102/2095/article.html [in Hebrew].

⁴⁴ See www.beytenu.org./119/2772/article.html.



Analytical Paper

The two analytical articles in the current volume of Jadal address important issues that concerned Palestinians inside Israel on the eve of the recent Knesset elections and following the announcement of their results. This includes the growth in the strength of the far right, which focused its election propaganda on portraying the Arabs as enemies of the state and of Jews in general.

The article by Nadim Rouhana broaches two major questions that relate to the reasons for the decline in voter turnout rates among the Arab electorate. He explains why Arab citizens agree to vote despite the absence of collective achievements by parliamentary means.

In the second article, Mtanes Shihadeh and Muhannad Mustafa describe the repercussions of the outcome of the recent elections regarding the pressure put on Arab citizens to recognize the ethnic Jewish character of the state.

The Shrinking Arab vote in Israeli Parliamentary Elections: But Why Do They Still Vote?

*Nadim N. Rouhana**

Doubts about the value and usefulness of Arab participation in the Israeli Knesset elections have been increasing steadily. These doubts center mainly around the inability of the elected Arab parliamentarians to bring about policy change in Israel by such participation, but also involve other issues such as the concern that parliamentary participation might be seen as lending legitimacy to the existing Israeli political system without any political return. These doubts peaked in the recent elections and became a common theme prevalent among elites as well as among the general public. They were reflected in the low rate of participation among the Palestinian citizens, which reached its lowest rate ever (53%).



The voting rate among Palestinian citizens has been decreasing steadily since parliamentary elections started. From 1951 – 1969, the rate of voting was between 80-90%. From 1973-1999, the percentage was 70-77% (except in 1981 when it dropped below 70. In the last three elections the percentages dropped drastically to 62% in 2003, 56% in 2006, and 53% in 2009. Still, more than half of Arab voters opted to exercise their voting rights.

This picture poses two intriguing questions. The first, is how one is to explain the steady decline in voting rates in light of the emergence of new Arab leaders, who are arguably, in historical perspective, the most capable, representative, and committed to their constituencies. This is particularly true in light of the emergence, in addition to Rakah, the Arab-Jewish party, of two Arab parties now represented in the Israeli Knesset. Rakah historically has defended the Arab minority's causes and represented their concerns in the Knesset and outside it, but it has operated within a framework developed from an Israeli non-Zionist left perspective within a Jewish state, and with broader commitments to and affiliation with the international communist world. The two Arab parties emerged from within the Arab community itself and represent their interests from an Anti-Zionist perspective. The one, the National Democratic Assembly (NDA), (Tajamoa in Arabic) sees itself as a national democratic party more akin ideologically to the Palestinian national movement and in particular to the Palestinian left, not the Israeli left. The second is the United Arab Party, an Islamic party which is rooted in a traditional Islamic orientation and has a strong pragmatic approach, and which sees itself also as part of the Islamic nation in the region and the world. There are also Arab extraparliamentary movements which this article will not discuss.

One can also ask the question from the opposite side. That is, if it is true that the political influence is so limited why is it that more than half the Arab voters go to the polls? I will try to answer these two questions. Now I will turn to answering the first question: Why is the Arab voting rate is shrinking?

Deep doubts about the effectiveness of parliamentary participation have always existed in the Palestinian community but they cannot by themselves account for the decrease in the rate of voting. Originally, after Israel was established on the



Palestinian citizens' homeland and after it dispersed their people, the idea of political influence was not even within the realm of the political imagination of those Palestinians who perceived themselves as a group occupied by a foreign force. Thus the high rates of voting in the first two decades after Israel was established are often considered to have been strategies of accommodation with the dictates of military rule and the strict control of its security apparatus under which Palestinian citizens were placed until 1966. This apparatus conveyed to the Arab voter that voting, preferably for the ruling party, was a sign of "good citizenship". Abiding to this injunction was, perhaps, a survival strategy for the Arab citizens in circumstances of existential threat.

The 1970s were dominated by the rise in the electoral strength of the Israeli Communist Party and the coalition it created with other progressive groups in the Arab community and even with some within the Jewish community. This coalition known as the Front – *Al jabha* in Arabic – saw itself as an Israeli party for all practical purposes and emphasized the demand for equality, mainly on daily issues – without defining what the fulfillment of real equality would entail for the identity of the state. It rarely raised issues about the incompatibility between a Jewish state and the equality the party demanded. The Front, now represented by Four Knesset members, remained a dominating force within the community but lost its sole claim of representation in the 1980s when Arab parties emerged. As an Arab-Jewish party, it seemed most comfortable with parliamentary participation and sought to present a genuine Israeli left alternative in the political system, particularly in the recent elections when what is known to be the "Israeli left" has been all but decimated.

Concomitant with the rising power of the party, the foundations of parliamentary participation have been changing from responding to the Israeli control system to engagement with Israeli citizenship in a long process in which the question of citizenship and demands of equality were taken most seriously by the party's leadership as well as by many in its rank and file.

Paradoxically, it can be argued that the emergence of Arab parties, and in particular the powerful rise of the National Democratic Assembly in the 1990s deepened the importance of the issue of citizenship. This new party galvanized the burgeoning intellectual and academic elites and sought a formula to bridge the democratic Palestinian national identity of Arab minority and the notion of equal citizenship in



Israel. The question of how to accommodate the two was at the forefront of the political discourse. Under the forceful intellectual leadership of its founder, Azmi Bishara, the party articulated the “state for all its citizens” political platform as its goal for struggle of Arabs as well as Jews in order to transform Israel from an ethnic non-democratic state to a non-ethnic democratic state. Therefore, the NDA became the intellectual center for articulating the incompatibility between Zionism and the idea of a Jewish state on the one hand and equal citizenship and democracy on the other. But in engaging with the question of citizenship substantively, the DNA, initially, knowingly or not, strengthened the sense of citizenship amongst Israel’s Palestinian citizens, notwithstanding its demand for a different kind of citizenship.

The third parliamentary force in the Arab community in Israel is the Party that is dominated by traditionalist Islamist forces and guided by pragmatism, with less emphasis on ideological concerns. The issue of citizenship is not of ideological concern; it is a pragmatic tool for achieving pragmatic gains.

In this political context, parliamentary participation was still popular, despite the prevalent belief about lack of political influence. Citizenship was the formal manifestation of the relationship between the Arab citizen and the state of Israel, despite inequality. Thus paradoxically, the decrease in Arab voting in the 1980s and 1990s was not a reflection of deep questions about the value of Israeli citizenship or even parliamentary participation. To the contrary, with the relaxation of the control system and with the organized emergence of voices that openly called for the boycotting of elections, as well as the rise of new political forces supported by social and economic changes within the community, engagement with the question of citizenship, together with the question of national identity, came to characterize the political discourse.

The turning point in terms of the issue of citizenship in my view, and accordingly I would argue, in the popularity of parliamentary elections, was the second intifada which started in October of 2000 and the dramatic developments since. In fact, for the Arab citizens, what shook the foundations of citizenship was not originally the intifada itself or Israel’s method of suppressing it. Rather, the incident that brought about the deepest questions regarding citizenship was Israel’s treatment of Palestinian citizens in October of 2000 as enemies of the State, when Israeli forces



killed 13 citizens in demonstrations organized to protest the use of brutal force against Palestinians in Jerusalem and the West Bank. Since then, developments have accelerated to a point where the incompatibility of equal and democratic citizenship with the ideological system of a Jewish state, and a new sense of a gulf between the Arab and Jewish publics has permeated Arab consciousness and made the question of parliamentary participation one of central importance. Consider for example the following developments: Israel's protracted use of brutal force to crush the second intafada with the tens of thousands of killings, woundings, arrests, assassinations, and what they believe, war crimes; the second war on Lebanon in which the Arab public watched live for 34 days the Israeli massive destruction of South of Lebanon and parts of Beirut; the increase in legislation that constitutionalizes Israel as a Jewish state and places various constraints on Arab parliamentary participation¹; the continuous public and legal attacks on Arab leaders which peaked with the accusation made against perhaps the most prominent Arab Knesset member ever and world class intellectual, Azmi Bishara, causing him to leave his parliamentary seat and choose exile in order to avoid arrest; the release of three documents by Arab citizens challenging the concept of Jewish state and effectively calling for the transformation of Israel into a democratic binational state, and thrusting their opposition to a Jewish state into the center of Jewish political discourse; the War on Gaza in 2008/2009, just before the elections, in which the Arab community watched with the whole Arab world war crimes and crimes against humanity being committed on live TV with the jubilant support of the Jewish public (which was true of the Israeli actions in the West Bank, Gaza, and Lebanon as well).

The gulf between the Arab citizens and Israel has deepened to the point where, for many, the question of parliamentary participation has come to reach well beyond the question of political effectiveness, questioning citizenship itself as it represents the Arab citizens' relationship with Israel. In other words, for many, after the events I enumerated above, it became a question of "what is there in common between us and this parliament politically" and "how and why should we accept to be part of this parliament"? A strong indication of the impact of these events, most prominently the war crimes in Gaza, is the shrinkage of votes for Zionist parties to the extent that they disappeared entirely from many Arab towns. Voting for Zionist parties among

1 See Mada's Political Monitoring Reports which document such legislation since 2003 in detail (all reports published by Mada al-Carmel).



Arab citizens is now limited to Druze and some Beduin towns – those who serve in the Israeli army. Thus it is not only political effectiveness, but the shaking of the foundations of citizenship and the emergent gulf between the Jewish state and the Jewish public on the one hand and the Palestinian citizens on the other regarding the fundamental issues of citizenship, state identity, and state violence that accounts for the decreasing rate of voting.

This brings us to the second question. If the above is in fact the case, why is it that still more than half the Arab voters go to the polls? This question becomes particularly important in light of the following three facts:

- 1) There is no disagreement among the various Arab political forces – those who participate in the Israeli Parliamentary elections and those who do not – that the influence of the Arab Knesset members on major policy issues in Israel is close to nill. This view is not disputed even among Jewish academics and policy analysts. It is not that the Arab Knesset members are even part of the “legitimate” opposition, it is more that they are outsiders in an institution that embodies the Zionist ideology and its policy derivatives when they and the vast majority of their constituency see in that ideology a form of racism². When it comes to governmental coalitions, Arab parties are considered illegitimate partners and have never requested or considered for a coalition or a government position. In the whole history of 31 governments there have been only two Arab ministers who were Knesset members in Zionist parties!

- 2) The lack of clout of Arab parties is not limited to major policy issues in Israel such as war and peace, foreign policy, and trade and economic policies. It extends to a lack of influence over policies toward the Arab minority itself. Very few in Israel dispute the fact that Israel discriminates openly against the Arab citizens in most fundamental ways and in a broad range of areas – education, health, economic development, land distribution, urban planning, etc. For example, the Arabs are not even recognized as a national minority, have had most of their land taken by the state for the exclusive use of the Jewish citizens,

² See Rouhana, N. N. (2007). (Ed.) Attitudes of Palestinians in Israel on Key political and Social Issues: Survey Research Results. Haifa: Mada al-Carmel.



have many towns that are unrecognized by the state (and therefore do not get health and education services or infrastructural support), about 20% of Arabs are internal refugees who cannot go back to their confiscated towns and homes, Arabs have higher percentages of poverty, etc. Arab parliamentarians have very limited influence on the policies that affect this reality.

- 3) The Arab public does not seem to show a particular interest in the general election results among the Zionist parties. That is not to say that the Arab community is not concerned about the rise of the extremist Jewish right wing parties, but it means that whether Kadima, Likud, or Labor win was not an issue in the most recent election campaign or the post election discussions. Thus the Arab vote and the Arab interest in voting is not about which parties put together a government in Israel. Many Arab citizens do see some differences among the Zionist parties, but these differences are not clear enough to warrant public interest. For example, both Likud and Kadima accepted the conditions put forward by Avigdor Lieberman regarding making Arab citizenship conditional upon an oath of loyalty to the Jewish state.

It seems that despite its lack of political effectiveness, parliamentary participation fulfils some functions that are unrelated to influencing Israeli policies, and that unless fulfilled by other means, the parliamentary elections will continue to be supported by large portion of Arab voters³.

Being represented in the parliament seems to support for many in the Arab public a sense of collective status. This is important for a group whose very identity as a national group is not recognized by the state. Thus representation reinforces for many, regardless of political effectiveness, that collective identity.

Parliamentary participation is the main arena in which political orientations are defined and sharpened. Parliamentary participation provides the modern organization of a political party with the financial support for some of its organs and institutions. It is this organization that is used to develop and disseminate political ideas and

³ See Rouhana, N. N., Saleh, N., Sultany, N. (2004). Voting without voice: The Palestinian minority in the Israeli parliamentary elections – 2003. Haifa: Mada al-Carmel. (Arabic and Hebrew). Many of the arguments in this section are drawn from this book.



programs and to work on reinforcing various commitments, such as national identity, social justice, religious identity etc., as might be the case. Through the party's institutions and organs the differences in political identities with other groups are sharpened. Thus, it is becoming clear that while one party -- *Al jabha* -- is leaning towards the role of filling the gap in the Israeli left, another party, -- the Tajamoa -- is leaning toward defining itself as part of the Palestinian left and the left in the Arab world in general. These difference have far reaching implications for defining the future of the Palestinians in Israel and the role they might play in the in affecting the shape of the future of the conflict between Israel and the Palestinians.

Party institutions and organizations -- branches in various regions, newspapers, educational meetings, etc. -- are all tools for social and political empowerment that gain extra importance in the absence of self-government and indeed in the absence of a state, as the state of Israel considers itself as the state of the Jewish people, not the state of its citizens. The organizational bases of all parties participate in various social and political activities that contribute to self-empowerment such as organizing extraparliamentary work and cultural activities.

Parliamentary representation is essential, in the absence of an alternative, in giving voice to the political experience and the collective demands of the community. For a controlled community that experiences a deep sense of injustice and that has a limited access to centers of power, policy making circles, and the media, giving voice to the collective experience is of special importance regardless of its political effectiveness. The parliament becomes mainly a stage for that voice and not for legislation and policy influence. The position of parliament member can also be used to reach international circles for the very same reason: giving voice to a repressed community.

Many Arab Knesset members argue that their presence in the Knesset helps in solving some daily problems of the Arab citizens and bringing daily issues to the attention of governmental institutions. This is not a minor function given the existing alienation between the state institutions and the Arab citizen and the sense of enmity in at least some areas, such as land issues and police intervention.



These are all important functions that will be hard, but not impossible to replace. If replacements are found in other forms of organizational activities, it can be expected that with the current approach of Israel to the Palestinians in general and to the Palestinian citizens in Israel in particular -- as outsiders, enemies, or at best tolerated guests -- the rate of parliamentary participation will continue its decline.



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Palestinians in Israel After the Elections

*Mtanes Shihadeh and Muhannad Mustafa**

The results of the elections to the Eighteenth Knesset, held on 10 February 2009, are interesting from a few aspects: Kadima's success in sustaining its strength, with twenty-eight seats compared with twenty-nine in the previous elections; the increased force of Israel Beitenu, an extreme rightist party under the leadership of Avigdor Lieberman, which rose from eleven to fifteen seats; the Likud's jump from twelve to twenty-seven and its formation of the new government coalition; the drop in the number of Labor Party seats, to thirteen; the growth of the Right, with sixty-five seats, and the deterioration of the last bastion of the Israeli Left, Meretz, which fell from five to only three mandates.

In this brief article, we shall focus on worrisome implications of the election results from the perspective of Palestinians in Israel. Certain trends that appeared during the war on Gaza, and later in the election campaign, reached their peak following the elections, when Likud and Kadima agreed to meet Lieberman's rightist demands. During the war on Gaza, it was clear that Israel – and its Jewish population – related to every Palestinian, both inside the post-1967 borders and those within the 1948 borders, as a security threat to the state. The different attitude toward this "threat" is derived from their legal status.

The Palestinian minority in Israel played a major role in the campaign propaganda of some Zionist parties, particularly Lieberman's Israel Beitenu party. Many candidates called for restraints on the ethnic foundation of Palestinian identity of Palestinians and for imposition, by statute, of "acceptable" Palestinian political behavior. This political climate, together with the election results, is evidence of a new stage of relations between Israel and the Palestinian minority.

The previous turning point, which occurred in October 2000, when Police killed thirteen Palestinian citizens, was marked by Israel's attitude toward the Palestinian minority as a threat to the Jewish character of the state. This attitude became more passionate following publication of documents describing the Palestinians' vision, a redrafting of their relationship to the state, in which Palestinians are defined as an indigenous minority entitled to collective rights and which calls for a bi-national regime. Israel's leaders came to realize that the attempt to repress Palestinian national identity had failed, and that Palestinian consciousness had not developed in



a manner acceptable to Israeli society. This reality indicates that failure of state institutions, of the carrot and stick policy, and of the attempt to force "Israelization" on Palestinians. This stage of relations, which lasted until 2008 and was characterized by greater use of statutes to gnaw away at the legal and political status of Palestinians in Israel, threatened their Palestinian citizenship.

The election results showed a consensus among most of the Zionist parties to adopt Lieberman's discourse, i.e., the demand that a loyalty oath to the state be linked to citizenship, and the idea of exchanging land between Israel and the Palestinian Authority. Therefore, it may be assumed that the new government will not settle for maintaining the status quo, and will make direct threats and bargain over the kind of citizenship granted to the minority in Israel. Palestinians will have to decide whether to accept Israel's terms as a prerequisite for maintaining their citizenship. Presumably, these demands will be part of the guidelines of the new government. The situation may be summarized as follows:

- To obtain citizenship under Israel's new terms, an ethnic minority must forego its ethnic identity and its demand for collective rights, and settle for partial, impaired individual rights.
- It is legitimate to declare the State of Israel as a state of the Jewish people.
- The national rights of the Palestinian minority in Israel will be realized in the framework of the two-state solution and establishment of a Palestinian state.
- The inferiority of Palestinians in Israel as individuals is enshrined in all aspects of the law.
- Refusal to yield to Israel's terms will lead to the threat of a solution based on the exchange of lands and populations with the Palestinian Authority and use of the Nationality (Citizenship) Law.

Worrisome signs

Israel Beitenu managed to utilize the hatred and racism in Israeli society, turn them against the Palestinian minority, and generate a political platform from them. This is the first time this phenomenon has appeared since Rabbi Meir Kahane's party was banned, on grounds that it threatened the democratic character of the State of Israel, from taking part in the 1988 Knesset elections. Lieberman, who was a member of Kahane's party (see the political monitoring report in this issue), seeks to



use the tools of Israeli ethnic democracy to enact legislation that will force Palestinians to forego their identity in exchange for maintaining Israeli citizenship; in other words, in exchange for their right to remain on their land. Toward this end, Lieberman wants to enact a citizenship law that requires the giving of an oath of loyalty to the state as a Jewish and Zionist state.

In addition to “no loyalty, no citizenship,” Israel Beitenu’s platform views separation of the two peoples as the ideal solution for the conflict, thus reflecting a kind of consent to a two-state solution. According to its way of thinking, this separation must be accomplished by exchanging lands and populations. The first idea – “no loyalty, no citizenship” – arose out of the failure of the Sharon government to link the right of Palestinian citizens to their performing national service. Now, Lieberman and his party seek to achieve its objective by statute and not by the free choice of Palestinians.

Lieberman’s slogan does not differ substantially from the idea of national service proposed by Israelis situated in the center of the political map: it reflects the substance of national service, in which loyalty is inherent. Whereas civilian service has been presented until now as a voluntary act accompanied by tempting benefits and lessening of restrictions for those who participate, Lieberman’s plan is based on a direct threat, without the tempting benefits.

In this context, the important consequence of the elections was the coalition negotiations. Clearly, Lieberman’s proposals shared the support of the large Jewish parties (Kadima and Likud), which agreed unconditionally to his proposals. In its formal response to Israel Beitenu’s demand, Kadima wrote that,

The principle guiding Kadima is that citizens of Israel have equal rights as individuals. However, in Israel, as the national home of the Jewish people, national expression will not be given to national ethnic minorities:

1. Israeli citizenship is a right that brings with it duties. Kadima supports the principle that every citizen of Israel has a duty to serve the state, and the government must encourage and reward persons who fulfill this duty.
2. Kadima will act to expand the activities of the Civilian-National Service Administration, based on the principle that every young citizen of Israel must contribute to the state and to the society in which he or she lives, by means of military, national, or civil service recognized by the state.



In an interview with *Ynet* following transmission of the letter, Cabinet minister Haim Ramon, a member of Kadima, stated that, "Almost ninety percent of the positions of Israel Beitenu in the document comport with ours. Also on the issue of loyalty, on everything related to national service – there is agreement."⁴

The Likud's response to Israel Beitenu's demands contained the following language: "The Likud's position is that every citizen of the state, and even more so its elected officials, have a duty of loyalty to the State of Israel. Accordingly, the Likud supported, and even led, for legislative change in this connection... We have always championed the conception that persons who performed military and national service should be rewarded."⁵

It is mistaken to believe that the positions of the principal Jewish parties toward Palestinian citizens in Israel differ to any meaningful extent from the position of Israel Beitenu. On this point, it is necessary to examine the Zionist parties' position on the Nationality Law and on the subject of a "Jewish and democratic state" and the two-state solution. In each case, they nullify the rights of the Palestinian minority as an ethnic minority. In the recent elections, as mentioned, three positions that harm Palestinians in Israel played a prominent role: the demand to enact a citizenship law that forces citizens to take a loyalty oath; emphasis on the Jewish and democratic nature of the state; and adoption of Kadima's slogan of two states for two peoples, a position that Kadima even specified as a condition for coalition deliberations with Likud. To understand the meaning of the two-state solution for Israel, one has to study Kadima's platform, which explains the meaning of Israel as a "Jewish and democratic state," as follows:

1. A Jewish state and national home of the Jewish people in which the Jewish people can realize its aspiration for self-determination in accordance with its cultural and historical tradition.

This objective must be accompanied by an active policy that ensures everlastingly the Jewish and democratic image of the state... Kadima will act to strengthen the Jewish identity and Jewish character of the state. The image of the State of Israel as a state includes ensuring a solid Jewish majority in Israel.

⁴ Attila Somfalvi, "Kadima to Lieberman: We Agree with You on Ninety Percent," *Ynet*, 16 February 2009.

⁵ Amnon Meranda, "Likud to Lieberman: We Agree, Duty of Loyalty is Required," *Ynet*, 18 February 2009.



Citizenship

Regarding solution of the Israeli-Palestinian conflict, Kadima proposes, in the chapter entitled Principles for Handling the Peace Process, that “The interest in Israel being a state of the Jewish nation requires, in accepting the principle of the end of the conflict, existence of two nation-states, based on the demographic reality, that will live in peace and security side by side.” The fundamental principles for the entire peace process are “two nation-states,” with the consent of Israel to establishment of a Palestinian state being totally dependent on that state being the absolute national and total solution for all Palestinians, including refugees. Therefore, in no arrangement would Palestinian refugees be allowed to enter Israel.

Kadima’s position does not differ much from the Labor Party’s platform, which strives for a two-state solution and sees the Palestinian state as a national solution for Israel’s Palestinians. The party’s platform states: “The Labor Party will act to bring about the rapid conclusion of negotiations with the Palestinian Authority, which will result in the end of the conflict and the signing of an agreement based on the following principles: two nation-states for two peoples, which shall live in peace alongside each other... The State of Israel is the state of the Jewish people, the national home of all Jews.”

Study of the platforms of Israel’s major Zionist parties indicates they accept Lieberman’s proposal to enact legislation that links loyal citizenship with maintenance of Israel as a Jewish state. This fact explains to a large extent the consent of Likud and Kadima to Lieberman’s demands during the coalition negotiations. The Zionist parties agree also on the preservation of the Jewish character of the state, on an eternal Jewish majority in Israel, on linking citizenship to an oath of loyalty to the state, and on a statutory loyalty oath. The slogan of two states for two peoples is acceptable to Kadima, Labor, and Israel Beitenu, with Israel Beitenu conditioning its support on exchange of land and populations between Israel and the Palestinian Authority. The Likud’s platform makes no mention of such a solution. This lack of mention is the reason that, during negotiations on forming a government, Tzipi Livni, head of Kadima, requested Netanyahu, the Likud leader, to accept the solution that had already been accepted by all the parties involved in the conflict, including the United States.

In her visit to Israel in early March, the United States secretary of state, Hillary Clinton, declared that the two-state solution is the only solution for resolving the Israeli-Palestinian conflict. The escalation in Israel discourse against the Palestinian



minority, which peaked in the campaign propaganda of Israel Beitenu, is, therefore, nothing more than an accumulation of developments that have taken place over the past two decades: deterioration of relations between the majority and minority in Israel, and the spread of positions held by the Right regarding the Palestinian question and the character of the State of Israel. Some persons argue that these changes testify to a change in ideology, to the creation of "new conservatives" in Israel, who are willing to relinquish occupied territory belonging to Palestinians in which there is a high concentration of Palestinians, in contrast to the radical demand for preserving the Jewish ethnic character of the state and a radical economic policy.⁶ Others prophesy the death of the Zionist-Left parties and their solutions.⁷

In the past twenty years, the minority and the majority have sharply debated, to the point of clashes, the nature of the regime in Israel. The political and theoretical changes relating to the conflict between the minority and the majority have played a significant role in political discourse in Jewish society. The Jewish majority seeks to argue that Israel can be a Jewish state without impairing its democracy. These two decades have been a period of Jewish ethnic obsession, marked by an emphasis on the Jewish identity of the state and its ethnic character, and on the attempt to strengthen it by unprecedented political and legislative means. Sharon's Gaza disengagement plan, later adopted by Kadima, was marketed as an action aimed at preserving a Jewish majority in Israel and at maintaining its Jewish character.

The factors and variables mentioned above prove that relations of the State of Israel vis-a-vis the Palestinian minority is moving from limited containment, attained by denying legal and political status, to direct threat, by legislative means linking citizenship with loyalty, by forcing Palestinians, as a condition for remaining in their homeland, to surrender to the new rules of the game imposed by Israel: foregoing national and collective rights, giving legitimacy to the Jewish state, and accepting Israel's claim that the national solution for Palestinians will be found in the establishment of a Palestinian state based on the 1967 borders. ■■■

⁶ Guy Ben-Porat and Yuval Fany, "Israeli Neo-Conservatism: Rise and Fall," *Israel Studies Forum* 22 (1): 3-25 (2007).

⁷ *Ha'aretz's* Weekend Supplement of 14 November 2008 was dedicated to the question of the "The Dying of the Zionist Left." The supplement included comments from leading writers, academics, politicians, and journalists, such as Haim Guri, Yossi Beilin, Shulamit Aloni, Uzi Baram, Uri Avneri, and Ze'ev Sternhall.



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Viewpoints

The "Points of View" section of the second issue of Jadal addresses the question of Arab participation in parliamentary elections in Israel, a question which has been returning to the forefront of political debates before each of the recent elections.

The following points of view represent the main positions regarding participation of Arab voters in the Knesset elections. Ayman Odeh, the Secretary General of the Democratic Front for Peace and Equality (al Jabha) argues against the elections boycott and in support of voter participation. For Odeh, the Knesset is a central arena of political action for the Arab minority in Israel, though it does not detract from the importance of other methods of collective action.

From the opposite perspective, Salma Wakim, a lawyer and political activist from the Abna al-Balad movement, lays out a firm stance in support of boycotting parliamentary elections on the grounds that they constitute recognition of the highest institutions of the Jewish State, a state whose colonial presence was founded on the catastrophe (Nakba) of the Palestinians. Wakim considers voting for the Knesset to constitute recognition of the legitimacy of the Jewish state, which continues to oppress Palestinians not only inside Israel, but in all the Palestinian areas.

Nimer Sultany, a postgraduate student at Harvard University Law School in the United States, and a lawyer and former researcher at Mada al-Carmel, presents a third point of view that regards the boycott of the Knesset elections as strengthening the hand of the Palestinians in dealing with the state. According to Sultany, "The boycott must be used in the context of empowerment. This means, on the one hand, exposing the defectiveness and futility of the national political-electoral process, and on the other hand creating extra-parliamentary frameworks and modes of political action to achieve important goals".



On the Participation of Arab Citizens in Parliamentary Elections

Ayman Odeh*

No national political movement in the country, even the most radical, has proposed methods of struggle that transcend the boundaries of citizenship, and no one has advocated for alternatives like civil disobedience or armed struggle, as have many other peoples who have viewed the political entity ruling over them as an occupation that must be resisted by illegal means. Among the peoples that did resort to alternative means and boycott elections are the Tamil in Sri Lanka, the Basque people in Spain and the Catholics in Northern Ireland. However, boycotting did not strengthen their position, but instead undermined their struggle and dragged them into bloody clashes (this was the lesson gleaned by the major political parties in these countries, and all subsequently decided to run in parliamentary elections again). Notably, the French-speakers in the Canadian province of Quebec opted to enter the fray of the political process, and scored some significant victories as a result. Similarly, the Albanian minority in Macedonia traded boycotting for active participation after a lengthy period of time, and subsequently reaped the rewards by realizing achievements and gains that should not be underestimated.

All the Arab political movements (both parliamentary and extra-parliamentary) wage their struggle within the framework of Israeli institutions. Even movements that stand opposed to participation in the Knesset elections on nationalist or religious grounds deal with the other two branches of government: the executive and the judiciary. Thus the Israeli judiciary is one of the institutions that Arab political movements turn to seeking remedies for injustices by the authorities, even though it falls within the orbit of the Zionist "national consensus". All political movements also participate in elections for local authorities, which fall under the authority of the Ministry of the Interior (the ruling executive authority), and the heads of the local authorities and their administrations are dependent to a large degree on the minister. In this regard, one need only point to the fact that the Minister of the Interior has dissolved seventeen Arab local authorities over the last two years, merged thirteen others, and appointed a "supervising accountant" to the majority of remaining Arab local authorities, whose powers exceed those of even the mayors. It is patently obvious that a Member of Knesset enjoys immeasurably more



independence and freedom than a mayor. Indeed, some believe that the very existence of the local authorities is an instrument for suppressing Arab citizens and keeping them under control. And while I find this view somewhat rash, it does raise an issue that cannot be ignored.

Although there are very limited cases of the law being broken deliberately, such as by urging Arab Druze youth to violate the Compulsory Recruitment Law, or encouraging breaches of the racist planning and building laws (which all the political parties do, parliamentary and extra-parliamentary alike), these cases are not the rule.

To set the parameters of the debate, I assert that all political movements have elected to continue their struggle through Israeli citizenship; however, the movements that boycott parliamentary elections justify entering into all Israeli institutions, with the sole exception of the Knesset!

▪ **Parliamentary action complements popular action, and the latter is the foundation**

We can also agree that no one has argued that parliamentary action is the only arena of struggle; indeed, no one has even contended that it is the main struggle. There is a consensus over the fact that the popular struggle is the foundation, but does that preclude or conflict with exploiting the parliamentary arena, where decisions over fundamental issues are taken? And in doing so are we really lending legitimacy to the Israeli establishment, providing cover for its faults, or helping to portray it as a democratic state? In order to answer those questions, I ask myself, rhetorically: in whose eyes are we lending this legitimacy? And who is convinced of that: Jews, Arabs, the world? Does our refusal to stand in the legislative elections, while we carry Israeli citizenship and identity cards and work with all other Israeli institutions, and within our citizenship, tell the Arabs, Jews and the world that Israel is illegitimate? Or are these complex questions for the complex reality that we have been thrown into by force? And are the "Arab Members of Knesset" the fig leaf that conceals the deficiencies of Israeli democracy, or are they rather searchlights that expose it as a fallacy (and for this very reason have always been subject to incitement and attacks by the establishment)?



Is the parliamentary struggle a substitute for the popular struggle? Did the presence of the communist party in the parliament (and thereafter the remainder of the political parties and movements) supplant the popular struggles waged against the military regime, against the "red identity cards", or against the "head tax"? And did it substitute for the protest of May 1958, the "poetry of resistance", the inception of Land Day and the creation of unionist organizations (for example, the Arab students' committees and their national union, the union of secondary school students, the Committee of the Heads of the Arab Local Authorities, the High Follow-Up Committee, the Druze Initiative Committee, and the Land Defense Committee), or the preparations for the Conference of the Arab Masses, banned by the authorities ("the Prohibited Conference"), etc.? I argue that the reverse is true: parliamentary representation has played an appropriate part in the defense of all of these issues, and it would have been a simple matter for the establishment to stamp out this popular struggle using the martial and emergency regulations were it not for the presence of a political party providing legal representation in the Knesset.

In recent years we have seen numerous examples of the complementarity between the popular and the parliamentary, the most clear-cut of which was the reversal of the merger of Arab local authorities, which would not have succeeded were it not for the popular struggle waged against it. Equally, however, it would certainly not have been successful without the Knesset and the decisive and influential stance adopted by the Arab representatives during the last parliamentary session, as well as in the session before it. Similarly, the popular struggle against the property tax was brought to the Knesset, where it was settled thanks to the Arab representatives.

Where exercising an influence in the Knesset is not possible, political parties have recourse to international bodies, alongside the popular struggle and the struggle in the other Israeli institutions. The clearest example of such a case is the demand for the establishment of an "impartial commission of inquiry, with the participation of international experts, to uncover the events of 'Jerusalem and al-Aqsa Day'." A quarter of a million signatures were collected in what was an exemplary popular struggle, which complemented the struggle within the Israeli legislative, executive and judicial authorities, and beyond them within international institutions.



- **A part of the public debate**

It is futile for a struggle for national and civil rights to abandon the most influential political platform. And even if this platform were essentially a means of registering protest (let us say exclusively so, as the advocates of the boycott argue), should one relinquish the right and the duty to “speak the truth before an oppressive ruler”, on his own turf, even though no actual achievements may be made?

The act of setting forth one’s positions has an impact and dynamic of its own, for an opinion voiced outside the Zionist herd initially seems inflammatory and invites disapproval, but through repetition and perseverance it becomes a part of the mainstream debate, which begins to adopt it. Such is the case with all radical ideas, which are at first rejected, but then begin to carve out a way forward. Did the acknowledgment by the lords of the establishment of “historical injustices” emerge from a vacuum, or was it the result of the struggle fought by the Arab representatives in the Knesset? Can the bellowing (provocative!) voice of Tawfiq Zayyad shortly after Land Day be denied, or the voice of Tawfiq Toubi shortly after the massacre of Kufr Qasim, or the voice of Meir Vilner shortly after the (first) June War, or the voice that “cried out in the wilderness” just after the Lebanon War? Has Israel today not withdrawn from southern Lebanon? The discussion over the rights of the Palestinian people and the recognition of the massacres of Kufr Qasim and Land Day has become a part of today’s mainstream political debate; indeed, Kufr Qasim and Land Day are now taught as part of the official school curriculum.

Therefore, this central platform for protest and important media site should not be surrendered, even if it is only used as a means of protest.

- **Who would relinquish approximately 20% of political decision-making?**

In Israel the decision to go to war is taken without Arab citizens and their representatives, but the decision to make peace (even if partial and incomplete) cannot be taken without their quantitative and qualitative weight. The right-wing is well aware of this rule, and accordingly has taken a clear position on the legitimacy of the Arab vote. However, the “Zionist left” deals with their vote opportunistically, in accordance with its own interests. Thus it is no coincidence that a special parliamentary majority (80 Members of Knesset) is needed to vote in favor of the



majority of “permanent solution” issues. There are also calls to raise the percentage of votes needed on a general referendum on the future of the Golan Heights from 50% to 60%, in order to cancel out the quantitative and qualitative influence of Arab citizens.

When the debate over the “evacuation of the settlements” in the Gaza Strip heated up (that is, the issue of evacuation of the settlements in particular and not the Disengagement Plan as a whole), from the Knesset plenum to the Finance Committee, the vote of Muhammad Barakeh (the only Arab deputy sitting on the committee) was decisive in attaining a majority of ten versus nine committee members. Likud deputy Gorlovski Gorlovski gave an accurate expression of the position of the right towards the legitimacy of the Arab vote by declaring, “This vote is null and void; it is shameful that an Arab deputy was the one to decide to evacuate the settlements” (al-Ittihad, 08.02.2005).

Exerting our weight (Arabs account for around 20% of all citizens) in this decision-making forum represents a net profit for the Palestinian people in its battle for its legitimate rights. Without this weight, the position of the occupation state towards us will always be more negative, and it can only gladden any people in the world living under occupation that members of their people (citizens in the occupying state) exert their full political weight in order to bring an end to the occupation.

▪ **Nature abhors a vacuum**

Let us assume, for the sake of argument, that Arab citizens had been banned by the State of Israel from voting and standing for election from the establishment of the state until today. In this case, we would have fought for the vote inside Israel and attempted to expose it before international bodies for preventing its citizens from contesting parliamentary elections. And if we assume that we decided to boycott the “Zionist parliament”, but it then transpired that it was on the verge of making long-term decisions on the fate of the occupation in the West Bank and Gaza, would Arab citizens comply with the decision to boycott? Would they leave the decision in the hands of the Jewish majority, or would they vote for the parties of the “Zionist left”? The answer to these questions is that the boycott of the parliament by national political parties will bring the Zionist parties back to the Arab street with a vengeance, since “nature abhors a vacuum,” and it is the national parties that check



the power of the Zionist parties within the Arab community and provide an alternative to them.

Elections are the most significant process of politicization within the Arab community. Party activists are unable to volunteer on a daily basis to promote their nationalist positions, as they do during election campaigns, just as the public is not prepared to actively participate in political meetings or home seminars, as they do during the elections. This instance of politicization brings together all the Arab public in a unified purpose and direction, and has historically helped to increase political awareness among the Arab community. This was especially true during the period of military rule and the permits regime, when people and Arab villages were severed off from one another within a single geographical area. And this is to say nothing of the tearing apart of national ties under the military regime and the system of movement restrictions that was imposed on the Arab public as a whole, and which this kind of political action helped to consolidate.

▪ **Common human issues**

Economic and budgetary policies, together with policies that address personal and democratic freedoms, are decided within the Knesset. These issues are of concern to the Arab community as a part of human society.

Even violations of humanitarian laws weigh more heavily on Arab citizens, and it is no coincidence that the top two-thirds of unemployment-stricken towns are all Arab. Nor is it a coincidence that 50% of Arab citizens (and 69% of Arab students) live below the poverty line, because poverty also has national features, just as discrimination on the basis of nationality contains elements of class. However, the Arab political representatives (in particular the al-Jabha deputies, due to their concerns for class issues) have succeeded to get forty socio-economic laws passed over the past ten years (ten of them during the last session). The Arab representatives are also a guaranteed voice as members of a minority that faces national, civil and class-based oppression, and on democratic issues and universal values, and their contribution to such issues is a human duty that transcends nationalism.

* * *



It is erroneous to contend that the Arab political representatives have not made any actual achievements, aside from influencing public opinion: in the last Knesset session alone, these representatives were successful in securing many rights. True, this success has been a partial one but, practically speaking, these rights have been and are being achieved through a cumulative struggle: here one need only refer to the fact that twenty laws were enacted during the last parliamentary session at the initiative of the Arab representatives. These real achievements were made in spite of the structural obstacles put in their way by the establishment, and despite the ideological barriers set up in order to convince the Arab citizen of the futility of parliamentary action. By creating a climate of despair, the establishment seeks to achieve "political transfer" of the Arabs, following its failure to complete their physical transfer. So, are we ourselves to carry out the voluntary transfer of the vote and influence of Arab citizens?

Today the problem lies not in voting to the Knesset, but in the fact that the voter turnout rates among Arab citizens are only slightly in excess of 50%. If 90% of Arab citizens voted (as opposed to around 53%) they would have more than twenty Members of Knesset (provided that the voter turn-out rate continued to decline among Jewish voters), and would exert a greater influence than they do currently on all issues. If so, then the drive by the Israeli right to get the Jewish public to go out to vote, on the pretext that "the Arabs decide for the Jewish State," would have a greater ring of truth to it. Furthermore, it is natural for an "oppressed minority" to vote more than a "ruling majority", since they are in greater need of influence. ■■■

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 **Why Boycott?****Salma Wakim ***

Is boycotting parliamentary elections akin to sitting in the corner and looking languidly on, while rushing out to the ballot boxes is an act of struggle, indeed the very peak of struggle?

Is the Zionist Knesset truly a site to struggle and demand rights?

The Knesset is the highest ranking institution in the organizational hierarchy of the system of the state that was erected on the ruins of the Palestinian people. In its essence, this state embodies a racist, colonial enterprise that ousted the original population, and that defines itself as the State of the Jews. A candidate who wishes to enter this institution (the Knesset) cannot openly deny the Jewish nature of the state and must take an oath of allegiance to it. A candidate must also commit to maintain the state's security and integrity, and accept in advance not to defy its identity as "a Jewish state", and consequently, in my view, to accept its role as a colonizer located in the heart of the Arab nation. Equally important is the fact that this acceptance is demanded from the immediate victim of the colonizer. Thus the direct victim of the Zionist entity as a settler presence in Palestine must acknowledge the legitimacy of this very presence. It should be emphasized that the call to boycott the Knesset elections is fundamentally an ideological boycott, and as such represents a principled position towards participation in the Zionist parliament.

The Knesset is the legislative authority of a state that defines itself as the State of the Jews; not only Israeli Jews, but also worldwide Jewry—and what that entails in terms of the Jewish right to return—and thus the state, is the embodiment of "the right of the Jewish people to self-determination in Israel."

Hence the implications of parliamentary representation lie, in my view, not merely in acknowledging the current reality and recognizing it as such, but also in recognizing the legitimacy of this reality and legitimizing it—and what a difference there is between the two!

The state of Israel grew out of war and ethnic cleansing. Since its establishment it has gone to great lengths to legitimize what it obtained by force and violence. And because for a modern regime the democratic nature of the regime constitutes the



most important pillar of its legitimacy, Israel strives to market itself internationally as a democratic state or even "the only democratic state in the Middle East."

In order to extort recognition and legitimization, Israel seeks to fragment Palestinian and Arab opinion. Thus at the Madrid Conference (1990) and during the Oslo Accords (1993) it prevented the Arab and Palestinian parties from addressing the issues of Arabs living in the territories occupied in 1948, and the accords were based on the severance of the question of the 1967 occupation from that of the refugees. In addition, the Israeli election law (article 7A, amended 1984 and followed by frequent modifications that limit Arab participation), makes participation in Knesset elections conditional on not denying the legitimacy of the Jewish character of the state, and accordingly, in my view, on legitimating the consequences of ethnic cleansing

Consequently, the most powerful political means of expressing rejection of the fragmentation of the Palestinian people and conferring any legitimacy on ethnic cleansing and its outcomes is to refrain from participating in Israel's "charade of democracy", and to expose the racist character of the Israeli regime, or in more simple terms: boycott elections for the Zionist Knesset.

The unique nature of our situation as Palestinians "inside" Israel should not cause us to take the Zionist parliament as our main "arena of struggle" And it should not make participating in the Zionist parliament a strategic approach, on the premise that the Palestinian leadership abandoned the Palestinians within the "Green Line" during the Oslo Accords, and as a result we must take care of our own affairs within the bounds of Israeli citizenship, and work within the parliament and the establishment to bring about the desired change.

A central question thus presents itself to those who seek to achieve equality in the state: Is it feasible to attain equality in a state that defines itself as an ethnic Jewish state and is based on a system of laws that preclude the possibility of equality between Arabs and Jews? The answer, needless to say, is negative.

A further question arises: Is it possible to alter the Zionist state through its parliament at a time when the Palestinian national project is facing the risk of being brought down to its knees in order to accept the ceiling that the recognition of Israel's legitimacy entails and in light of the existing balance of power between the Zionist project (which I view as part of a greater imperialist project) on the one hand, and the Arab Palestinian project on the other as manifested in the relationship between Palestinians in Israel and the Zionist state?



Have the Arab parties that run in the elections achieved anything for the Arab public, via the Knesset, in terms of the fundamental demands or issues that set them apart as Arab parties? Here, too, the answer is negative: since the Zionist consensus—both left and right-wing—is united over the fundamental issues, the Arab members of parliament are structurally located at the margins of the margins. Moreover, when there is a Zionist consensus over fundamental issues then the importance of elections diminishes. Thus elections cannot be characterized as decisive or pivotal for the future, as there will not be a shift in the national consensus with the hand-over from one prime minister to another.

Since the founding of this state, successive governments (be they headed by the Likud, the Labor Party or Kadima) have refused to grant recognition to the collective identity of the Palestinians, and have dealt with us as sectors, factions and clans (Druze, Bedouin, Muslims and Christians). In addition, they have categorically rejected the return of the Palestinian refugees. Since the first Knesset elections (1949), Palestinians have participated in the electoral process, but there has been no return of refugees, racism has not ceased, and living standards have not equalized, and whether Palestinians have voted or not, nothing changed in the overall picture. Hence the Knesset elections have not had substantial repercussions for the Palestinian public in Israel, and Palestinian participation in the Knesset has been on a token basis only. Indeed, its significance lies solely in the contribution it has made to beautifying the face of this racist entity. Is our battle one against the right-wing, as the parties who participate in the elections would portray it? In these latest elections, for instance, it appeared that our battle was against Lieberman. However, Lieberman's project—along with those of the other Zionist parties that stood in the elections—is that of the "Jewish State". Accordingly, the stance adopted by the Palestinian public should not be limited to Lieberman or the right-wing as an election issue, but must confront the very core of the Israel regime, to prevent the battle from losing its internal logic and true essence.

There is a further question to answer: Is participation in the elections to the Zionist parliament not the culmination of the process of "Israelization" and assimilation into Israeli society and its institutions -- a systematic policy that has been targeted against the Palestinians of 1948 as a means of obliterating their national identity, national belonging and struggle? Is it not our duty to reject this assimilation? And isn't participation in the Zionist parliament the corner stone of assimilation?



If the issue was really a political act that leads to attaining an increase in the number of Arab members of Knesset and to a decisive impact on the political landscape in Israel and to an actual effect on issues relating to the Palestinian people in general, and the Palestinians in Israel in particular, in such a case it may be possible to set principles aside in the interests of the Palestinian people. But that is not the situation at present, and will not be for the next twenty years, at least.

All of the above sheds light on the common misconception that is propagated by opponents of the boycott, according to which the boycott's proponents appear as spectators standing on the sidelines, as campaigns of incitement are launched by the official institutions and Zionist parties against the Arab public and the Arab parties. However, the truth is otherwise: proposing a boycott of the elections is connected to a plan that was adopted by a group of forces calling for the boycott, irrespective of the particular rounds of elections and their results, voter turnout rates or percentages of boycotts or abstentions. It reflects the urgent need to elect representative bodies for the Arab public in Israel and to build up our own authorities, as part of efforts to reconstruct the authorities of the Palestinian people as a whole.

In my opinion, the High Follow Up Committee for the Arabs in Israel is the most important of these institutions and authorities. We must endeavor to develop the internal bodies of this committee and strengthen their democratic foundations, based on the principle of representation for all of our people's sectors, parties, and national movements, and must make them directly elected by the people. What is distinctive about this proposition is that it is not actually related to the elections, but is an act of organizing a society and a people.

Calling for a boycott is a political technique. Indeed, it can be argued that it is the most powerful political means of expressing a particular position or principle. The boycott of the elections in 2001, in the aftermath of the October 2000 uprising, for example, bears witness to its power. This boycott was the largest collective political act that the Arab public has ever undertaken, with the boycott rate reaching as high as 85%.

When, then, will our collective consciousness grow enough to grasp the threat of the Zionist project that is hanging over our heads, and discern the best means of resisting it, instead of continuing to legitimize it. ■■■

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Between Voting and Boycotting: a Third Way of Activism

Nimer Sultany*

Broaching the question of boycotting the parliamentary elections requires one to touch on a range of issues that are difficult to cover adequately in a brief article. I believe that it is shortsighted of us to treat the elections as a crutch that we cannot do without in any circumstances, as some seem to think. Nor do I believe, as others do, that boycotting the elections is a simple, magical cure for the multitude of difficulties that we face. These are the two prevailing approaches in the local arena.

We have already heard much from the proponents of the first approach in recent years, through slogans such as: "There is no neutrality in hell", "Not voting is self-marginalization", "I vote so I have a say", and "I vote...therefore I am". The second approach is a sort of seasonal slogan for groups that are active primarily during the elections.

Historically speaking, the first approach has led to justifications for Palestinian citizens of Israel voting for the candidates of the Zionist establishment, such as Shimon Peres in 1996 and Ehud Barak in 1999. It has also led to a perception of parliamentary elections as the main arena for political action, thereby making the political parties represented in the parliament the main, indeed the only, political actor in the eyes of many of Israel's Palestinian citizens. This view has persisted in spite of the emergence of national organizations from the 1970s onwards that do not enter into the fray of parliamentary elections and the steady increase in the number of active, national civil society associations in the 1990s. Of course, the equation that "to vote is to have an influence" (or vice versa), confounds, be it intentionally or unintentionally, merely voicing the slogan with putting it into practice. Obviously, one can have an influence either through the vote or without it (i.e. from outside the electoral process). But the basic question remains: What do those who raise this slogan mean by influence? It is clear that influencing the Israeli political decision-making process or entering into government coalitions are not serious realistic options or even worthy of consideration. Hence the situation becomes dangerous due to the discrepancy between the slogan and its actual application. Thus, the vacuous slogan becomes a cover for a reality of exclusion that is packaged as inclusion.



Indeed the extra-parliamentary Islamic Movement, under the leadership of Sheikh Raed Salah, has proved that it is possible to have an impact on people's lives without entering the Knesset.

In addition, justifications that have been articulated recently, such as, "Despite the massacres that have been committed in Gaza, and notwithstanding attempts to eliminate Arab representation in the parliament, but rather because of them, we must vote and in large numbers," send out the message that voting is a sacrosanct strategy that should not be relinquished under any circumstances. Contrary to this view, I believe that it is a mistake in principle to make the elections an end in and of themselves, as opposed to a tool with which to achieve collective goals. This error is evident from the practices of those who raise these slogans, such as their willingness to forge various, sometimes conflicting alliances from one election campaign to the next to guarantee their entry into the parliament. It should be noted that the expression "electoral battle" has become an integral part of our recurrent political discourse, as has the catchphrase, "These elections come at a critical juncture, or an historic turning point, etc." Similarly, the slogan, "there is no neutrality in hell" portrays reality as a fixed, immutable set of facts, by oversimplifying reality, as if it proceeded according to the logic of either/or, with no means of creating a viable third option. Thus, the parliamentary election process becomes both a foundational and an extraordinary event, and desperately clinging on to parliamentary seats is justified.

The second approach proposes boycotting the elections as a solution to the question of legitimacy (i.e. that the Palestinian citizens lend legitimacy to the state simply by voting in the parliamentary elections). It also demands that the High Follow-Up Committee for the Arab Citizens in Israel be rebuilt as an elected representative body. The problem lies in the first half of the argument, which regards legitimacy as a direct product of the voting process, or lack thereof, without taking into consideration other factors that influence legitimacy. Some of these factors are not necessarily directly related to Arab citizens or their political behavior (such as the state's legitimacy in the eyes of the international community or from the perspective of its Jewish citizens). While other factors do have a direct link to political behavior, the latter cannot be reduced to the voting process itself. In other words, the state's legitimacy from the viewpoint of its Palestinian citizens themselves is related not only



to whether they vote or not, but even more so to their consciousness. Hence the question arises: How do they view the state, irrespective of whether they vote or not? Do they view the voting process and representation in the parliament as a means or an end? And how can one influence this perception?

It is clear that thus far no serious thought has been given to the boycott and its scope, or to the circumstances that mandate the type of boycott. It is also clear that the demand is tied exclusively to the issue of voting for the Knesset. Other factors that no less lend legitimacy to the state – such as: voting for local councils, petitioning the Israeli Supreme Court and using the judiciary, and carrying an Israeli identity card – seem to be beyond the bounds of serious discussion. Obviously, there is no objection to picking one's battles on a tactical basis, and thus it is not necessary for the boycott to encompass all these components, but only some of them. I mention them here, however, to raise two issues: first, one must be clear about one's goals, and thus the tools through which they can be realized; and second, simply not voting is not a project in itself, but ought to be one element of a wider one.

The two major obstacles facing the call for boycott, in addition to the aforementioned, are: First, securing mainstream backing for the boycott among established movements of various political leanings, and thereby garnering widespread popular support for the boycott option, and guaranteeing its success when the time is ripe. Second, what will the political and popular forces do the day after the boycott succeeds? This is to say, the boycott, as should be self-evident, is the beginning of the "story", not the end. Regarding the first obstacle, the boycott of 2001 succeeded patently because the elections were only for the office of prime minister. It was easy therefore for the Arab parties to back it since it did not exact a serious price from them or their leaders. If we take note of the fact that some Arab representatives have served long terms in the Knesset, then clearly in such cases opposition to the boycott may seem not to be a purely political matter, but also one involving vested personal interests. Thus, if there is a pressing need for as much backing as possible for such a step, then it is also the case that consensus will not be a viable possibility in any case (particularly given that there is a movement that views integration as its goal and therefore sees the boycott and institutionalized, extra-parliamentary national representation for Palestinians as an impediment to



achieving this goal). Therefore, conditioning the boycott on reaching a consensus between the main political forces is a debilitating move. Finding widespread support, in the absence of a political consensus is a necessary but insufficient condition, since there is a need – as I mentioned previously – for the organizational will and power to make the boycott succeed.

The second obstacle has to do with the need I mentioned above to link the boycott to a wider project. Evidently, nothing exists in a political vacuum. If the boycott were to mean that the political movements that initiated it would cease their grassroots action and political awareness-raising, then the parties and branches of the state would use enticement and intimidation to fill the resulting political vacuum, and they have plenty of means of achieving just that. Parliamentary representation gives a political movement prominence in the media, provides it with the resources to allow its main activists to focus exclusively on political action, and affords a degree of protection in the form of the parliamentary immunity granted to Knesset members, along with some financing to help the party apparatus and public relations to continue to reach out to and raise awareness among the people. Yet, we have already seen the beginnings of the erosion of that immunity in recent years as a result of various laws and measures, just as the importance of the print media has been somewhat worn away. What I am trying to ascertain is that the election of a representative body for the Arabs (like the High Follow-Up Committee), despite its paramount importance, is not the only important issue in this regard. Likewise, the committee needs a point of reference or set of fixed principles to give it a national or nationalist identity.

Any convergence on a point of reference and (long-term) project presumes a sharp and astute understanding of the current reality. As I see it, the dialectic of empowerment (among the ranks of the Palestinian citizens) and repression (on the part of the authorities) will most likely continue to spiral, and the situation of the Arab minority will continue to deteriorate over the coming years on a number of levels, including economically and socially. Correspondingly, the occupation and colonization of the Occupied Territories seem to be in the road to further entrenchment and it is plausible to assume that their intensity will increase. Moreover, the latest brutal attack on Gaza and the resulting divisions might lead the



Palestinian arena (including that inside Israel) into a tug-of-war between the “moderates” and “extremists” that may last for several years.

Thus, the moment in which boycott could become a serious and viable option is fast approaching, if the necessary preparations are made. Nonetheless, the boycott is not an end in itself and must not be used in the context of a feeling of resignation towards politics and the possibility of having an impact. Otherwise, it will be no more than another means of depriving the people of hope. We must distinguish between the tendency to retreat from politics and engage in self-interest at the personal level or that of the narrowly-defined group (such as the family, village or religious community), and between employing the boycott as a political weapon for achieving political goals. The boycott must be used in the context of empowerment: on the one hand, exposing the defectiveness and futility of the national political-electoral process, and on the other hand extra-parliamentary frameworks and modes of political action must be created to achieve two goals. The first goal is to enable the development of tools to fill the gap created by departing from the parliamentary arena. This requires creating a measure of economic autonomy that in turn allows for political autonomy (How can we have full-time politicians? How do we fund political branch offices and publications? How do we access the media?). The second goal is for these frameworks and modes of action to attract the public, in particular young people and university students, to political action by emphasizing the idea that change is possible, by forestalling the tendency to surrender to the current reality as a predetermined fate that cannot be changed, and by resisting despair and despondency, which inexorably leads to paralysis. Our reality is not a preordained destiny as much as an attempt by the authorities to impose a particular reality upon us. Ultimately, what will determine the success or failure of these policies is how we ourselves face and confront them. ■■■

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Background Papers

This section of Jadal aims to present background articles on issues of relevance. This Issue of Jadal includes two papers: The first is on Yawm al-Ard (Land Day) -- a watershed event in the Palestinians collective struggle for their rights--, and the second is on the Palestinian political prisoners.

Yawm al-Ard (Land Day)

*Khalil Nakhleh**

The concept

“Yawm al-Ard”, or Land Day, as it came to be commemorated, refers to the day of the general strike held on March 30, 1976 among the Palestinian communities in Israel, to protest the new wave of government-approved expropriation of 21,000 dunums of Arab land. The expropriation plan targeted what is known as “Area 9” in the Central Galilee, in the heart of the Arab villages of Sakhnin, ‘Arabyeh, and Deir Hanna (Bashir, 2006; Regional Committee, 1976).

The decision to strike was taken by the Regional Committee for the Defense of Arab Lands on March 6, 1976, an exercise of the Palestinian community’s right to protest and civil disobedience, as a means of affirming the indigenous Palestinian struggle against the gradual dispossession of their patrimony, the “Judaization” (tahweed) of historical Palestine, and the “de-indigenization” of their native place. Through protest and public strike, the Palestinians in Israel sought to halt the process aiming at their ethnic cleansing. The Israel security apparatus tried to stop the strike by threatening, cajoling, pressuring, offering financial and other incentives, etc. Having failed in these measures, the Israeli security apparatus embarked on forcefully putting down the strike, by deploying police, “border guards,” and army units in the heart of Palestinian communities. As a result, six Palestinian citizens were killed, about 50 injured, and about 300 arrested.



Since then, the concept of “Yawm al-Ard” has come to symbolize the Palestinian struggle against Israeli plans, policies, and practices of ethnic cleansing of Palestinian communities from the land of their ancestors, and their determination to remain steadfast, as they confront the step-by-step implementation of the Zionist colonial enterprise. Yawm al-Ard has become a “National Day,” which is commemorated annually inside Palestine, in Palestinian refugee camps, as well as in other Palestinian communities in the Arab World and in the worldwide Diaspora. The political content of this commemoration varies from community to community: Palestinian refugees throughout the world commemorate this day by reasserting their Right of Return to Palestine and the legitimacy of their claim and belonging to the land from which they were forcibly ejected during the Nakba of 1948 and thereafter; other Palestinians, both inside and outside Palestine, commemorate this day with marches and speeches. Yawm al-Ard, as a concept and as a “national day,” however, has imposed itself on the Palestinian national calendar.

The Zionist ideological context

As a settler colonial movement in Palestine, a founding tenet of Zionism has always been the supplanting of the indigenous Palestinian Arab population by Jews. This is the essence of the “Judaization” process, a process whose ultimate aim is to cleanse the land from its indigenous population and transfer it to Jewish ownership and control. To achieve this aim, a number of “dispossession mechanisms” have been used: (1) forced, direct, indigenous population transfer and dislocation to outside the indigenous boundaries; (2) indirect transfer through the exertion of pressures that render continued living on the land intolerable, (3) instituting a set of laws that provide the “legal” justification for stealing lands from the indigenous owners in favor of Jewish settlements; (4) declaring Arab-owned areas “closed military areas”—i.e., accessible exclusively to Israeli military personnel and officials; (5) erecting a series of “Walls and Watch Towers” to expand control over wide land areas in anticipation of future Jewish settlement (as used in the early 1950s), etc.

The relentless and systematic process of ethnic cleansing and the subsequent transformation of the cultural memory of the indigenous Arab-Palestinian population characterized the circuitous trail of the Zionist movement, starting with the First



Zionist Congress in 1901, with the establishment of the Jewish National Fund (Ruedy, 1971), continuing through the Nakba of 1948, the 1967 occupation of the rest of Palestine, and the ongoing military stranglehold on 3.8 million Palestinians living in the West Bank and the Gaza Strip that continues to this day.

Prelude to Yawm al-Ard

The state of Israel was established as the Jewish state within the context of the 1947 UN partition plan, which called for two states, one Jewish and one Arab. Subsequently, and after declaring itself the Jewish state, Israel occupied areas that had been allocated to the Arab state. "On the eve of the proclamation of the state of Israel, 88 to 91% of the cultivable soil was neither owned nor leased by Jews. What was not vacant or publicly dedicated state domain was Arab under one form of right or another" (Ruedy, 1971, p. 134).

Following its establishment in 1948, Israel placed most of its indigenous Arab-Palestinian communities under direct military government for 18 years, until 1966. During this period, and since the institution of the first provisional government, various official plans and practices on the ground had sought to displace the Arab-Palestinian population and resettle those areas with Jews. The first such ordinance, which institutionalized the confiscation of Arab lands, was instituted in 1948. It "declared any property surrendered to, or conquered by, Israeli forces ... to be an 'abandoned' area thereafter under the control of the Minister of Finance" (Ruedy, 1971, p. 137). Shortly after, these properties were placed under a "Custodian of Abandoned Property."

The trail of Arab land confiscation and ethnic cleansing, targeting the Galilee, started early under the cover of the military occupation. Some important markers could be identified in this ethnic cleansing trail and the "Judaization" of the Galilee. Zionist plans envisioned two new Jewish cities being established in the Galilee: Natzeret Elite and Carmiel. Starting in 1955 with the establishment of Natzeret Elite and continuing on through 1964, with the establishment of Carmiel, thousands of dunums of Arab-owned lands in the villages surrounding Nazareth were expropriated (Cohen, 2006). On those lands, the new Jewish city-colony of Natzeret Elite was built that overlooked and eventually choked the Arab city of Nazareth. Peaceful means of protest and legal recourse were pursued and failed. In 1963-64, large tracts of Arab-



owned lands from the villages of Deir al-Asad, Nahef, and Al-Bi'neh in the Galilee were expropriated in favor of erecting the Jewish city of Carmiel. Here too, all public peaceful opposition failed to stop the expropriation (Cohen, 2006).

Israel's colonization plans for the Galilee were explicitly expressed in 1976, in what became known as the "Koenig memorandum," which was submitted and approved by the government. The memorandum detailed the "Judaization of the Galilee" project, approved by the Israeli cabinet in the mid-1970s. The project's objective was to expropriate Arab lands in the Galilee and develop 58 additional Jewish colonies by the end of the decade, increasing the Jewish population of the Galilee by 60% (Bashir, 2006). As detailed in the memorandum, the explicit purpose of this development was to break up the concentration of the Arab population in large contiguous areas by infusing those areas with new Jewish settlements.

The immediate spark that ignited public opposition in 1975 culminating in Yawm al-Ard on March 30, 1976 was the government's approval of the expropriation of about 21,000 dunums of Arab-owned lands in Galilee and the Triangle, including "Area 9" in the heart of central Galilee (Bashir, 2006; Regional Committee, 1976), directly affecting the villages of Sakhnin, Arabyeh and Deir Hanna. On the expropriated land, the Israeli government sought to build new Jewish colonies, with the explicit threat of additional expropriation of many more thousands of dunums in other areas, particularly in the Naqab.

Yawm al-Ard was not the culmination of Arab-Palestinian struggle against official Israeli Zionist plans to empty Arab areas of their indigenous inhabitants; it was only a benchmark along this long and continuous trail, which had started much earlier than the Nakba of 1948. A number of factors coalesced to make Yawm al-Ard happen when it did, including: the Arabs' failure to halt or affect the dispossession process since 1948; the flagrant Israeli-Zionist declarations aimed explicitly at ethnic cleansing of the Arab communities from their lands; the emergence and maturity of a number of social and political movements and frameworks within the Palestinian community in Israel (e.g., Rakah, Abna' al-Balad, the Regional Committee for the Defense of Arab Lands, Arab Students' Committees in Israeli universities, academic committees, etc.); the Israeli military occupation of the rest of Palestine in 1967 and



the application of the same policy of ethnic cleansing there; and the restoration, in 1967, of the previously severed connection between the two parts of Palestine.

Lessons to be learned from Yawm al-Ard

What lessons can be learned from Yawm al-Ard? First, Yawm al-Ard is not something that happened accidentally on March 30, 1976. It represents one of many acts of resistance to the actual application of the colonial Zionist ideology that aims to cleanse Palestine of its indigenous inhabitants, in order to replace them with Jewish colonies, under the cover of direct military occupation and control. While the area may change—from the Galilee to the Naqab to Jerusalem to the West Bank—the essence of the “Judaization” process does not, and “de-indigenization” of the Palestinian land persists and remains its goal.

Since the breakup of the indigenous demographic contiguity of the Galilee and the Naqab and their transformation from Arab majority areas to Jewish majority areas have not yet been completed, the Israeli government created a new portfolio in 2005 for its Deputy Prime Minister, at that time, Shimon Peres to “develop” the Naqab and the Galilee. In a subsequent speech, Peres stated, “The development of the Naqab and the Galilee is the most important Zionist project of the coming years” (Cook, 2006, pp. 10-11). The responsible Ministerial Committee allocated US\$450 million “to building Jewish majorities in the Galilee and the Naqab over the coming five years” (Cook, 2006, pp. 10-11).

The original Yawm al-Ard, could be viewed as the first collectively organized national event aimed at resisting this Zionist ideological process of indigenous dispossession and cultural severance from the land. It established a fixed calendar day, revisited each year, on which to reflect, politically and culturally, about the land component in our collective Palestinian psyche. Its essence, however, extends beyond being a “national day:” It serves to commemorate the immediate dangers of ethnic cleansing to the survival of the Palestinians as a people. ■■■

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 **Palestinian Political Prisoners*****Abeer Baker****

The term “political prisoner” can be understood to include prisoners of different kinds. Palestinians view every prisoner who was arrested and tried for an act carried out on ideological grounds and to advance Arab-Palestinian national liberation as a political prisoner, even if the person is not a Palestinian.¹ For Palestinians, this category includes Palestinians from the West Bank and Gaza Strip, Palestinians living in Israel, Syrians, Lebanese, Jordanians, and Egyptians.

Some persons consider Palestinians to be political prisoners not because of the motivation of their acts but because of the way they are treated in Israeli prisons. This treatment is rooted in the Israeli perception, which views Palestinians solely as a security threat. Thus, inasmuch as the treatment of Palestinian prisoners differs greatly from the treatment of other prisoners, and inasmuch as the difference in treatment is based on political-national grounds, they should be considered political prisoners.²

Israeli prison authorities deem the Arab political prisoners “security prisoners”. Since 1967, Israel has arrested nearly 700,000 Palestinians. In 2000, there were about 1,150 political prisoners in Israeli jails. The second intifada resulted in a sharp increase in the number of political prisoners. According to prison authorities, at the end of October 2006, they held some 9,140 Arabs who were classified as security prisoners; 289 of them were Palestinian citizens of Israel (Adalah, 2006)³. Figures of the Palestinian National Information Center indicate that since 2000, Israel has incarcerated some 5,000 Palestinian children (under age 18) from the Palestinian Territories Occupied in 1967. In mid-August 2006, about 335 Palestinian children

¹ This statement is based on my involvement in handling prisoners’ legal affairs. In my meetings with political prisoners, it was clear that belonging to a particular ethnic group or organization was irrelevant. Their status in prison and the political backdrop of the imprisonment were the relevant factors. The call to liberate the prisoners never distinguished between Palestinian political prisoners, Palestinian political prisoners who were citizens of Israel, or Arab political prisoners who were citizens of Arab countries.

² For further discussion on this point, see W. Daqa (2007) www.adalah.org/newsletter/eng/apr06/apr06.html.

³ Letter of October 30, 2006 from the Israel Prison Service to Adalah.



were still in prison. Five hundred Palestinian women have been incarcerated since October 2000, and more than 100 are still sitting in jail.⁴

The Legal Status of Palestinian Prisoners and Detainees from the Palestinian Territories Occupied in 1967

A. Legality of the detention and place of detention

Fully 94% of the political prisoners and detainees are Palestinian residents of the West Bank and Gaza . More than 98% of them were tried in Israeli military courts (Hajjar, 2005). It is important to note that, until August 2005 (the month that Israel disengaged from Gaza), residents of Gaza were tried in military courts. The end of the Military Administration in Gaza automatically terminated the jurisdiction of the military courts that had been set up there pursuant to the military occupation. However, Israel nonetheless continued to detain Palestinian residents of the Gaza Strip, and tried them in military courts on Israeli sovereign soil.

Almost all Israeli prisons holding Palestinian prisoners are located inside Israel. Transfer of Palestinians from occupied territory into Israel is illegal and is a grave breach of international humanitarian law. Palestinian residents of the occupied West Bank and Gaza, those who live there legally, are “protected persons” under Article 4 of the Fourth Geneva Convention of 1949. Article 76 of the Convention states that, “Protected persons accused of offenses shall be detained in the occupied country, and if convicted they shall serve their sentences therein.”⁵ Article 49 expressly prohibits the forcible transfer of resident of protected persons from occupied territory to the territory of the occupying power or to that of any other country, regardless of the motive. Israel’s Supreme Court has held that these provisions of the Fourth Geneva Convention are not binding because Israeli law permits residents of the occupied territory to be transferred into Israel.⁶

⁴ See http://www.addameer.org/detention/current_stats.html and http://www.mod.gov.ps/detainees_day/ststitics.htm (Arabic).

⁵ See <http://www.unhchr.ch/html/menu3/b/92.htm>

⁶ For instance, see *Sajdyah v. Ministry of Defense*.



Although Article 77 of the Convention specifies that, at the end of occupation, protected persons held by the occupier shall be handed over to the authorities of the liberated territory, and though the military government in Gaza has ostensibly ended, Israel has not handed over to the authorities the prisoners from the Gaza Strip whom it holds.

The prisons on Israeli sovereign soil where Palestinian prisoners are held are Shikma, Ohaley Keydar, Eshel, Nafha, and Ketziot, in the south; Nitzan, Ma'asiyahu, Ayalon, and Neve Tirza, in the center; Ashmoret, HaSharon, Hadarim, Rimonim, and Ofek, in the Sharon area; Damun, Kishon, Megiddo, Shata, and Gilboa, in the north. In addition, many Palestinians are held for interrogation purposes in detention facilities in Petah Tikva and in several places at in the West Bank and Gaza, such as Huwara, Sallem, the Russian Compound in Jerusalem, Kfar Etzion, and Qedumim.⁷

B. Classification of imprisoned Palestinians as security prisoners

There are 2 principal categories of prisoners in the prisons: criminal prisoners and security prisoners. The Israel Prison Service (IPS) makes an administrative decision as to which category each prisoner belongs; no law speaks to the matter. The Prison Service's orders do not define criminal prisoner, but they do define security prisoner.

A security prisoner is a prisoner who has been convicted of commission of an offense, or is detained on suspicion of having committed an offense, which, based on its nature or circumstances, is clearly a security offense.⁸ According to the Prison Service Commissioner's Orders, classifying a person as a security prisoner or detainee affects how IPS handles the inmate in certain matters, such as the prison to which he is assigned or the prison wing where he will serve his sentence, the

⁷ In addition to these detention facilities, the Israeli media reported in 2003 about a secret prison (which essentially was an interrogation facility), referred to as Facility 1391, whose existence Israel has not reported or acknowledged. When prisoners held there asked where they were, the guards told them they were "on the moon"; see A. Lavie (2003, August 22). The darkest place in Israel. *Ha'aretz Weekend Supplement*. Neither the International Committee of the Red Cross nor attorneys have been allowed to enter the facility. In 2003, HaMoked: Center for the Defense of the Individual petitioned the Supreme Court, challenging the legality of the secret facility and demanding that it be closed immediately. The petition is still pending; see http://www.hamoked.org.il/next_en.asp?cat_id=16&sub_cat_id=56.

⁸ See <http://www.ips.gov.il/NR/exeres/F7141715-9071-419C-95F5-ACA0F05721CE.htm>



granting of leave, telephone calls from the prison, guarded home visits, and regular reporting to the Israel Security Agency or the police in advance of the completion of two-thirds of the sentence for the purpose of preparing a report for the State Attorney's Office.⁹ The Supreme Court, too, held that it was legitimate to distinguish between criminal prisoners and security prisoners, and that prison officials have the authority to take special measures in the case of security prisoners.¹⁰

Ostensibly, the security-prisoner classification might apply to any person who meets the description specified in the aforementioned Prison Service Commissioner's Order, whether the prisoner is Arab or Jewish. In practice, though, only Arab prisoners suffer the harsh ramifications of being declared a security prisoner. Jewish prisoners or detainees being held for attacks on Arabs for ideological reasons benefit from all the rights granted to criminal prisoners, even if they are classified as security prisoners. The authorities use the security-prisoner classification to conceal the state's policy of oppression of and discrimination against Arab prisoners, much like its general policy toward the Palestinians. In other words, classification of security prisoners by the IPS is the result of an Israeli worldview, which perceives Palestinians as one thing only—a security threat (Baker, 2007).

C. Administrative detainees

Many of the political prisoners are administrative detainees. Some of them have been held in Israeli prisons for years without an indictment having been filed against them and without being told the reason for their detention. Holding them in prison without trial contravenes the fundamental principles of every proper legal system.

Administrative detention is generally carried out pursuant to the Emergency Powers (Detention) Law, 5729–1979, or pursuant to military orders. The evidence underlying the detention remains secret forever.

Following the outbreak of the first intifada, in 1987, Israel initiated a systematic practice of mass administrative detention of Palestinians.¹¹ According to B'Tselem's

⁹ See <http://www.ips.gov.il/NR/exeres/F7141715-9071-419C-95F5-ACA0F05721CE.htm>.

¹⁰ For instance, see *Darwish v. Prison Service*, and *Zohir Almalabi v. Prison Service et al.*

¹¹ This information is available at http://www.btselem.org/english/Administrative_Detention/Statistics.asp.



figures, in 1998-2001, the number of administrative detainees declined sharply. From 1999 to October 2001, an average of less than 20 Palestinians were held in administrative detention. The number of administrative detainees increased greatly during and after "Operation Defensive Shield," in 2002. In early March 2003, Israel held more than 1,000 Palestinians in administrative detention. Figures provided by the IPS to B'Tselem indicate that, at the end of June 2007, the Prison Service was administratively detaining 631 Palestinians.¹²

D. Illegal combatants

In 2002, the Knesset enacted the Illegal Combatants Law. The statute broadly expanded Israel's powers relating to administrative detention in a way that allowed the state to hold, without trial, Lebanese civilians who were abducted and brought to Israel, Palestinian residents of the West Bank and Gaza, and Israeli citizens. The legislation came in the wake of Israel's holding of Lebanese civilians as bargaining chips. Israel had been holding 21 Lebanese civilians as "bargaining chips" for a possible prisoner exchange in which Israeli captives and soldiers missing in action from the 1982 Lebanese War especially the navigator Ron Arad, could be returned, or information about his fate could be obtained. The Supreme Court held that all the Lebanese captives had to be released and that they could not be held as bargaining chips. The government of Israel, which was then holding 2 Lebanese civilians—Mustafa Dirani and Sheikh 'Abd Alkarim 'Obeid—passed the law to bypass the Supreme Court's decision. Dirani and 'Obeid were released 2 years later, but Israel continues to use the statute to hold Arabs in prison.¹³

E. Living conditions in prison

The classification of inmates as security prisoners brings with it countless infringements of fundamental rights, some of which are mentioned below.

¹² Ibid.

¹³ For an analysis of the law, see

<http://www.btselem.org/English/Publications/Index.asp?YF=2000&image.x=6&image.y=13> and

http://www.idi.org.il/hebrew/eBooks/Mechkar_58/RP_58.htm.



The most obvious infringement results from the many hardships facing the prisoners and their families regarding family visits. First, political prisoners, unlike other prisoners, are only entitled to visits by first-degree family members. Second, when a relative visits, the visitors, who usually are the prisoner's wife and children, are separated from the prisoner by a glass partition.¹⁴ To enter Israel, the relatives must obtain entry permits from the army, which raises many difficulties in the process of obtaining the permit. In some cases, prisoners have been prevented from meeting their family members for years.¹⁵

The authorities also restrict, on various pretexts, meetings between the prisoners and their attorneys, although the prisoners' right to meet with an attorney is recognized in law and even has constitutional status.

In addition, the political prisoners often complain about the medical care they receive (or don't receive).¹⁶ Educational and cultural activity in the prisons is reserved for criminal prisoners only. As a result, security prisoners are not allowed to take part, for example, in language-study groups, art classes, communication groups, and parent-education classes. Political prisoners also complain about the regular practice of fining them for disciplinary offenses. Although political prisoners are allowed to complete their higher-education studies by taking Open University courses, the IPS often denies them this right as punishment for disciplinary offenses. Collective punishment against political prisoners also occurs.

F. The struggle to be released from prison

Political prisoners in Israeli prisons conduct 2 struggles simultaneously: (1) to improve their conditions in prison and the connection to their people and their families, and (2) their uncompromising demand to be released. The prisoners wage their battle in different ways, the ultimate means being joint hunger strikes.¹⁷

¹⁴ For instance, see *Kana'ane v. Israel Prison Service*.

¹⁵ For extensive details on the difficulties during visits to Palestinian prisoners, see <http://www.btselem.org/English/Publications/Index.asp?YF=2006&image.x=12&image.y=12>.

¹⁶ For further information on this matter, see www.phr.org.il.

¹⁷ On June 21, 1994, the political prisoners proclaimed a hunger strike in protest against the mechanism for releasing prisoners that was specified in the Cairo (Gaza-Jericho) Agreement, in particular the exclusion of prisoners who are residents of Jerusalem and hold Israeli citizenship from the prisoner-



Several strikes led to a degree of improvement in the living conditions of the political prisoners, but no more than that.

The basis of their hope for release lies in political agreements made between Israel and, primarily, but not only, the Palestinian Authority. So far, a few hundred prisoners have been released as a result of political agreements, but most of them were about to be released in any case, or the prisoners released were not, in fact, political-security prisoners.

G. Special status of Palestinian political prisoners who are citizens of Israel

Until 2006, Israel held 289 political prisoners and detainees who were Palestinian citizens of Israel. At least 20 of them had served sentences of at least 15 years. Palestinian citizens of Israel found themselves, against their will, at the 2 poles of the Israeli-Palestinian conflict. As a result, they suffered a harsh price, including their exclusion from the prisoner-release agreements and from early release.

Every Palestinian prisoner who is a resident of the West Bank and Gaza or a citizen of an Arab country hopes to be released in the framework of a political arrangement, but a Palestinian prisoner who is an Israeli citizen falls in neither category because Israel refuses to recognize the person as a political prisoner. Also, political prisoners who are Israeli citizens are discriminated against in comparison with Israeli-Jewish prisoners. This discrimination is reflected not only in the sentences they receive and in the prison conditions they face, but also in the chance for early release, whether by presidential pardon, reduction in sentence, or release after two-thirds of the sentence has been served. Unlike Israeli-Jewish prisoners who committed offenses against Arabs on ideological grounds, Palestinian prisoners who are citizens of Israel have not yet been granted a real reduction in sentence or early release.

release deal. Another strike carried out by the Prisoners' Movement took place in 1984 and lasted 18 days. Famous strikes also occurred in 1992, for 15 days, and recently, when prisoners began a strike on August 15, 2006 that lasted 2 weeks.



This brief article has focused on political prisoners only from the legal perspective. However, it should be noted that the legal tools at our disposal are limited. They alone cannot solve the problems of the political prisoners, which are fundamentally, and by their nature, a political problem requiring a political solution. ■■■

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From MADA's Ongoing Activities

Palestinian Women in Israel and Political Economy

*Nadera Shalhoub-Kevorkian**

The Gender Studies Program (GSP) at Mada al-Carmel has recently started a new study titled: "Security Reasoning', Spatial Politics, Patriarchy and the Economic Rights of Palestinian Women in Israel". The study intends to carry out an in-depth examination of Israeli colonial policies from a feminist political-economic perspective in order to unveil the way they affect the economic and political rights of Palestinian women in Israel.

GSP's new study aims to carry out a comprehensive investigation of Palestinian women's economic development in Israel, by focusing specifically on the intersection of economic rights and spatial (land) politics and looking closely at the obstacles to economic development that women encounter through the various stages of their lives. In particular, Mada's Gender Studies Program seeks to deepen the understanding of the political-economic policies, bureaucracies and processes that affect the economic status of Palestinian women, including their ability to attain education, find jobs, start businesses and participate in both the formal and informal economies.

Furthermore, the study aims at uncovering the impediments to economic rights for Palestinian women in Israel in order to address and ultimately promote their economic rights. Palestinian women's basic economic rights- as reflected in the feminization of poverty, spatial compartmentalization, restriction of movement, low female labour force participation and high female unemployment - are particularly compromised in Israel. Israel's politics of land and space and its legal interpretations are fed by the state's preferential treatment of its Jewish citizens and discrimination against the Palestinian "Other". A grasp of the intersectionality between gender, race, spatial politics and political economy will enable Palestinians in Israel to build a foundation for future interventions.



The new study challenges orientalist assumptions that tend to analyze the economic marginalization of Palestinian women by offering, primarily, culturally essentialist explanations. Our study starts from an entirely different assumption: by looking at Israel not as a democratic state, but rather as a colonial power that treats its Palestinian "citizens" as a colonial "Other". "Security," "Judaization" and spatial policies are all used to deny its various non-Jewish constituent populations their rights. Despite the fact that Palestinian women's economic marginalization is somewhat documented (through official statistics and records), we lack a holistic feminist analysis with the necessary contextual sensitivity analysis.

The GSP identified four main conditions that seem to lie at the base of the economic disenfranchisement of Palestinian women in Israel: First, the Israel's racist policies wherein rights and agency – political, economic, and spatial – are exclusive to Jews. These policies, characterized by a "fear of Palestinians", facilitate expansion and control by this group in the contested territory that is Israel. Second, the state's concerted strategy of Judaization, which is the primary manifestation of its racism, involves social, physical and spatial/geographic control of Palestinians, including their compartmentalization within defined areas. The monitoring and restriction of movement effectively prevents individuals from creating viable economic strategies, which has severe social and economic ramifications. Third, "national security" policies -- perhaps better framed as security "reasoning" or even "theology," underlie and justify the spatial controls and racialized practices that the Israeli state adopts when dealing with its Palestinian minority. Finally, patriarchal structures and practices are both adopted by the racist Israeli state and present within the Palestinian communities inside Israel. Thus, they generate paternalistic racism by the Israeli state towards Palestinian women, while on both levels impeding Palestinian women from achieving their economic entitlements.

Mada will use the findings of its analysis of the effect of Israeli racial discrimination against Palestinian women's economic advancement and rights to engage in evidence-based policy dialogue with state decision-makers and other stakeholders. Integral to the project is building the capacity of junior Palestinian researchers to effectively investigate, analyse, present and engage in public-policy dialogue on issues of relevance to Palestinian society. The examination of Israeli Palestinian



women's economic roles and status is one such issue. In so doing, the GSP will focus on elucidating the factors constraining or impeding Palestinian women from economic development in general, and from participation in the labour market in particular. By doing this, it can become possible to lobby for policy that supports the democratic rights of Palestinians in Israel, and to generate strategies to increase women's access to their economic rights and improve their socio-economic status.



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Mada al-Carmel Seminar: Reading the Results of the Israeli Elections

On Tuesday March 3rd, 2009, Mada al-Carmel held a roundtable seminar to analyze the results of the elections and their ramifications for Arab citizens of Israel.

The seminar was opened and facilitated by Mr. Mtanes Shihadeh, a researcher at Mada al-Carmel. The participants were Dr. Amal Jamal Chair of the Department of Political Science at the University of Tel Aviv, political and social activist Afnan Aghbariyah, and Muhannad Mustafa and Anton Shalhat, both researchers in Israeli affairs.

In his opening remarks, Shihadeh stated that the recent elections gave new consideration to the ideological dimensions of Arab political parties and underscored the political divisions between them. He then outlined the most significant outcomes of the elections, which included the success of the Kadima party in maintaining its strength, the growing power of Avigdor Lieberman's party, the return of the Likud to the political foreground, the decline of the Labor Party, and the collapse of the last remaining stronghold of the Zionist left, represented by Meretz.

Mr. Anton Shalhat stated that the recent elections came unexpectedly. He described the war on Gaza as an important event in the run up to the elections that induced the Arab parties to shift their election campaigns away from their political platforms, and not to approach voters on the basis of these platforms. Shalhat considered this



to be, "a dangerous paralysis of the local political process, one which encourages patterns of non-political voting."

Moreover, Shalhat asserted that the fact that a united Arab list was not formed can be attributed to the political divisions between the main Arab political parties. He then presented his analysis of the political platforms adopted by the Arab parties. He contended that the United Arab List lacks any political program, and that the only platform that does exist belongs to one of the list's member parties, namely the Arab Movement for Change. This platform takes the form of an article written by the head of the movement, MK Ahmed Tibi, and sets out the party's objectives, the first of which calls for the spreading of democracy in the Arab world. Shalhat stated that the political platform of Tajamoa has been published and made publicly available, and that it connects the battle for survival to the battle for rights. The platform of al-Jabha is available in Hebrew but has not been published on the party's website in Arabic. Shalhat stated that, "Al-Jabha resolved to run in this election contest as a leftist Israeli party. In its election campaign it tried to reproduce old myths, such as the myth of breaking through into Jewish society, the myth of the Arabs being a reserve for the Israeli left, and the myth that Israeli fascism will first of all hit the Arabs, but then also the Jews. This is, of course, a fabrication, because here fascism strikes the Arabs and does not affect the Jews." As regards the overall outcome of the elections, Shalhat stated that, "The election results are an indication of the depth of the Israeli political crisis, which has become more acute due to Israel's failure to impose its dictates on the Palestinians, and because of the continuing [Palestinian] resistance and its success in achieving gains. The achievements made by the resistance have intensified the Israeli political crisis."

Ms. Afnan Aghbariyah stated that the war on Gaza had a major impact on the elections process, and created two attitudes among Arab voters: either to vote only for an Arab party or to boycott. However, following the attempted disqualification of Tajamoa and the United Arab List, the boycott lost ground. Ms. Aghbariyah then discussed the election campaigns of the Arab political parties, distinguishing between two kinds of campaigns: the first of which respected people's intelligence, and the second of which belittled them. She drew attention to the attempts made by some parties to stifle and avoid political debate, and argued that pressing issues such as "the two-state solution" and "the rebuilding of the High Follow-Up Committee" were not discussed as they should have been during the election contest.



Mr. Muhannad Mustafa discussed the boycott movement within the Arab community, describing how it began to organize itself in 2001. He stated that the boycott can be divided into three kinds: an ideological boycott, for which a rejection of the current political regime constitutes the point of departure; a political boycott, which, he explained, is essentially based on protest; and a boycott that is driven by political inertia.

Mustafa further contended that the extra-parliamentary Islamic current was a tireless and active part of the boycott movement in these elections, and that it holds up direct elections to the High Follow-Up Committee as an alternative to running for the Knesset. This current has a different political view of how to deal with the Israeli regime from that of other national and Islamic movements, he stated.



He then clarified that the Islamic Movement makes a direct and clear link between elections to the High Follow-Up Committee and the boycott, which in his opinion does not further efforts to turn the committee into a directly-elected body, since not all of the members boycott the elections, and not all boycotters support elections to the committee. Mustafa further stated that the boycott has been transformed into a political issue, which will create new political divisions within Arab society, and



contended that, in order to succeed the boycott movement must be associated with a clear political agenda to assure the people of what awaits them after the boycott, which has so far been unforthcoming.

Dr. Amal Jamal stated that a distinction must be drawn between the various patterns of voting among Jews on the basis of two factors, one ideological and the other psychological. He contended that the ideological factor places emphasis on the political divisions between the parties, on differentiating among the Zionist right, center and left, and between the tactics and strategies of the various parties. The psychological factor is a circumstantial one stemming from the war on Gaza and the security situation, as portrayed by the Israeli authorities. Dr. Jamal also stated that during the elections the psychological factor translated into a strengthening of the settlement project and greater legitimacy for the settlers. He then discussed the rising power of the right-wing in Israel, stating that it will have dangerous repercussions for Arab citizens and Palestinians in the 1967 Occupied Territories. He also contended that the election results are indicative of a chauvinistic, ethnic Jewish tendency and a racist Jewish tendency.

Dr. Jamal then stated that the elections results reflect a state of political instability and disorientation within Israeli society - a kind of loss of direction. He said that this clears the space for the rise of fascist political parties, and closely resembles the political situation in Germany shortly before the rise of Nazism. "Voting within Jewish society is identity and ethnic voting. The results reveal that Jews voted on the basis of ethnic belonging," asserted Dr. Jamal.

With regard to Arab citizens, Jamal pointed to the increase of Arab representation in the Knesset. He stated that Israel deals with Arab political participation as an anomaly that must be resolved. He also warned of the attempts being made by Israeli leaders and political parties to delegitimize the Arab vote and representation using dangerous means, in particular following the failed attempts to disqualify the Arab parties through the available legal channels. ■■■

