

Why hold Israeli democracy to higher standards?

By Joel Zinberg

Thursday, December 31, 2009

After recounting the dubious, critical conclusions of an Israeli human rights organization, the Association for Civil Rights in Israel (ACRI) Professor Mallat asks, "... can Israel be considered a democracy, in the same way we consider the US, France or India democracies?" His answer is seriously flawed.

Mallat doesn't address three features of a democracy that I think most people would agree Israel has: a free press, an independent, fair judiciary, and free and fair elections. One of the country's most influential newspapers, Haaretz, is left wing and relentlessly critical of the government. Israeli academics regularly publish works critical of their country. ACRI's own website boasts that since 1972 "ACRI has been consistently successful in bringing precedent-setting litigation to the Supreme Court and has contributed significantly to the protection of human rights" by "... issuing and disseminating high-profile reports on key human rights issues; offering free legal information and advice through our public hotline; running human rights education programs for school teachers [and security forces]; providing expert opinions before the Knesset ...". All of the above belie Mallat's characterization of Israel as "an authoritarian state."

Moreover, Mallat's own critique of Israel is riddled with inaccuracies: He claims Israeli Arabs have no representation – yet Israeli Arabs vote, have political parties and have long served as members of the Knesset (If he believes they are powerless, he should see Republicans in New York City). Israeli Arabs can and do own private property; Mallat is inaccurate both numerically and factually about "4-6 million Palestinians evicted" — the number of displaced Palestinians was under a million (roughly equal to the Jews displaced from Arab countries after 1948). The fact that they have grown many times over in squalid UN refugee camps where their Arab brethren refuse to resettle or help them is not Israel's fault. Undoubtedly many fled in fear, others were actively displaced but the bulk left on their own, encouraged to vacate and provide a clear field for the soon to be victorious armies of Egypt and Jordan; What universal right of return is he referring to? Millions of ethnic Germans expelled from Eastern Europe after World War II, Jews expelled (if they were lucky) from Europe or from Arab lands, Palestinians expelled from Jordan in the 1970s, American Indians expelled from their ancestral homes, etc., would like to know. Is Mallat seriously espousing a "right of return" for 100,000 Syrians displaced from the Golan after Syria attacked Israel?

Mallat repeats spurious claims of "repeat massacres" allegedly perpetrated by Israel (never once mentioning decades of terror attacks and suicide bombings directed at Israeli civilian populations by Palestinians and multiple attempted wars of extermination by surrounding Arab nations). The Sabra and Shatila massacre was perpetrated by Christian militias. Israel had the moral integrity to investigate and

generate the Kahan report that affixed indirect personal responsibility to Sharon for failing to anticipate the massacre and failing to stop it once it had started. But Israel did not plan, conduct or encourage the massacre. The myth of a massacre in Jenin has been soundly discredited by, among others, the UN (no friend of Israel) which found that contrary to Palestinian claims of civilian casualties in excess of 500, 56 Palestinians, mainly men between the ages of 20 and 45, died in battles that killed 23 Israeli soldiers. In Qana Hizbullah's cynical use of civilians as cover – intentionally launching attacks from areas filled with civilians and then manipulating the media when the expected Israeli counterattack causes civilian casualties – makes Hizbullah for more culpable than Israel.

Mallat is unrealistic in refusing to apply to Israel a standard of democracy that makes allowances for the exigencies of perpetual war. Which democracy does he know of that maintained a perfect record of democratic rights while under siege from countries on every side? The US of the Japanese internment camps? The Britain of World War II that incarcerated German émigrés; Wartime US and Britain where the security services don't always observe the niceties of judicial due process? The France that prosecuted the Algerian war? These countries were under far less threat than Israel has endured and for far less time. Is he seriously comparing Israel to India where anyone can grow up to be Prime Minister, as long as your name is Gandhi.

Comparing Israel to apartheid South Africa is inaccurate and offensive. There is no small minority oppressing a vast majority of native peoples in Israel. Unlike the Afrikaners who were relatively recent arrivals in Africa, Jews have lived in Palestine for thousands of years. As for the West Bank and Gaza, the fact that Israel doesn't accord the Palestinians the same rights as Israeli citizens is hardly surprising – the Palestinians have been represented for decades by organizations (PLO, Fatah, Hamas) that refuse to recognize Israel's right to exist (in any territory) and routinely call for its extinction. But this treatment is fueled by security concerns not racism.

Professor Mallat may believe he is being fair minded but in fact he is holding Israel to a higher standard than other democracies. Israel is far from perfect. But, if true democracy is his concern, I suggest there are dozens of other countries more deserving of his study than Israel.

***Joel Zinberg** is a physician (surgeon) and lawyer in New York City. He is president elect at New York County Medical Society, and taught at Columbia Law School. This is a response to Chibli Mallat's article "Is Israel a democracy?" published in **The Daily Star** on December 10.*