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A Judicial Document

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THE MOST important sentence written in Israel this week was lost in the general tumult of exciting events.

Really exciting: In a final act of villainy, typical of his whole tenure as Prime Minister, Ehud Olmert abandoned the captive soldier, Gilad Shalit.

Ehud Barak decided that the Labor Party must join the ultra-right government, which includes outright fascists.

And this, too: the former President of Israel was officially indicted for rape.

In this cacophony, who would pay any attention to a sentence written by lawyers in a document submitted to the Supreme Court?

THE JUDICIAL debate concerns one of the most revolting laws ever enacted in Israel.

It says that the wife of an Israeli citizen is not allowed to join him in Israel if she is living in the occupied Palestinian territories or in a “hostile” Arab country.

The Arab citizens of Israel belong to Hamulas (clans) which extend beyond the borders of the state. Arabs generally marry within the Hamula. This is an ancient custom, deeply rooted in their culture, probably originating in the desire to keep the family property together. In the Bible, Isaac married his cousin, Rebecca.

The “Green Line”, which was fixed arbitrarily by the events of the 1948 war, divides families. One village found itself in Israel, the next remained outside the new state, the Hamula lives in both. The Nakba also created a large Palestinian Diaspora.

A male Arab citizen in Israel who desires to marry a woman of his Hamula will often find her in the West Bank or in a refugee camp in Lebanon or Syria. The woman will generally join her husband and be taken in by his family. In theory, her husband could join her in Ramallah, but the standard of living there is much lower, and all his life – family, work, studies – is centered in Israel. Because of the large difference in the standard of living, a man in the occupied territories who marries a woman in Israel will also usually join her and receive Israeli citizenship, leaving behind his former life.

It is hard to know how many Palestinians, male and female, have come to Israel during the 41 years of occupation and become Israeli citizens this way. One government office speaks of twenty thousand, another of more than a hundred thousand. Whatever the number, the Knesset has enacted an (officially “temporary”) law to put an end to this movement.

As usual with us, the pretext was security. After all, the Arabs who are naturalized in Israel could be “terrorists”. True, no statistics have ever been published about such cases – if there are any – but since when did a “security” assertion need evidence to prove it?

Behind the security argument there lurks, of course, a demographic demon. The Arabs now constitute about 20% of Israel’s citizens. If the country were to be swamped by a flood of Arab brides and bridegrooms, this percentage might rise to – God forbid! – 22%. How would the “Jewish State” look then?

The matter came before the Supreme Court, The petitioners, Jews and Arabs, argued that this measure contradicts our Basic Laws (our substitute for a nonexistent constitution) which guarantee the equality of all citizens. The answer of the Ministry of Justice lawyers let the cat out of the bag. It asserts, for the first time, in unequivocal language, that:

“The State of Israel is at war with the Palestinian people, people against people, collective against collective.”

ONE SHOULD read this sentence several times to appreciate its full impact. This is not a phrase escaping from the mouth of a campaigning politician and disappearing with his breath, but a sentence written by cautious lawyers carefully weighing every letter.

If we are at war with “the Palestinian people”, this means that every Palestinian, wherever he or she may be, is an enemy. That includes the inhabitants of the occupied territories, the refugees scattered throughout the world as well as the Arab citizens of Israel proper. A mason in Taibeh, Israel, a farmer near Nablus in the West Bank, a policeman of the Palestinian Authority in Jenin, a Hamas fighter in Gaza, a girl in a school in the Mia Mia refugee camp near Sidon, Lebanon, a naturalized American shopkeeper in New York – “collective against collective”.

Of course, the lawyers did not invent this principle. It has been accepted for a long time in daily life, and all arms of the government act accordingly. The army averts its eyes when an “illegal” outpost is established in the West Bank on the land of Palestinians, and sends soldiers to protect the invaders. Israeli courts customarily impose harsher sentences on Arab defendants than on Jews guilty of the same offense. The soldiers of an army unit order T-shirts showing a pregnant Arab woman with a rifle trained on her belly and the words “1 shot, 2 kills” (as exposed in Haaretz this week).

THESE ANONYMOUS lawyers should perhaps be thanked for daring to formulate in a judicial document the reality that had previously been hidden in a thousand different ways.

The simple reality is that 127 years after the beginning of the first Jewish wave of immigration, 112 years after the founding of the Zionist movement, 61 years after the establishment of the State of Israel, 41 years after the beginning of the occupation, the Israeli-Palestinian war continues along all the front lines with undiminished vigor.

The inherent aim of the Zionist enterprise was and is to turn the country – at least up to the Jordan River – into a homogeneous Jewish state. Throughout the course of Zionist-Israeli history, this aim has not been forsaken for a moment. Every cell of the Israeli organism contains this genetic code and therefore acts accordingly, without the need for a specific directive.

In my mind I see this process as the urge of a river to reach the sea. A river yearning for the sea does not recognize any law, except for the law of gravity. If the terrain allows it, it will flow in a straight course, if not – it will cut a new riverbed, twist like a snake, turn right and left, go around obstacles. If necessary, it will split into rivulets. From time to time, new brooks will join it. And every minute it will strive to reach the sea.

The Palestinian people, of course, oppose this process. They refuse to budge, set up dams, try to push the stream back. True, for more than a hundred years they have been on the retreat, but they have never surrendered. They continue to resist with the same persistence as the advancing river.

ALL THIS has been associated, on the Israeli side, with an obstinate denial, using a thousand and one guises, pretexts, self-serving slogans and sanctimonious untruths. But from time to time an unexpected flash of light shows what is really going on.

That happened this week, when one of the pre-military preparatory schools, set up to educate future officers, convened a meeting of alumni, most of them on active service or in the reserves, and encouraged them to speak freely about their experiences. Since many of them had just returned from the Gaza War, and the things were burning in their bones (as the Hebrew expression goes), shocking details were disclosed. These quickly found their way to the media and were published at length in newspapers and on television.

To the readers of this column they would not come as a surprise. I have written about them before, e.g. in my article "Black Flag" (January 31, 2009). Amira Hass and Gideon Levy have collected eye-witness reports from Gaza inhabitants, telling much the same stories. But there is a difference: this time the facts are disclosed by the soldiers themselves, those who took part in the events or saw them with their own eyes.

The army was Shocked. Surprised. Revolted. The official Army Liar, who bears the title of Army Spokesperson, had previously denied anything of the kind. Now he promises that the army will investigate every incident "as the case may require". The Military Advocate General ordered the investigative arm of the military police to open an inquiry. Since the same Advocate General bragged in the past that his officers had been embedded throughout the war in every front-line command post, one would have to be more than naïve to take his statement seriously.

One can rely on the army to ensure that nothing tangible emerges from the investigation. An army investigating itself – like any institution investigating itself – is a farce. In this case it is even more than farcical, since the soldiers must testify under the eyes of their commanders, while their comrades are listening. In the alumni meeting, they spoke freely, believing that only those present would hear. Even so, they needed a lot of courage to speak out. And since each of them could speak only about what had happened in his immediate vicinity, only a few cases were brought up. The army intends to investigate only those.

But the picture is far wider. We have heard about many cases of the same kind, and they clearly were a widespread phenomenon. A woman and her children were evicted by soldiers from their home in the middle of the fighting and immediately afterwards shot dead at close range by other soldiers who had orders to shoot everything that moved. Old people and children walking on open ground were shot in cold blood by snipers who saw them clearly through their telescopic sights, who had orders that everybody moving should be considered a "terrorist". Homes were destroyed for no reason, simply because they were there. Belongings inside apartments were vandalized just for fun, "because they belong to Arabs". Soldiers slit open sacks of food intended by UNO agencies for the hungry population, because they "go to Arabs".

I know that such things happen in every war. A year after the 1948 war I wrote a book about them called "The Other Side of the Coin". Every fighting army has its share of psychopaths, misfits and sadists, side by side with decent soldiers. But even some of the normal soldiers may go berserk in battle, lose their sense of right and wrong and conform to the "spirit of the unit", if it is such.

Something has happened to our army. Its commanders never tire of calling it "the Most Moral Army in the World" and this has become a slogan like "Guinness is Good For You". But what happened during the Gaza operation testifies to a massive deterioration.

This deterioration is a natural result of the definition of the war as used in the document submitted to the Supreme Court. This document must arouse shock and condemnation and serve as a wake-up call for every person to whom the future of Israel is dear.

This war must be ended. The river must be channeled into a different bed, so that its waters will make the earth fertile - before we become irreversibly bestialized in our own eyes, and in the eyes of the world.