

It Can Happen Here!

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YEARS AGO I said that there are but two miracles in Israel: the Hebrew language and democracy.

Hebrew had been a dead language for many generations, more or less like Latin, when it was still used in the Catholic church. Then, suddenly, concurrent with the emergence of Zionism (but independently) it sprang back to life. This never happened to any other language.

Theodor Herzl laughed at the idea that Jews in Palestine would speak Hebrew. He wanted us to speak German. "Are they going to ask for a railway ticket in Hebrew?" he scoffed.

Well, we now buy airline tickets in Hebrew. We read the Bible in its Hebrew original and enjoy it tremendously. As Abba Eban once said, if King David were to come to life in Jerusalem today, he could understand the language spoken in the street. Though with some difficulty, because our language gets corrupted, like most other languages.

Anyhow, the position of Hebrew is secure. Babies and Nobel Prize laureates speak it.

The fate of the other miracle is far less assured.

THE FUTURE – indeed, the present – of Israeli democracy is shrouded in doubt.

It is a miracle, because it did not grow slowly over generations, like Anglo-Saxon democracy. There was no democracy in the Jewish shtetl. Neither is there anything like it in Jewish religious tradition. But the Zionist Founding Fathers, mostly West and Central European Jews, aspired to the highest social ideals of their time.

I have always warned that our democracy has very shallow and tender roots, and needs our constant care. Where did the Jews who founded Israel, and who came here thereafter, grow up? Under the dictatorship of the British High Commissioner, the Russian Czar, the Dictatorship of the Proletariat, the king of Morocco, Pilsudsky's Poland and similar regimes. Those of us who came from democratic countries like Weimar Germany or the US were a tiny minority.

Yet the founders of Israel succeeded in establishing a vibrant democracy that – at least until 1967 – was in no way inferior, and in some ways superior, to the British or American models. We were proud of it, and the world admired it. The appellation "the Only Democracy in the Middle East" was not a hollow propaganda slogan.

Some claim that with the occupation of the Palestinian territories, which have lived since 1967 under a harsh military regime without the slightest trace of democracy and human rights, this situation already came to an end. Whatever one thinks about that, in fact Israel in its pre-1967 borders maintained a reasonable record until recently. For the ordinary citizen, democracy was still a fact of life. Even Arab citizens enjoyed democratic rights far superior to anything in the Arab world.

This week, all this was put in doubt. Some say that this

doubt has now been dispersed, and that a stark reality is being exposed.

CHARLES BOYCOTT, the agent of a British landowner in Ireland, could never have imagined that he would play a role in a country called Israel 130 years after his name had become a world-wide symbol.

Captain Boycott evicted Irish tenants, who defaulted on their rent because of desperate economic straits. The Irish reacted with a new weapon: no one would speak with him, work for him, buy from him. His name became synonymous with this kind of non-violent action.

The method itself was born even earlier. The list is long. Among others: in 1830 the "negroes" in the US declared a "boycott" of slave-produced products. The later Civil Rights movement started with a boycott of the Montgomery bus company that seated blacks and whites separately. During the American Revolution, the insurgents declared a boycott on British goods. So did Mahatma Gandhi in India.

American Jews boycotted the cars of the infamous anti-Semite Henry Ford. Jews in many countries took part in a boycott of German goods immediately after the Nazis came to power in 1933.

The Chinese boycotted Japan after the invasion of their country. The US boycotted the Olympic Games in Moscow. People of conscience all over the world boycotted the products and the athletes of Apartheid South Africa and helped to bring it to its knees.

All these campaigns used a basic democratic right: every person is entitled to refuse to buy from people he detests. Everyone can refuse to support with his money causes which contradict his innermost moral convictions.

It is this right that has been put to the test in Israel this week.

IN 1997, Gush Shalom declared a boycott of the products of the settlements in the occupied Palestinian territories. We believe that these settlements, which are being set up with the express purpose of preventing the establishment of a Palestinian state, are endangering the future of Israel.

The press conference, in which we announced this step, was not attended by a single Israeli journalist. But the boycott gathered momentum. Hundreds of thousands of Israelis do not buy settlement products. The European Union, which has a trade agreement that practically treats Israel as a member of the union, was induced to enforce the clause that excludes products of the settlements from these privileges.

There are now hundreds of factories in the settlements. They were literally compelled, or seduced, to go there, because the (stolen) land there is far cheaper than in Israel proper. They enjoy generous government subsidies and tax exemptions, and they can exploit Palestinian workers for ridiculous wages. The Palestinians have no other way of supporting their families than

to toil for their oppressors.

Our boycott was designed, among other things, to counter these advantages. And indeed, several big enterprises have already given in and moved out, under pressure from foreign investors and buyers. Alarmed, the settlers instructed their lackeys in the Knesset to draft a law that would counter this boycott.

Last Monday, the "Boycott Law" was enacted, setting off an unprecedented storm in the country. Already Tuesday morning, Gush Shalom submitted to the Supreme Court a 22 page application to annul this law.

THE "BOYCOTT LAW" is a very clever piece of work. Obviously, it was not drafted by the parliamentary simpletons who introduced it, but by some very sophisticated legal minds, probably financed by the Casino barons and Evangelical crazies who support the extreme Right in Israel.

First of all, the law is disguised as a means to fight the delegitimization of the State of Israel throughout the world. The law bans all calls for the boycott of the State of Israel, "including the areas under Israeli control". Since there are not a dozen Israelis who call for the boycott of the state, it is clear that the real and sole purpose is to outlaw the boycott of the settlements.

In its initial draft, the law made this a criminal offense. That would have suited us fine: we were quite willing to go to prison for this cause. But the law, in its final form, imposes sanctions that are another thing.

According to the law, any settler who feels that he has been harmed by the boycott can demand unlimited compensation from any person or organization calling for the boycott – without having to prove any actual damage. This means that each of the 300,000 settlers can claim millions from every single peace activist associated with the call for boycott, thus destroying the peace movement altogether.

AS WE point out in our application to the Supreme Court, the law is clearly unconstitutional. True, Israel has no formal constitution, but several "basic laws" are considered by the Supreme Court to function effectively as such.

First, the law clearly contravenes the basic right to freedom of expression. A call for a boycott is a legitimate political action, much as a street demonstration, a manifesto or a mass petition.

Second, the law contravenes the principle of equality. The law does not apply to any other boycott that is now being implemented in Israel: from the religious boycott of stores that sell non-kosher meat (posters calling for this cover the walls of the religious quarters in Jerusalem and elsewhere), to the recent very successful call to boycott the producers of cottage cheese because of their high price. The call of right-wing groups to boycott artists who have not served in the army will be legal, the declaration by left-wing artists that they will not appear in the

settlements will be illegal.

Since these and other provisions of the law clearly violate the Basic Laws, the Legal Advisor of the Knesset, in a highly unusual step, published his opinion that the law is unconstitutional and undermines "the core of democracy". Even the supreme governmental legal authority, the "legal advisor of the government", has published a statement saying that the law is "on the border" of unconstitutionality. Being mortally afraid of the settlers, he added that he will defend it in court nevertheless. The opportunity for this is not far off: the Supreme Court has given him 60 days to respond to our petition.

A SMALL group of minor parliamentarians is terrorizing the Knesset majority and can pass any law at all. The power of the settlers is immense, and moderate right-wing members are rightly afraid that, if they are not radical enough, they will not be re-elected by the Likud Central Council, which selects the candidates for the party list. This creates a dynamic of competition: who can appear the most radical.

No wonder that one anti-democratic law follows another: a law that practically bars Arab citizens from living in localities of less than 400 families. A law that takes away the pension rights of former Knesset members who do not show up for police investigations (like Azmi Bishara.) A law that abolishes the citizenship of people convicted of "assisting terrorism". A law that obliges NGOs to disclose donations by foreign governmental institutions. A law that gives preference for civil service positions to people who have served in the army (thus automatically excluding almost all Arab citizens). A law that outlaws any commemoration of the 1948 Naqba (the expulsion of Arab inhabitants from areas conquered by Israel). An extension of the law that prohibits (almost exclusively) Arab citizens, who marry spouses from the Palestinian territories, to live with them in Israel.

Soon to be enacted is a bill that forbids NGOs to accept donations of more than 5000 dollars from abroad, a bill that will impose an income tax of 45% on any NGO that is not specifically exempted by the government, a bill to compel universities to sing the national anthem on every possible occasion, the appointment of a Parliamentary Commission of Inquiry to investigate the financial resources of left-wing [sic] organizations.

Looming over everything else is the explicit threat of right-wing factions to attack the hated "liberal" Supreme Court directly, shear it of its ability to overrule unconstitutional laws and control the appointment of the Supreme Court judges.

FIFTY-ONE YEARS ago, on the eve of the Eichmann trial, I wrote a book about Nazi Germany. In the last chapter, I asked: "Can It Happen Here?"

My answer still stands: yes, it can.