

## HISTORY

# Max Holmes

## To what extent can Israel-Palestine be considered an apartheid state?

### REFLECTION STATEMENT

Upon discovering the comparison of South African apartheid to Israel-Palestine, I became immediately interested in the cause, logic and politics involved not only in the bold comparison, but also, the context of the dispute. Upon further research, I discovered that this situation is more complex than the frequently thrown around “Two-state solution” and the maxim of “Free Palestine” continues to be a distant mirage. Instead, this conflict is an amalgamation of conflicting religions, claims to holy sites, and a history of war and persecution of both the Jewish-Zionists and the Palestinian people with neither side looking to concede. Moreover, what would be further catalytic to my interest was the fact that the conflict has continued to be perpetuated by international interests, notably, the relocation of the United States Embassy from Tel Aviv to the disputed Jerusalem in 2018. This sparked another unsolved and ominous trope, that is, the unwavering US support for the Israeli state that agitated my eagerness to study the dispute. This ultimately led me to consider the various religious, ethnic and cultural biases that influence the debate and only in the decomposition of such innate conflict of interests and preconceptions can truth inherently be found in comparing Israel to Apartheid South Africa.

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## ESSAY

*“Apartheid is different types of segregation and discrimination committed against specific group of individuals”* (Farhad Malekian, 2011)

Israel-Palestine can be considered an apartheid state, seen in the discrimination and separatism against the Palestinian people living within both Israel’s internationally recognised borders, as well as the West Bank and the Gaza Strip. Historians engaging in the debate are tasked to either uphold or dismantle the apartheid analogy in light of the *“fairly automatic condemnation”* the label evokes.<sup>1</sup> This condemnation could potentially force Israeli settlements out of the West Bank, accrediting the Palestinian National Authority with recognised borders, facilitating its sovereignty and nation-status. This essay will prove the presence of apartheid by exploring the *“segregation and discrimination”* against the Palestinians through assessing the legal status of Palestinians within Israel, the separation barriers that exist between Israel, the West Bank, and the Gaza Strip. Moreover, it will evidence separatism and discrimination in regard to the Israel Settlements in the West Bank and Gaza Strip, and through assessment of the Knesset’s<sup>2</sup> refugee policy regarding Palestinians displaced by the Independence War (1948).

The nature of the comparison brings to light various ethno-national identities. One of the most prominent ethno-national identities engaging is Zionism; the Jewish nationalist movement that aims to cultivate international legitimacy for the nation. In contrast, the Palestinian-nationalist identity seeks to undermine Israel due to its occupation of areas in the West Bank. In addition, the Labour Zionist movement has advocated for a return to a partitioned state; in accordance with the initial United Nations Resolution 181 (1947). The political identities involved stretch farther than the Middle-East; many US historians engage in the debate to attempt to shift foreign policy paradigms that have inhibited a two-state solution, and peace. However, multiple questions arise regarding the purpose of the apartheid label. Since the formal end of the apartheid regime in South Africa in 1994, “apartheid” has encompassed the struggle of a group to gain suffrage and equality within a single nation; whereas, the Palestinian national movement’s purpose is to restore its international borders, and territorial integrity in the quest for statehood.

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1 J Peteet, “The Work of Comparison: Israel/Palestine and Apartheid”, in *Anthropology Quarterly*, vol. 89, 2016, 247-281.

2 “Knesset”: Unicameral national legislature of the state of Israel

In order to dismantle the apartheid analogy, Zionist historians have drawn upon the extension of suffrage to the Palestinian minority within Israel. As outlined in Article 2(c) of the Apartheid Convention, a state that accredits different ethnicities with unequal civil and political rights is considered an apartheid state.<sup>3</sup> Consequently, antagonists of the analogy identifying with the Zionist movement have opted to rely on explicit parallels, to that of apartheid South Africa in order to retain Israel's national legitimacy. As such, Sabel suggests Israel has "*universal suffrage with free elections and an independent and effective judiciary*".<sup>4</sup> Sabel's promulgation of the judicial and legislative impartiality to the international community comes in light of United Nations Resolution 799 that deplored the arbitrary deportation of 413 Palestinians in 1992, compromising international law embedded in the Fourth Geneva Convention. It follows, Sabel, a Zionist historian has drawn upon the 'de jure' extension of suffrage to the Palestinian minority to rebut claims that would otherwise undermine Israel's legitimacy and highlight the visceral existence of apartheid's discriminant ethos.

In contrast to this, US academic Peteet has drawn upon the systematic discrimination towards the Palestinian people, constituting an apartheid state. US academic Peteet recognises the claim of suffrage for the Palestinian minority is undermined by the different rights accrued to the "*Muslim, Druze, Christian, and Bedouin*" sects living within Israel's internationally recognised borders, such as their inability to confer citizenship on non-Israeli spouses. Hence, Peteet contends civil and political rights and freedoms are accredited to groups based on an "*ethno-national and religious formula*".<sup>6</sup> As such, one suggests the disparity of civil and political rights afforded to "Israeli-Arabs" sects demonstrate a violation of the UN Apartheid Convention that constitutes the apartheid label. Peteet was inclined to sway public opinion towards the United States' unconditional support for the Jewish state, through the label of apartheid. This unconditional support is evidenced by the US exercising its veto power 48 times in United Nations Security Council resolutions in 1983, 1997 and 2011 that would condemn Israeli settlements in the West Bank.<sup>7</sup> In shifting this institutionalised view of Israel that has evidently been reflected in its foreign policy, Peteet intends to

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3 International Convention on the Suppression and Punishment of the Crime of Apartheid (1973)

4 R Sabel, "The Campaign to Delegitimize Israel with the False Charge of Apartheid", in *Jewish Political Studies Review*, vol. 23, 2011, 18-31.

5 J Peteet, "The Work of Comparison: Israel/Palestine and Apartheid", in *Anthropology Quarterly*, vol. 89, 2016, 247-281.

6 J Peteet, "The Work of Comparison: Israel/Palestine and Apartheid", in *Anthropology Quarterly*, vol. 89, 2016, 247-281.

7 "The 43 times US has used veto power against UN resolutions on Israel", in *Middle East Eye*, , 2017, <<https://www.middleeasteye.net/news/43-times-us-has-used-veto-power-against-un-resolutions-israel>> [accessed 14 June 2020].

propagate “*concerted and determined international pressure*” on behalf of the US that can “*bring about a viable and fully sovereign Palestinian State*”.<sup>8</sup> Therefore, Israel can be labelled an apartheid state with consideration of the disparity in rights between Palestinian sects and the Jewish majority.

Zionist historian Sabel demonstrates the separation barrier exists to prevent Palestinian terrorism, rebutting the claim it aims to separate ethnic groups, that would constitute the apartheid label. The creation of the West Bank Wall and Gaza Strip Fence began during the second Intifada from 2000-2005.<sup>9</sup> This Intifada saw a particular rise in political violence, especially given the increase of suicide bombings; of which over 73 were carried out in the 5-year period, killing over 293 Israelis. In light of these attacks, Zionist historian Sabel has labelled the wall was explicitly constructed under the guidance to prevent further suicide bombings by Palestinians. Sabel states the wall “*has proven its defensive robustness and the vast majority of infiltration attempts were discovered and thwarted*”.<sup>10</sup> Hence, in outlining the walls “defensive robustness” and efficiency in “thwarting” attempted terrorist attacks, Sabel justifies the wall following the condemnation from the United Nations after the International Court of Justice’s advisory opinion in 2003 that denounced the creation of the wall, ordering its disassembly.<sup>11</sup> In addition, the construction of the wall catalyzed solidarity movements for ‘apartheid’ in Israel-Palestine, starting in 2001 at the Durban World Conference Against Racism<sup>12</sup> that precipitated international censure. Hence, through justifying the separation barriers, Sabel has attempted to avert international condemnation towards Israel. Thus, Zionist historian Sabel has labelled the walls necessity to ensure the safety of Israel, as compared to its perceived purpose to sustain apartheid’s separatist ethos.

US historian, Peteet identifies the ambition of the wall to segregate the Israelis and the Palestinians, averting the United States’ stance of the Israel-Palestine frontier from expansionism to apartheid. The argument that these separation walls were constructed with intent to protect the Israeli people has been undermined by the territorial expansion “captured” by the creation of these walls that annexed 10 percent

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8 O Yiftachel, “‘Creeping Apartheid’ in Israel-Palestine”, in *Middle East Report*, vol. 253, 2009, 7-15.

9 Period of intensified Israeli-Palestinian violence, which Palestinians describe as an uprising against Israel from 2000-2005

10 R Sabel, “The Campaign to Delegitimize Israel with the False Charge of Apartheid”, in *Jewish Political Studies Review*, vol. 23, 2011, 18-31.

11 Advisory opinion of the International Court of Justice on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory (2003)

12 J Peteet, “The Work of Comparison: Israel/Palestine and Apartheid”, in *Anthropology Quarterly*, vol. 89, 2016, 247-281.

of the West Bank region.<sup>13</sup> Thus, the purpose of the such walls in the West Bank and Gaza Strip could be considered vehicles of segregation and colonisation, constituting the apartheid label. Peteet argues “Given its stunning dominance of the landscape, its congruities with apartheid’s separatist ethos are starkly visual and visceral”.<sup>14</sup> Evidently, Peteet focuses on the “stunning dominance” of these walls, identifying the implicit ambition of the wall to segregate the two ethnic groups rather than to protect. Further, Peteet labels the wall’s “congruities” with apartheid—in sighting the separation of ethnic groups—as compared to the paradigm of expansion into “occupied territory”, or the “frontier theme” that the United States have become accustomed to because of its “importance as a theme in American history”.<sup>15</sup> Thus, Peteet illustrates the separatist ethos of the wall, “congruent” with apartheid, to shift US stance on the frontier theme in regard to Israel, from expansionism to apartheid. Hence, the separation barriers in the West Bank and Gaza Strip can be considered vehicles of apartheid’s separatist ideology. Therefore, in regard to the separation barriers in the West Bank and Gaza Strip, Israel can be considered an apartheid state.

Zionist historian Sabel opposes the label of Israel as an apartheid state in regard to the settlements in the West Bank. Following the Six-Day War of 1967, Israel annexed the entirety of the West Bank and Gaza Strip. Consequently, the United Nations deemed it ‘lawful’ to sustain a military presence in these “occupied territories”. The integrity of this military occupation was largely undermined when the Israeli government sanctioned the settlement of its citizens in a cluster of these occupied areas; as Palestinian nationalist Beasant deems, for “colonial intent”.<sup>16</sup> The integrity of this military occupation has further been compromised by the intransigence of the Israeli government to accredit suffrage and rights to the Palestinians residing in these areas. To dismantle this view, Zionist historian Sabel delineates the Palestinians in the West Bank remain under the governance of the Palestinian National Authority, stating these Palestinians are “subject neither to the Israeli military administration nor to regular Israeli law”.<sup>17</sup> Therefore, Zionist historians have labelled the Palestinians displaced or within Israeli settlements as a legally separate; hence, illustrating the inapplicability of the ‘apartheid’ label.

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13 A Heller, “Israeli barrier: Defensive measure or illegal land grab?”, in *AP NEWS*, , 2017, <<https://apnews.com/afs:Content:853490132>> [accessed 21 June 2020].

14 J Peteet, “The Work of Comparison: Israel/Palestine and Apartheid”, in *Anthropology Quarterly*, vol. 89, 2016, 247-281.

15 M Marshall, “Rethinking the Palestine Question: The Apartheid Paradigm”, in *Journal of Palestine Studies*, vol. 25, 1995, 15-22.

16 A Beasant, “PALESTINIANS: Resisting Israel’s Illegal Occupation”, in *Socialist Lawyer*, , 2009, 26-28.

17 R Sabel, “The Campaign to Delegitimize Israel with the False Charge of Apartheid”, in *Jewish Political Studies Review*, vol. 23, 2011, 18-31.

Labour Zionist Yiftachel highlights the separatism and discrimination in regard to the Israeli settlements in the West Bank, constituting an apartheid state. Labour Zionist Yiftachel contends the 'de facto' enforcement of Israeli regular law in the Israeli settlements, contradicting Sabel's view of separate systems of governance. Consequently, he labels the settlements in the West Bank as a "*de facto annexation*".<sup>18</sup> Thus, through challenging the notions of a separate system of governance, Yiftachel highlights the refusal to accredit these Palestinian with rights and suffrage, amounting to the label of Apartheid. In light of Yiftachel's criticism, the Labour Zionist perspective is significantly embedded in seminal articles such as Yitzhak Epstein's "The Hidden Question" and the work of Russian-Jewish thinker Asher Ginzberg that. The movement shaped by these founders' advocates for a bi-national approach, consolidating the liberal-humanist ethos of its founders that pertains to the prioritisation of rights to Palestinians above the colonial intent of Zionism.<sup>19</sup> Hence, Labour Zionist Yiftachel opposes the notions of a separate system of governance in the Israeli settlements that undermines their justification to not afford these Palestinians with rights, justifying the label of apartheid. Thus, in regard to the Israeli settlements, Israel can be considered an apartheid state.

Palestinian nationalist Zreik coincides with the label of 'de facto' apartheid to justify the label of apartheid for Israel. Zreik suggests that when it comes to land and resources of the settlements in the West Bank they have been seen as "*inside*" Israel, yet the Palestinians residing there are still considered "*outside*" Israel.<sup>20</sup> Therefore, in criticising the exploitation of the Israeli mandate to establish a military presence in the West Bank and Gaza Strip, and their consequent failure to afford civil and political rights to the Palestinians living there, Zreik suggests the situation is moving towards a "*de facto apartheid*"<sup>21</sup>. Inherently, Zreik aims to propagate international condemnation that could potentially facilitate the Palestinian state. Hence, in recognising the underlying separatist and discriminant ethos of Israel's settlements in the West bank and Gaza Strip, Israel can be considered an apartheid state. However, in labelling its congruencies with apartheid Zreik and Yiftachel convey the struggle for citizenship and suffrage within the Israeli settlements, contradicting the Palestinian nationalist movements quest for autonomy and Labour Zionists desire for a partitioned state, but rather a struggle against systematic oppression "within" one state.

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18 O Yiftachel, "'Creeping Apartheid' in Israel-Palestine", in *Middle East Report*, vol. 253, 2009, 7-15.

19 R Greenstein, "Class, Nation, and Political Organisation: The Anti-Zionist Left in Israel/Palestine", in *International Labour and Working Class History*, , 2009, 85-108.

20 R Zreik, "Palestine, apartheid, and the rights discourse", in *Journal of Palestine Studies*, vol. 34, 2004, 68-80.

21 R Zreik, "Palestine, apartheid, and the rights discourse", in *Journal of Palestine Studies*, vol. 34, 2004, 68-80.

Zionist historians, Singer and Oron label the inapplicability of the apartheid label regarding the refugee policy. The War of Independence saw the displacement of 720,000 Palestinians into exile in the neighboring Syria, Jordan, and Lebanon.<sup>22</sup> As a result, Palestinians who fled conflict, or were expelled, and subsequently denied the right of return, had their lands expropriated. This came into effect under the Absentee Property Law (1950).<sup>23</sup> Despite this, Zionist historians continue to justify the obstinacy of the Knesset to enable this “rights of return” embedded in the United Nations General Assembly’s 1948 Resolution 194.<sup>24</sup> This has largely been argued under the guise it would compromise the safety and stability of Israel; as Singer states the right of return is “*intertwined with the rejection of Palestine’s partition into two states*” as well as the Palestinian “*aspiration to destroy Israel*”.<sup>25</sup> In addition to this, Singer also argues the validity of labelling the Palestinians wishing to return, as “refugees”, given many are second-and-third generations descendants of the original refugees.<sup>26</sup> This skepticism is expanded upon by Oron, stating the assimilation of these displaced Palestinians into their neighboring countries is “*inevitable*”, hence stating “*It is hard to preserve refugee status forever*”.<sup>27</sup> Thus, Zionist historians have justified the “*red-line*”<sup>28</sup> that is allowing the return of Palestinians in exile following the 1948 War of Independence under the guidance it would compromise the safety of the Jewish state. In addition, Zionist historians have also shifted the paradigm of “refugee” status to an assimilated minority in neighboring Arab nations, in order to maintain Israel’s international legitimacy. Therefore, Zionist historians Singer and Oron outline the inapplicability of the apartheid label.

Labour Zionist Yiftachel articulates the Israeli refusal of the exiled Palestinian’s “right of return” is a vehicle of discrimination that constitutes the label of apartheid. Yiftachel criticises the employment Practical Zionism, shaped by *Hovevei Zion* and its ideological founder Leon Pinsker. The Zionist ideology of Practical Zionism is regarded as the migration of Jewish populations to Israel following the *Diaspora*<sup>29</sup> even in the absence

22 I Oron, “The Palestinian Refugees: Facts, Figures and Significance”, in *Institute for National Security Studies*, , 2018, 1-3.

23 J Peteet, “The Work of Comparison: Israel/Palestine and Apartheid”, in *Anthropology Quarterly*, vol. 89, 2016, 247-281.

24 United Nations General Assembly Resolution 194 “Question of Palestine”

25 J Singer, “No Palestinian ‘Return’ to Israel”, in *American Bar Association Journal*, vol. 87, 2001, 14-15.

26 J Singer, “No Palestinian ‘Return’ to Israel”, in *American Bar Association Journal*, vol. 87, 2001, 14-15.

27 I Oron, “The Palestinian Refugees: Facts, Figures and Significance”, in *Institute for National Security Studies*, , 2018, 1-3.

28 I Oron, “The Palestinian Refugees: Facts, Figures and Significance”, in *Institute for National Security Studies*, , 2018, 1-3.

29 The dispersion of the Jewish people beyond Israel

of a legitimate charter of the land. As Yiftachel delineates, “*hundreds of thousands of Jews settled in hundreds of new Jewish settlements, some erected on the previously Arab lands*”.<sup>30</sup> In light of this, Yiftachel justifies the label of apartheid through challenging the claim made by Zionists who argue the pertinacity of the Knesset to reject the “right of return” of Palestinians in exile is in accord with its threat to the safety of the state but rather to accommodate the migration and settlement of Jewish people displaced by the *Diaspora*. Through this, he upholds the socialist principle of “equality” between Palestinians and Jewish people that is enshrined in Labour Zionist literature, such as Moses Hess’s *Rome and Jerusalem*. It follows, Yiftachel highlights the realities of an apartheid state in outlining the discrimination, based off ethnicity, displaced Palestinians face that amounts to the label of apartheid. Therefore, in regard to the discrimination faced by the Palestinian in exile, Israel can be considered an apartheid state.

Therefore, in regard to the presence of the separatist ethos, Israel can be considered an ‘apartheid state’. This is evidenced in ‘de facto’ subversion and intransigence of the Israeli Knesset to afford suffrage to varying Palestinians sects within Israel, as well as Palestinians within the Israeli occupied territories. Moreover, the prominent walls dividing the territory of Israel, with those of West Bank and Gaza Strip, as well as the Palestinian refugee policy starkly discriminate the Palestinian people, hence amounting to the apartheid label. However, the purpose of the apartheid label has been questioned by historians who debate its legitimacy. This is in light of the different aims of opposition of South African Apartheid, who sought to repeal laws that segregated the nation based off of their ethnicity. As a result, the label of “apartheid” has conveyed the struggle to gain suffrage, citizenship, and equality “within” one state; whereas the aims of the Palestinian nationalist identity are to gain independence, statehood and a restored sense of identity. Despite this, the label of apartheid can arguably be employed to precipitate international condemnation that would force Israel to withdraw its citizens from settlements in the West Bank, accommodating Palestinian sovereignty. It has been evidenced, this condemnation must be joined, in partisan, by the United States that has exploited its veto power in the United Nations Security Council to curtail the gravity of international condemnation. Hence, the burden lies on US historians to avert public opinion —through the label of apartheid— and bring about the viable two-state solution.

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30 O Yiftachel, ““Creeping Apartheid” in Israel-Palestine”, in *Middle East Report*, vol. 253, 2009, 7-15.

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