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The Blunder Functions

After his resignation from the White House staff Mark Siegel published his reasons. Among them was his sense of shock at the harsh tone adopted by Zbigniew Brzezinski at his meeting on 23 February with a group of leaders of the Jewish community.

It transpires that there are also grounds for concern at what the Jewish delegation had to say. In conformity with the policy of the administration in the past few months Mr. Brzezinski forcefully introduced as his central subject the opposition of the American government to “the settlements”. It appears from the report of the leader of the delegation (which was not published) that the Jews were not intimidated by Mr. Brzezinski’s harsh tone; and they criticized pretty sharply the attitude of the administration and the pressures it is exerting on Israel. Precisely this forthrightness emphasizes the weakness of their reaction on the question of the legality of the settlements. They did not utter a single word to refute the administration’s claim, and it appears that, as the conversation proceeded, they just did not know how to reply.

On the contrary, they answered Mr. Brzezinski in the plaintive tone of a schoolboy caught out in a misdemeanour. “As for the illegal acts with which Israel is charged” they said, “the United States should bear in mind the illegal acts committed by the Arab peoples against Israel”.

Can one blame these good Jews? They live in a country ruled by law, and the charge that the settlements are illegal is being voiced day after day, one day by the President of the United States, the next day by the Secretary of State; then again by the adviser on National Security Prof. Brzezinski; and they are accompanied volubly by most of the media with a frequency which suggests a guiding hand. Every commentator on radio and television informs his audience, with the textual consistency of a regular prayer, that Israel is engaged in an illegal operation (which is also an obstacle to peace). This is highly effective propaganda: its practitioners are among the most respected personalities in the land, its content is simple, on target and easily grasped; and it is disseminated with the intensity of a flood.

The American Jewish leaders do know of course that the Prime Minister of Israel claims that the settlements are legal, but it appears that they are not prepared to endorse this plea. It can be said with certainty that the reason for this is simply that they do not know that the charges of the administration, and the newspapers and the radio and the television are completely without foundation. But why do they not know?

First of all, because the evidence that reaches them from Israel rather tends to confirm the charges from Washington. Reports on the freezing of settlements are not likely to strengthen belief in their legality; and the acts of camouflage committed by the Israeli government have tended to persuade many Jews that there is in fact something wrong, something dishonourable about the settlements. Pretending the settlers are soldiers in a military camp provides very plausible evidence; and thousands of words of explanation will not erase the ridicule evoked by the fable that the eight families of settlers at Shiloh are not settlers but members of an archaeological expedition.

It might have been possible, at least after the event, to explain, at least to friends, that these acts of camouflage were resorted to as a result of unfair, unreasonable, or “brutal” pressure by the American administration. But the ground has been pulled from under this argument, and the friends of Israel have been left open-mouthed and helpless. The Israeli Foreign Minister, who is also the Minister of Information — that is, the highest authority in Israel for stating Israel’s case to the world — not only did not trouble to provide ammunition to Israel’s friends to explain, to react, but when he himself was given the opportunity of demolishing the foundations of the untruth, pointedly evaded the question. When Moshe Dayan was asked in a television interview about the legality of the settlements, this is what he said:

“We are not in a court of law. We live in a political world”. Is there anybody among his listeners in the United States who, after this reply, will believe that the law is on Israel’s side and, what is no less relevant, that the government of Israel itself believes in the legality of the settlements?

It is difficult to find a rational explanation for this major blunder. There is in Israel, it is true, a school of thought that dismisses with derision any appeal to international law. Certainly nobody knows better than the Jewish people how problematic is the weight of international law in international relations, all the more so in relation to an ongoing dispute.

Now, at this moment, however, the question is not academic. It has burst beyond the bounds of theoretical discussion. The question of the legality of our actions has become the central indictment in a many-voiced political campaign, whose influence may well be most destructive.

Our chief opponent in the debate — non other than the Government of the United States — has cleverly and cunningly unsheathed the sharp weapon of “legality”, and is employing it with skill and maximum exposure in order to achieve a purely political purpose. There is not the slightest doubt that Washington knows full well how ramshackle its charge is, and how malicious — but it works; and it is smiting us hip and thigh in the battle for public opinion.

And we? We, whose fateful interests are in the balance, we shove our hands in our pockets and say “We are not playing”, we are not taking a part in the act (“we are not in a court of law”), abandon the field to the opposing side, and so ensure for ourselves the addition of another defeat to the many defeats we have already suffered.

Why could the Jewish representatives not reply to Mr. Brzezinski with dignity, in terms, for example, like the following: Our presence in the whole of Palestine, and our right to settle and live there, which flow from the Jewish people’s exclusive national relationship to its land, are deeply embedded in the world’s history and in the foundations of Western culture. It was by virtue of this connection and of these roots that international recognition was accorded, solemnly and by practical measures, to the renewal of our national life in the country, in the Mandate for Palestine in 1922.

This recognition is part of the modern law of nations, and we regard the attempt to deprive us of this right a negation both of international law and of morals and justice.

As for the legal situation created in 1948 after the violent and illegal invasion of Judea and Samaria by Jordan and of Gaza by Egypt, our rights were not thereby diminished. Jordan, which announced the annexation of Judea and Samaria (calling them “the West Bank”) and Egypt, which did not even pretend to “annex” Gaza, did not thereby acquire any rights under international law.

Even within the narrow legal frame from which you are trying to derive sustenance for the denial of our right — the Fourth Geneva Convention for the Protection of Civilians in Time of War — your case can be dismissed out of hand. The Fourth Geneva Convention is completely irrelevant to Western Palestine. From its Paragraph number 2 it is clear that it relates to the occupation of the sovereign territory of a State. Judea and Samaria were not sovereign territory of Jordan, nor was Gaza sovereign territory of Egypt. In this context there is consequently nothing to discuss.

Even as far as Sinai is concerned — it is highly doubtful if the Convention is applicable, as Sinai was not under Egyptian sovereignty. Its inhabitants were not even given Egyptian citizenship. The remaining area is the Golan, to which the Geneva Convention may be applicable as a whole (because it was Syrian sovereign territory). But the specific clause in the Convention which you are using in order to try to delegitimize our settlements does not relate at all to our case in any of the territories. It was drawn up after the Second World War in consequence of the methods employed by the Nazis towards the populations of the territories they occupied. They drove out the inhabitants, either to the death camps or to replace them by Germans. The purpose of the Clause in the Convention was to outlaw a repetition of such behavior.

In the establishment of Jewish villages in Judea, Samaria and Gaza there has been no hostile treatment of the Arab inhabitants in the area, nor were they displaced.

Furthermore, there is nothing in international law, including the rules of the Hague Convention of 1907, to prevent citizens of the State occupying the territory from going into it and living in it.

Why indeed could they not have said all this? Everything that has been said here, incidentally, is nothing more than the essence of policy of all the governments of Israel since its birth; and one could expand upon the subject beyond these 18 sentences. Moreover they can be used as a means of escaping from the illogical posture of defensiveness to which we have been reduced and, in fact, convert them into a sharp weapon for a fighting campaign. After all it was the absence of such a campaign that we deplored when the Alignment was in power, the years of the Arabs’ tremendous successes; it was after all such an initiative that so many in Israel expected when the government passed into the hands of the Likud.

By all the signs there is no hope of an early cure. Just as during the years when Aba Eban and Yigal Allon presided over the Foreign Ministry and their inept Information services, the Arabs succeeded in injecting into the consciousness of the world their mendacious claims to national rights in Eretz Yisrael — so now, with the perpetuation of the Information blunder by Moshe Dayan, the American administration is making good progress in disseminating the lie of the illegality of our presence in the heart of our land.