

restricted to the military sphere. Rather it shaped virtually all spheres of society. A total examination of the internal structure of 'Israel' could easily fill a book. Here we will focus on some aspects which qualify 'Israel' to serve as a *de facto* US military base, nuclear partner, local CIA station and RDF in the Middle East.

### THE 'LEGAL' FRAMEWORK

'Israel' is perhaps the only state in the modern world which is permanently without a constitution. In 1950, the constituent assembly dropped the idea of a constitution altogether and turned itself into the Knesset which subsequently passed seven basic laws, which it refused to formalize as a constitution. According to Zionist apologists, this was due to disagreement between the religious and non-religious forces, the 'socialists' and anti-socialists, and the difficulties of reconciling the function of the World Zionist Organization, as a suprastate institution, with the actual Jewish community in Palestine. While these factors surely played a role, the reason given by Labor Party deputy, A. Bar Rav Hai, was more to the point: «The constitution is created for that population which was in existence within the borders of a state. Ours is a different situation. Our population is fluid...» (quoted in *Israel in the Middle East*, edited by Itamar Rabinovich and Jehuda Reinharz, 1984).

Besides leaving open the size of the state, the lack of a constitution has sweeping implications for the Israeli legal and political system. The Knesset can literally adopt any law. As stated by Shulamit Alon, member of the Knesset for the Citizens Rights Party, «the Knesset majority can legislate extraterritorial laws, in defiance of international law, and create different legal systems for Arabs and Jews, and it does so in the occupied territories» (*Jerusalem Post*, May 5, 1987, in an article where Alon cites the Israeli failure to ever adopt a bill of rights). As it is, by referring to article 9 of the Law and Administration Ordinance enacted by the Provisional Council of State on May 19, 1948, the government can pass emergency regulations which change or cancel any existing laws. This enables it to dissolve the Knesset, make a new election law, hold new elections with the new Knesset ratifying the emergency laws.

Obviously, the Palestinians have borne the brunt of Israeli unconstitutionality. Those remaining in the state were subject to military rule until 1966, and are still subject to selective application of the 1945 Emergency Laws by the Israeli police. West Bank Palestinians live under the onus of about 1,200 military decrees (Gazans under 900), in addition to the Emergency Laws. Theoretically, the lack of basic democracy in 'Israel' also threatens Jewish citizens. This is inherent in the original Zionist doctrine, as spelled out most clearly by Joachim Prinz in *Wir Juden*, written in the 1930s: «Only a state based on the principle of the purity of the nation and the race can possibly endow dignity and honor on (and only on) those Jews who themselves ascribe to this principle amongst

their own people» (quoted in Uri Davis, *Israel: An Apartheid State*, 1987, p.2).

### MARGINS OF DEMOCRACY

The limits of democracy for Israeli Jews are seldom exposed due to the high degree of cohesion among the settler population in the face of the common enemy. In fact, there is an impression of lively political debate in Israeli life. Yet the tendency to curtail basic freedoms is ever present, and even non-violent protest that touches the fundamentals of Zionism can be suppressed on the pretext that it is tantamount to colluding with the enemy.

One of the original members of the Israeli Supreme Court, which decides cases without reference to a constitution or bill of rights, came out against the right to strike, claiming this is unnecessary in a «welfare state» where the government is responsible for all (sic), and especially in a state that needs to compete on the foreign market. In 1980, Chief of Staff Rafael Eitan proposed lower wages and a ban on strikes to deal with the Israeli financial crisis (*Haaretz*, June 3, 1980). Indeed, in June 1984, the cabinet used the emergency regulations to break a strike by television journalists, so election campaign broadcasts could begin. On June 26, 1980, *Haaretz* reported the emergency plan of General Beni Peled, former air force commander: «to save Israel from its present dilemma. He stated that if he were prime minister he would ask the president for permission to dismiss the Knesset and all the parties... He would then appoint an interim government which would restructure Israel in a more centralized, less parliamentary fashion. His foreign policy goals include annexing Lebanon up to the Litani River and the option of transferring the 'human potential' from the West Bank to Jordan.» The subsequent invasion of Lebanon showed that such thinking was not far removed from the mainstream of Israeli politics. So did a February 1981 poll, where 40.8% of Israelis said they felt a strong regime of leaders who were not dependent on the parties was justified to deal with the problems the country was facing (reported in *Journal of Palestine Studies* 43, Spring 1982).

In September 1984, at a time when Israeli parliamentarians and democratic forces were protesting settler violence against the Palestinians, the military coordinator for the 1967 occupied territories, Shmuel Goren, said he wouldn't hesitate to stop activities by Israeli parties in the territories «which might affect general order.» A study reported in *New Outlook* in July 1986, found that 24% of Israeli Jews would deny Israeli Arabs the right to vote; 57% would disenfranchise Zionist Jews favoring the establishment of a Palestinian state in the West Bank and Gaza Strip under the PLO's leadership; and 70% would disenfranchise all non-Zionist Jews favoring a Palestinian state.

During the 1982 invasion of Lebanon and its aftermath, several Israelis were fired from their jobs because they protested the war, and the Histadrut did nothing to defend them. A legal precedent was set when a peace activist, Gideon Spiro, was convicted on April 18, 1986, for publicly criticizing