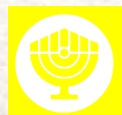


THE APARTHEID SLANDER AGAINST ISRAEL

AND THE IDEOLOGICAL DISTORTION OF HUMAN RIGHTS
PART 1



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B'NAI B'RITH
INTERNATIONAL



Thane Rosenbaum

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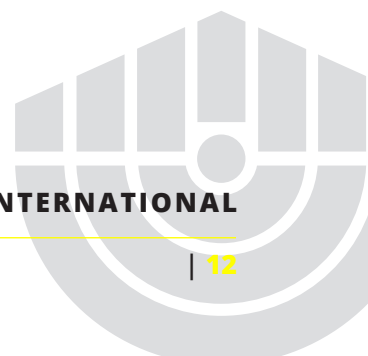
Professor Rosenbaum edited the anthology, “Law Lit: From Atticus Finch to The Practice: A Collection of Great Writing About the Law.” His novels include, “How Sweet It Is!,” “The Golems of Gotham,” “Second Hand Smoke,” and “Elijah Visible,” among others.

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THE TERRORISM OF UNTRUTHS

By Thane Rosenbaum



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IMAGINE A LARGE, boisterous high-rise condominium, occupied by colorful people of different races, ethnicities and nationalities. Each floor is divided according to owners who share similar identities and characteristics. And each housing unit varies widely in size and overall dimension.

The condo rules specify that each occupant is entitled to peace and quiet, and all condo owners are required to treat one another with mutual respect. The condo association may not force a sale or seize any of the units.

What would you say if all the unit holders on the 8th floor, refused to respect the ownership rights of the family that lived in the smallest unit on the floor—J? The occupants of Unit 8J just happen to be Jewish; indeed, they are the only Jews in the building.

*Welcome to Israel,
the only nation where
self-determination and
statehood are believed to
be provisional.*

Over decades of cohabitation, the colluding neighbors on the 8th floor wanted another family, one that shared their ethnicity and religion, to occupy 8J, instead. Let's call that family P.

Interestingly, despite the enormous size of their respective units, none offered to divide their space to create a new unit for P. And despite their cramped quarters, the occupants of 8J were willing to partition their home and make room for the P family. The P family, however, refused the offer. They wanted to possess 8J in its entirety.

P tediously and bitterly waited outside the high-rise, vengefully throwing rocks at the window of 8J. Rather

than build a life elsewhere, they focused on making Unit 8J miserable. Years passed and, surprisingly, given their common interests, some of the stakeholders on the 8th floor developed friendlier ties with Unit J.

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My parable about prejudice in a condominium is an object lesson about Jewish vulnerability. After all, surely there were rambunctious, noxious occupants within the building who were not subject to the same discriminatory treatment.

If you think of the United Nations as a condo association (it, too, is a big building), you might be surprised to learn that the Preamble of its charter requires that member states "practice tolerance and live together in peace with one another as good neighbours." Article II states that the U.N. "is based on the principle of the sovereign equality of all its Members." States must "refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state."

How is it that Iran repeatedly threatens to wipe Israel from the map while being a member in good standing at the U.N.?

Therein lies the endless ironies and double standards that the international community applies only to one state—the only liberal democracy in the Middle East. Israel is subject to wildly disproportionate condemnation in both the Security Council and General Assembly of the U.N.¹ It is the sole subject of Agenda Item 7 before the U.N. Human Rights Council (all other nations fall under Item 4). The International Criminal Court salivates at the prospect of obtaining jurisdiction over Israel, while UNESCO laughably has found no historical connection between the Jewish people, the Jewish state and the Holy Land—notwithstanding the Old Testament, archeological evidence to the contrary and the inconvenient truth that long

1 <https://jewishjournal.com/commentary/columnist/333052/at-the-icc-hypocrisy-and-anti-israel-bias-reach-new-heights/>

before the Ancient Greeks, Israel was called the Kingdom of Judea.²

More recently, and unsurprisingly, both Amnesty International and Human Rights Watch have issued lengthy, one-sided, historically inaccurate and legally suspect reports demonizing Israel as an apartheid state. The International Human Rights Clinic at Harvard Law School³ weighed in with the same verdict, and Amnesty International's USA Director Paul O'Brien, speaking in March, reportedly told an audience that "Israel should not exist as a Jewish state."⁴

Denying Israel's existence has become common parlance and practice since the country's birth in 1948. But why is only Israel singled out for a statehood denied—a nation created through various resolutions, treaties, the League of Nations and the U.N. itself in 1947,⁵ and having already assumed its place among the community of nations, now illegitimate, taken off the map with misgiving that Israel's creation was a momentary lapse in global judgment?

Perhaps the Holocaust set a precedent that Jews can be made to disappear. Stripping them of their state perhaps is not so farfetched. It would be remembered, if honestly, as a 74-year experiment where Israel never enjoyed a single day of peace.

One can't help but conclude that the self-determination of Palestinians is a moral imperative, which is why anti-Zionism is justified as an urgent human rights matter. The self-determination of Jews in their ancestral homeland, however, is unapologetically rescindable.

There are already 22 failed Arab states under any criteria for liberal societies: equal rights for women and the LGBTQ community; freedom of speech, press and religion; democratically held elections; an

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independent judiciary. If you want to watch a rock concert in the Middle East and Persian Gulf and sit beside women wearing tank tops and homosexuals holding hands, Israel is your only choice of venue.

Yet, Amnesty International and Human Rights Watch won't be issuing any investigative reports about those deprivations. If Israel one day decided to ban Kanye West or Jennifer Lopez from performing in Tel Aviv (both have appeared there), it would become an international incident, further evidence of Israel's racism.

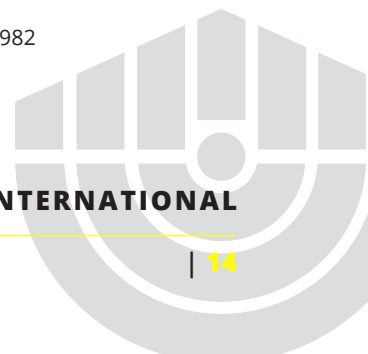
The wars that Arab nations and Palestinian terrorists have been unable to win against Israel have opened up into a new theater: a war of defamatory words, anti-Semitic semantics, the semiotics of Palestinian suffering. It's a war that depends on the general public's ignorance about history and geography, and that sticky congenital habit of Jew-hatred. Ammunition that never runs out and aimed at Israel's pariah status.

2 <https://www.jns.org/opinion/an-end-to-the-ambiguity/>

3 <https://www.algemeiner.com/2022/03/20/israeli-un-envoy-denounces-report-from-harvard-law-group-palestinian-ngo-alleging-apartheid-in-west-bank/>

4 <https://www.newsweek.com/amnesty-international-reveals-its-malice-israel-cloaked-ignorance-opinion-1687982>

5 <https://blogs.timesofisrael.com/if-you-repeat-occupation-often-enough/>



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Israel has no Iron Dome for transmissible lies, no cover for modern day blood libels. The distortions of mainstream and social media, the mob rule of campus BDS campaigns, the manipulations of spiteful college professors, is a new form of terrorism that is much harder for Israel to counter—the terrorism of untruths.

Which brings us to the latest: “apartheid.” It’s a ludicrous charge, not unlike the “ethnic cleansing” of Palestinians, which, fortunately, is not the subject of these recent reports. The Palestinian population has more than doubled since the “Occupation.” If your population has doubled during a genocide, then your people haven’t experienced genocide. Here the charge is a slyly sinister weapon against Israel. Jews survived the ashes of Auschwitz only to persecute the Palestinians in the same way?

Israel learned similar lessons from South Africa? That’s, apparently, the allegation. Yet, there is no equivalence. Jews and Arabs ride the same public transports and eat in the same restaurants. Arabs serve on the Supreme Court and in the Knesset—one of its parties is seated in Prime Minister Naftali Bennett’s coalition government. Druze and Arabs volunteer for the Israel Defense Forces. An Ethiopian Jew was crowned Miss Israel.

When in South Africa, under Apartheid rule, was that level of civil rights and political and cultural participation possible?

These reports from Amnesty International and Human Rights Watch are fascinating in what they deliberately omit. They recognize that the elements of the 1973 Convention on Crime of Apartheid and the 1998 Rome Statute of the International Criminal Court are not met. There is no “systematic oppression and domination by one racial group over any other.” Jews and Arabs are not racial groups, and there is no “racial separation” between them.

Now we are being told, however, that the separate identity of Palestinians, and their feelings of marginalization and inequality, are sufficient to establish Israel’s domination for apartheid purposes. The national and ethnic origin of Palestinians is a proxy for skin color and genetic traits. It doesn’t need to be racial discrimination for it to be apartheid. And it doesn’t have to be a real separation or widespread domination, either. The absence of a racial component is but a minor detail. Inequality is enough.

Call it: “Apartheid-Lite.” The freedoms and opportunities given to Arabs and Jews, on an equal basis, is irrelevant if there are resulting inequalities. Sound familiar? We’ve been told by the 1619 Project and Critical Race theorists that the United States is an irredeemable racist society because there are inequalities that people of color experience—all attributable to racism, and nothing else. But to suggest that discrimination of any kind constitutes apartheid is like diagnosing a cold as cancer.

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Amnesty International and Human Rights Watch might as well indict the United States as an apartheid state, too.

To establish that there are two standards of justice and civil rights in Israel, the reports conflate Israeli Arabs with Palestinians living in the West Bank and East Jerusalem. Gaza is mentioned, too. Facts and conclusions are a game of bait and switch.

But the West Bank is not Israel. The legal system that applies in the West Bank was created under the conditions of a military occupation after Israel's victory in a defensive war fought in 1967. And, yes, the law as applied to the 400,000 Jewish settlers in the West Bank and East Jerusalem differs from how it applies to Palestinians under military rule.

Israel's right to preserve and defend its Jewish homeland is not the same thing as having an intent to dominate the Palestinian people.

Under international law, however, until the return to peaceable borders can be achieved, Israel has no obligation to withdraw from the West Bank—indefinitely. The reasons why there are two systems of justice have everything to do with Palestinians refusing to demonstrate that they are interested in nation building rather than hastening the end of the Jewish state through terror.

So when the reports speak about the living conditions of Palestinians in Israel without differentiating between the official borders of Israel, and those living in the West Bank and East Jerusalem, they are truly mixing dates and figs. Yes, in the West Bank, a security barrier inhibits freedom of movement. And, yes, there are occasional home demolitions and forced

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evictions, but not in Israel, and only because Palestinians refuse to fully renounce violence and terror. The South African government didn't dominate its Black population because of domestic terrorism or the unwillingness of Black South Africans to live in peace with the White population.

Israel's right to preserve and defend its Jewish homeland is not the same thing as having an intent to dominate the Palestinian people. Defending against Palestinian violence has an ancillary impact on Arabs, but whose fault is that? Moreover, yes, it is true: Nationality in Israel is not equal even though everyone possesses the same civil rights, and the Right of Return will never be granted. But the reason for those “inequities” is simple: Israel is the home of the Jewish people, and as a functioning democracy, the Jewish majority must be maintained. That, however, doesn't make it an apartheid state.

Shouting “apartheid” and “ethnic cleansing” won't change the reality for Palestinians locked in a time warp. Over the past 75 years, Palestinians were offered statehood five times.⁶ Had they accepted, and committed themselves to being a good neighbor and providing a better future for their

It's not about “apartheid” for these groups; it's about Jews, and finding new ways to persecute them.

6 <https://jewishjournal.com/commentary/opinion/316034/palestinians-revisionist-history-chains-them-a-lie/>

children, Amnesty International and Human Rights Watch would have had to come up with different reasons for hating Israel.

It's not about "apartheid" for these groups; it's about Jews, and finding new ways to persecute them. Anti-Zionists won't admit what their passions are really about, and the logical conclusion of a remade Middle East. Because if you oppose a Jewish homeland, then you essentially like the way it was before: Where, for 2,000 years, Jews were vulnerable to expulsions, pogroms, mass killings, blood libels and political disenfranchisement.

That's exactly why the official definition of anti-Semitism, delineated by the International Holocaust Remembrance Alliance, which has been adopted by 28 countries, including the United States of America, specifies that denying the self-determination of the Jewish people, and holding Israel to a standard asked of no other nation, is categorically anti-Semitic.⁷ Denying the existence of Israel is not a political opinion. It's just a cynical and deceptive way to hate Jews.

Ironic how this recent "apartheid" fixation coincides with the Gulf States normalizing relations with Israel through the Abraham Accords.⁸ Apparently, NGO "human rights" organizations are now filling the void left by Arabs who see a wonderful investment opportunity in Israel and have, finally, tired of the Palestinians.⁹ Amnesty International and Human Rights Watch look at Israel and somehow miss a vibrant, pluralistic democracy, a high-tech juggernaut, the beaches, cultural life and overall happiness of its people.¹⁰

All they see is an apartheid state. 🇺🇸

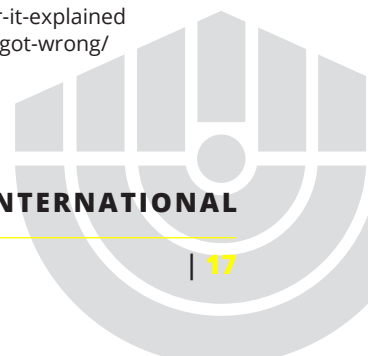
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7 <https://www.jta.org/2021/01/15/global/the-ihra-definition-of-anti-semitism-and-why-people-are-fighting-over-it-explained>

8 <https://jewishjournal.com/commentary/columnist/326073/the-abraham-accords-show-what-past-diplomats-got-wrong/>

9 <https://jewishjournal.com/commentary/opinion/320791/uae-and-the-loss-of-patience-with-palestinians/>

10 <https://www.jns.org/israel-jumps-two-slots-to-no-9-on-world-happiness-report/>





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