

ISRAEL IS DIFFERENT

This is infuriating! Every time the world tries to get to some normative opinion about what should or shouldn't be done to improve the planet, Israel is there in the middle doing something quite the opposite, screwing up the consensus, breaking the rules. Why? Because "we're different".

- They are trying to stop the proliferation of nuclear weapons, and leaning hard on Iran to stop, but Israel keeps on with its own program. Because we are different.
- They are trying to open borders and improve communications between people, but Israel is building a security barrier to separate itself from the Palestinians. Because our problems are different.
- They are saying that the country that won the war has no right to settle its people in territories it occupied, but Israel is continuing its building program in the West Bank. Because that's a different story.
- They are saying that countries need to help refugees escape brutal conditions at home but Israel is about to send illegals who came in from Sudan back to Egypt. Because this case is different.
- Collective punishment is a real no-no nowadays and is against international law but we have for years been making the lives of the Arabs of the West Bank (Gaza is a hopeless case!) miserable through roadblocks, checkpoints, etc. Because ours is a special case.
- They say civilized countries are not supposed to do racial profiling because you mustn't be suspicious of a person just because of his color or ethnic background. But we are doing precisely that, checking and double-checking on Arabs in the airport, on the streets of Jerusalem, and on the roads. Because our problems are unique.
- And they say that immigration policy of any normal country must be based on universal and fair criteria. But we have the Law of Return, giving citizenship automatically to every Jew who wants it (Meyer Lansky was a notorious exception!) Because we are a Jewish State (not that anybody knows what THAT means!) and are not like the others.

We always seem to be the exception, even to rules the world just invented on our behalf, like "the inadmissibility of the occupation of

territories by force”, promulgated by the United Nations after we won the 6-Day War¹.

We are even the exception to History (capital H); civilizations that suffered the destruction of their capital/cultic center were not supposed to survive after that but we, alone of all nations, have. (No wonder Toynbee couldn't cope with the Jews; we screwed up his grand theory!) Bottom line: Israel breaks the rules and the world gets aggravated..

The infuriating part is that we ARE the exception. We keep nuclear weapons because no other country on earth is threatened with extinction. We build a security fence and block dozens of roads because we are the only country whose neighbors keep trying to infiltrate and kill us. We are building settlements on the West Bank because the 4th Geneva Convention talks about settling territory of another nation, but the West Bank, Judea and Samaria, do not and never did belong to another nation but are arguably the heartland of ancient Jewish sovereignty. We profile Arabs because they are the ones who keep trying to kill us. And allow Jews in because the *raison d'être* of our founding was to serve as a refuge to all Jews who find life where they are intolerable. And that's the short answer.

Well, now there's another global consensus that we seem to be violating, and this is causing a field day for the anti-Semites and a big brouhaha among Israeli and Jewish circles world wide. It's about selling land belonging to the JNF to the Arabs.

The Jewish National Fund

Now it is a universally accepted rule that a democratic government may not discriminate among its citizens. In the case we are now considering, the issue is land. The question is, can the government sell land it owns or manages to one section of its population, the Jews, and refuse to sell it to another section, the Arabs.

I don't know about other countries, but it I do know that in Israel the government is by far the largest owner of land. Some of its land comes to it as inheritor of the Ottoman Turks, the British Mandate and the Jordanians, all of whom (especially the Turks) confiscated huge amounts of land for non-payment of taxes. Another large part of government land holding (this is especially true of the Negev) comes from the territories assigned to the Jewish State by the UN Partition Resolution of 1947. Still more comes from our victory in 1967 when we took over all the land (the West Bank) held by the Jordanian government at the time. So this leaves the government as holder of some 85% of all the land of the country. Some 2% of our land is held by private owners (mostly Arabs). The dispute now comes from the fact that 13% of the

¹ Security Council resolution 242 from November, 1967.

country's land is held by the Jewish National Fund.

Anybody of a certain age remembers the blue & white coin box, the *pushke*, that hung on the doorpost of every kitchen of every Jewish house on the planet. Going in and out, we put a coin in the box to buy land in Palestine (which in those days meant Jewish) to settle our brethren in the Holy Land.

This was a great idea, and it worked! First mooted in the late 1880s, the JNF² was finally established with the intervention of Herzl himself at the 5th Zionist Congress in 1901 as one of the core pieces of the Zionist enterprise. We kids with our pennies bought land on behalf of the Jewish People, for the settlement of the Jewish People; land that is the property of the Jewish People in perpetuity. The JNF bought it, reclaimed it, planted forests, stored water and drained swamps. The JNF, indeed, more than any other body, made the country inhabitable.

The government established the Israel Lands Authority (ILA) in the 1950s to deal with all of this land, including that of the JNF. So the ILA is now the managing agent of it all. Including, by the way, my own house in Ein Karem. It was abandoned Arab property, left behind when they fled in 1948, and therefore under the care of the Custodian of Abandoned Property. The Custodian (the Hebrew uses the Greek word *apotropos*) is a part of the ILA, which in the end sold the house to me.

Things get a little complicated from this point on, because the JNF holdings tended to be in the center of the country and around towns where people want to live. Whereas ILA lands were off in the wilderness where nobody cared. So the JNF sold land to the government to release for housing, bought land from the government (including land left by departing Arabs that now amounts to about half of its holdings) when the opportunity arose, and lived all these years under a barter arrangement whereby every time the JNF released land to the ILA it would be compensated by the ILA transferring the same amount of its land to the JNF to keep that 13% steady. Got it?

Upsetting the apple cart

The land swapping deal fell apart in 2004 when the ILA, for reasons I don't understand, decided it didn't want to continue this

² That is *Keren Kayemet le-Israel*, abbreviated *KK"L*, in Hebrew. I always thought the Arabs should have founded a parallel organization; it would have done them a lot of good. They could have kept the same initials and called it *Keren Kayemet le-Ishmael*

arrangement. So the JNF was left in a pickle:

a) The Arabs, who now number 20% of our population, want and need JNF land to build on.

b) The ILA, as a government agency, is bound not to discriminate and is therefore performe obliged to release JNF land, which it manages, to the Arabs, but

c) The JNF is a private organization with rules that are more than 100 years old that reserve its holdings for the settlement of Jews only, rules it is not legally allowed to break.

No doubt about it; this is a big mess. The Knesset and Supreme Court will have to deal with the issue this fall. Meanwhile the ideological left-wing press, prepared to see the worst in everything the government does, is off on a screed about racism. That's what I found in the latest issue of ERETZ magazine, a colorful publication which tries to be like National Geographic (it's not good enough for that yet) where the editor (a friend!) ran an editorial headlined REAL ESTATE RACISM. He is ashamed of the government and the Knesset, etc. etc. But complicated issues deserve more thoughtful responses; knee-jerk cries of racism won't do.

After all, as already argued, we ARE the exception! ■