Relative Humanity: Identity, Rights, and Ethics—Israel as a Case Study

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Unpleasant Prelude

RULA, A PALESTINIAN WOMAN, WAS IN THE last stages of labor. Her husband, Daoud, could not convince the soldiers at an Israeli military roadblock to let them through to meet the ambulance that was held up on the other side. After a long wait, Rula could no longer hold it. She started screaming in pain, to the total apathy of the soldiers. Daoud described the traumatic experience:

> Next to the barbed wire there was a rock. . . . My wife started to crawl toward the rock and she lay down on it. And I'm still talking with the soldiers. Only one of them paid any attention, the rest didn't even look. She tried to hide behind the rock. She didn't feel comfortable having them see her in her condition. She started to yell and yell. . . . It didn't move him. Suddenly, she shouted: 'I gave birth, Daoud! I gave birth!' I started repeating what she said so the soldiers would hear. In Hebrew and Arabic. They heard.

"The girl died!" Rula later shouted. Daoud, distraught and fearing for his wife's life, cut the umbilical cord with a rock. Later a doctor who examined the little corpse at a hospital revealed that the baby girl had died "from a serious blunt force injury received when she shot out of the birth canal" (Levy, "Birth").

Iman al-Hams, a thirteen-year-old refugee schoolgirl, was killed execution-style—after being wounded—by an Israeli platoon commander in occupied Rafah. According to testimonies given by soldiers in the same company, a soldier in the watchtower identified Iman and cautioned his commander by shouting, "Don't shoot. It's a little girl." The commander, they testified, "approached her, shot two bullets into her [head], walked back towards the force, turned back to her, switched his weapon to automatic and emptied his entire magazine into her." A cursory army investigation later cleared the killer of any "unethical" conduct and suspended him only because of "poor relations with subordinates" (McGreal).

Nazih, twenty-four, was coerced by two Israeli border-police officers to wear on his back the saddle of his donkey and walk back and forth before them. In his testimony, documented by B'Tselem and corroborated by eyewitnesses, he says:

> When we reached the grove, [the officer] tied the donkey to a tree and told me to fuck it. . . . He stood facing me and aimed his weapon at me. The other policeman was in the jeep, watching what was going on.
>
> I stood behind the donkey, took out my penis, and told him "enough." He said, "I'll tell you when it is enough." I was frightened to death, and I couldn't get an erection, so I couldn't do anything. He made me continue, and I pretended that I was doing what he wanted me to do. . . . This went on for about thirty minutes, before he told me to stop. He tightened the saddle on my back and gave me back my ID card. Then he told me, "Ride over to the flock, fuck them, and I'll chase you." I rode away, the saddle still on me, and he watched me go. ("Zeita")

Although by no means exclusive to Israel, the above stories betray a mainstream Israeli tendency to view and often to treat Palestin-

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ians as less than humans, or as what I call *relative* humans. This paper examines the concept of relative humanity and its application in identity perception and rights recognition, focusing on Israel as a case study.

Relative Humanity

I define *relative humanity* as the belief that certain human beings, to the extent that they share a common religious, ethnic, cultural, or other similarly substantial identity attribute, lack one or more of the necessary attributes of being human and are therefore human only in a relative sense—not absolutely and not unequivocally. Accordingly, such relative humans are entitled to only a subset of the otherwise inalienable rights that are due to "full" humans. Subscribing to such a belief or committing acts that are motivated by it can be termed *relative humanization*. In its extreme, relative humanization leads to utter dehumanization, whereby a group of humans is perceived by another as inhuman.

Article 1 of the Universal Declaration of Human Rights proclaims, "All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood." Advocates of universal human rights who espouse the principle of moral consistency unequivocally recognize the equality of all people in their core human attribute and, consequently, in their life's worth. I contend that the opposition between political particularism and moral universalism in the field of human rights can be attributed to a disregard for the above principle. As a consequence, identity-specific rights substitute for the ideal of universal human rights.

Relative Humanity in Zionist Thought and Practice

> To kill the children they fractured their heads with sticks. . . . The men and women of the villages were pushed into houses without food or water. Then the saboteurs came to dynamite the houses. One commander ordered a soldier to bring two women into a house he was about to blow up. . . . Another soldier prided himself upon having raped an Arab woman before shooting her to death. Another Arab woman with her newborn baby was made to clean the place for a couple of days, and then they shot her and the baby. Educated and well-mannered commanders who were considered "good guys" . . . became base murderers, and this not in the storm of battle, but as a method of expulsion and extermination. *The fewer the Arabs who remain, the better.* (Rokach 7; emphasis added)

This is part of the testimony—reported in *Davar*, a defunct Israeli paper—by an Israeli soldier who witnessed the massacre, at a Palestinian village in 1948. Although massacres were an extreme measure Israel deployed to reach its ultimate objective of uprooting Palestinians, Israel's very existence in accordance with Zionist principles has always been premised on displacing as many natives of Palestine as possible, through various means, to clear the land for the "ingathering" of Jewish settlers from all over the world. Since the Nakba—the catastrophe of Palestinian dispossession in 1947–48—Israel, through its army, justice system, parliament, and government, and with the general complicity of its media, its academic establishment, and its civil society at large, has obsessively and systematically striven to justify and perpetrate a gradual ethnic cleansing of Palestinians from their ancestral homeland. The underlying principle is the decisive privileging of the rights of Jewish immigrants escaping persecution and genocide in Europe over those of the indigenous population. An entrenched belief in the irrelevance, or even worthlessness, of the indigenous population's rights, needs, and aspirations prevailed.

Relative humanity has colored the Zionist perception and treatment of the people of

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Palestine and has prevented the ending of the conflict through a moral and sustainable solution that reconciles the ostensibly conflicting requirements for justice, equality, peace, and universal human rights (Barghouti, "Relative Humanity"). The three cases covered in the following sections underline Israel's relative humanization of all three sectors of the people of Palestine: Palestinian refugees, Palestinians under occupation in the West Bank and Gaza, and Palestinian citizens of Israel.

Israel and Palestinian Refugee Rights

Far from admitting its guilt in creating the world's oldest and largest refugee problem, Israel has systematically evaded any responsibility by resorting to an array of evolving arguments. Most peculiar in the mainstream Israeli discourse about the "birth" of the state is the total denial of any wrongdoing. Israelis regard their destruction of Palestinian society and dispossession of the Palestinian people as the foundations of Israel's "independence." Even committed Israeli leftists often grieve that Israel lost its "moral superiority" after occupying the West Bank and Gaza in 1967, as if before that Israel were a civil and law-abiding state. In a classic self-fulfilling prophecy, Israelis have yearned for Israel to be a normal state so much that they believed it was.[1]

Exploiting the Holocaust, Israel has premised its claim to ethnic purity and, as a prerequisite to that, its rejection of Palestinian refugee rights on the assumption that Jews are unsafe among gentiles and must therefore live in a state with a dominant Jewish character that is to be sacredly maintained, regardless of international law and of the human and political rights of the displaced inhabitants of the land on which this state was erected. Ironically, while denying Palestinian refugees their basic rights to repatriation and compensation, Israelis and Jews in the West have scored numerous successes in their campaigns for Holocaust restitution, which often included the right to return to Germany, Poland, and other countries from which Jewish refugees were expelled. The following example, reported in *Ha'aretz*, betrays the quintessence of moral inconsistency:

> More than five centuries after their ancestors were expelled from Spain, Jews of Spanish origin . . . called on the Spanish government and parliament to grant them Spanish nationality. . . . Spain should pass a law "to recognize that the descendants of the expelled Jews belong to Spain and to rehabilitate them," said Nessim Gaon, president of the World Sephardic Federation. ("Sephardi Jews")

Israel and Palestinians under Its Occupation

Much has been written about the injustice and abomination of Israel's colonial wall, condemned as illegal in a historic decision of the International Court of Justice at the Hague in July 2004. Little has been written, however, about the near-total consensus, among the Jewish Israeli public, in support of the wall ("Fence"). Small solidarity protests by conscientious Israelis aside, the only major objection to the wall among Israeli Jews came from environmentalists concerned about the adverse effects it might have on animals and plants. But since very few Israelis have made any fuss about their army's and settlers' systematic and massive destruction of Palestinian-owned olive and palm trees, groves, and vineyards[2] or their gratuitous killing of Palestinian-owned animals, one must conclude that the concern of those Israeli greens is restricted to *Israeli* plants and animals.

Capturing this sentiment, the former Israeli environment minister Yehudit Naot protested the wall by saying:

> The separation fence severs the continuity of open areas and is harmful to the landscape, the flora and fauna, the ecological corridors and the drainage of the creeks. The protective system will irreversibly affect the land resource and create enclaves of communities that are cut off from their surroundings. (Mualem)

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Naot's ministry and the Israel Nature and National Parks Protection Authority mounted diligent rescue efforts to save an affected reserve of irises by moving it to an alternative protected area. They've also created passages for small animals and enabled the continuation of the water flow in the creeks. Still, the spokesperson for the parks authority complained:

> The animals don't know that there is now a border. They are used to a certain living space, and what we are concerned about is that their genetic diversity will be affected because different population groups will not be able to mate and reproduce. Isolating the populations on two sides of a fence definitely creates a genetic problem. (Mualem)

While so attuned to the welfare of wildflowers and foxes, Israel treated Palestinian children as dispensable creatures. Professionally trained sharpshooters fatally targeted them in minor stone-throwing incidents. A young, left-leaning Israeli sharpshooter admitted in a *Ha'aretz* interview that the rules of engagement sanctioned a shoot-to-kill policy against children throwing stones. "Twelve and up is allowed," the soldier stressed nonchalantly. "He's not a child any more. . . . Twelve and up, you're allowed to shoot. That's what [our commanders] tell us" (Hass).

And when there was no stone-throwing incident to hide behind, Israeli soldiers had to provoke one. The veteran American journalist Chris Hedges exposed how Israeli troops had methodically provoked Palestinian children playing in the dunes of southern Gaza in order to shoot them. "Children have been shot in other conflicts I have covered," he noticed, "but I have never before watched soldiers entice children like mice into a trap and murder them for sport."

Israel and Its Own Arab Palestinian Citizens

Israel is not unique in racially discriminating against its indigenous minority. What is exceptional is its sustained success in projecting an image of democracy and enlightenment despite the existence in it of a system of discrimination that evokes parallels with South Africa of yesteryear. At the core of Israel's distinct form of apartheid lies a deep-rooted view of the Palestinian citizens of the state not just as an undesirable reminder of the "original sin" but also as unequal humans—as a demographic threat, no less.[3] Systematic discrimination against them in every vital aspect of life, from education to health to land ownership, remains the rule. In fact, advocating *comprehensive* and unequivocal equality between Arabs and Jews in Israel is viewed as seditious. An Israeli High Court justice once stated on record that "it is necessary to prevent a Jew or Arab who calls for equality of rights for Arabs from sitting in the Knesset or being elected to it" (Herman). Most Israeli Jews oppose equality with their fellow Palestinian citizens of Israel; a staggering majority believes that Arabs should be "encouraged to emigrate" (Khromchenco).

Israeli politicians, intellectuals, academics, and mass-media outlets often passionately debate how best to face the country's demographic "war" with the Palestinians. The Israel Council for Demography, which comprises prominent gynecologists, public figures, lawyers, scientists, and physicians, was reconvened in 2002 to "encourage the Jewish women of Israel—and only them—to increase their child bearing," writes Gideon Levy in *Ha'aretz* ("Wombs"). "Democracy has to be subordinated to demography," preached Major General (reserve) Shlomo Gazit from the Jaffee Center for Strategic Studies, echoing an increasingly popular view (Galili). The former Israeli government minister Effi Eitam prescribed an alternative tactic: "If you don't give the Arabs the right to vote, the demographic problem solves itself" (Tamir).

The all-time favorite strategy for countering this preceived demographic menace remains "transfer," the Israeli euphemism for

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ethnic cleansing. Many Israelis from across the political spectrum have subscribed to this clean sweep. The Haifa University professor Ilan Pappe argues that the only thing stopping Israel from carrying out a new wave of ethnic cleansing is not ethical but technical. It fears provoking the wrath of the West or igniting a wider, more drawn-out violent conflict (Bedell). Another progressive Israeli who is revolted by this discourse of demographic control is Amnon Raz-Krakotzkin, of Ben-Gurion University, who writes, "It's frightening when Jews talk about demography" (Galili).

Jewish Fundamentalism—a Factor

It is commonplace in the West to read about Islamic fundamentalism and its militancy and intrinsic hate of the other. We also hear much more now about the bigotry of some fundamentalist Christian sects in the United States. Jewish fundamentalism, however, is still a taboo issue that hardly ever gets mentioned in the West for reasons that are beyond the scope of this paper. Since Israel, besides being a colonial power, is becoming "increasingly fundamentalist in the ideology that drives it" (Hirst), it is necessary to scrutinize this ideology's influence on the prevalent Israeli relative humanization of the Palestinians.

The late Israeli academic and human rights advocate Israel Shahak traced the roots of Israeli public justification for killing Palestinians to, among other sources, interpretations of the tenets of Jewish law, or Halakhah. While the murder of a Jew is considered a capital offence in Jewish law, the murder of a gentile is treated differently. "A Jew who murders a Gentile," Shahak reveals, "is guilty only of a sin against the laws of heaven, not punishable by court." Indirectly, but intentionally, causing the death of a gentile is "no sin at all" (75–76). A booklet published in 1973 by the Central Region Command of the Israeli army subscribes to this doctrine. In it the command's chief chaplain writes:

> When our forces come across civilians during a war or in hot pursuit or in a raid, so long as there is no certainty that those civilians are incapable of harming our forces, then according to the Halakhah they may and even should be killed. . . . Under no circumstances should an Arab be trusted, even if he makes an impression of being civilized. . . . In war, when our forces storm the enemy, they are allowed and even enjoined by the Halakhah to kill even good civilians, that is, civilians who are ostensibly good. (qtd. in Shahak 76)

More recently, in 1996, Rabbi Yitzhak Ginsburgh, a leader of the powerful Lubavitch Hassidic sect, echoed the same principle, asking rhetorically, "If a Jew needs a liver, can he take the liver of an innocent non-Jew to save [himself]?" Ginsburgh answered, "The Torah would probably permit that. Jewish life has an infinite value. There is something more holy and unique about Jewish life than about non-Jewish life" (qtd. in Shahak 43). Moreover, Ginsburgh cowrote a book defending the 1994 massacre of Muslim worshippers in the al-Ibrahimi mosque (Patriarchs' Cave), in Hebron, in which he argued that when a Jew kills a non-Jew it does not constitute murder according to the Halakhah, adding that the killing of innocent Palestinians as an act of revenge is a Jewish virtue (Shahak and Mezvinsky 43). On the other hand, an act that may indirectly lead to increasing hostility toward Jews is forbidden. This is one of the most important principles that have prevented further indiscriminate killing of non-Jews (Shahak 76).

It is common nowadays for Israeli army spokespersons to justify killing Palestinians by saying that they "endangered human life"—not soldiers' lives, not Israeli lives, but *human* life (Stein et al. 25). One cannot escape the implication that the alleged sources of the threat are not exactly eligible to be called human in the army's common diction.

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Identity, Rights, and Ethics

Regardless of human beings' interests and their competition for economic-political power, how can a group cruelly oppress another for carying a different identity? How could otherwise decent people justify slavery? The Holocaust? Apartheid? Hiroshima? Algeria, Rhodesia, Vietnam, Iraq, and Palestine? I doubt that any one theory can adequately answer this multifaceted question, but an analytic examination of some of the concepts involved may contribute to a better understanding of collective identity and its relation to rights.[4]

The view that groups of human beings possess only, or predominantly, group identities leads to a conception of the world as composed of separate, autonomous, mutually exclusive domains, each representing a distinct identity. When one ethnic, national, or religious group oppresses another, a strict dichotomy often separates the group identities of the collective subjects. In such an opposition, whatever is common between the two dichotomous groups may be ignored, marginalized, or forgotten (Dascal).

Is the dichotomy, then, a cause or an effect of the oppression? It could be argued that ingrained dichotomies exist in a conflict because of an exclusive sense of subjectivity or a resilience of traditional forms of identification. Alternatively, they may be conceived as reflections, or embodiments, of established existential (i.e., concrete) conflicts. Each of these two views will influence the foundations of any conceptual process of de-dichotomization, which I contend is a necessary condition for a just reconciliation.

If the dichotomy is regarded strictly as a cause of the conflict, efforts are focused on challenging the prevailing forms for defining identity and therefore on exploring intergroup commonalities, or attributes that are shared across the subjective borderlines. Such efforts give precedence to conceptual change. All the joint, "apolitical" Palestinian-Israeli projects since the Oslo accords belong to this category.

If, on the other hand, the dichotomy is viewed exclusively as a result of the conflict, priority is given to changing the concrete reality on the ground—that is, the actual experiences of the subjects involved in the conflict. The hope is that such change will effect a corresponding flux in intragroup awareness and, therefore, promote intergroup compromise. The question can thus be reposed as follows: Should reflection or action (to use Paulo Freire's terminology) take precedence?

The above arguments and the question raised themselves tend to dichotomize reality and conceptualization, presenting them as mutually exclusive; a different approach is to examine the interaction or dialectical relation between the two, which makes reality and conceptualization cause and effect simultaneously. What varies is their degree of relevance in a given time and place. From this viewpoint, there is a need to explore a de-dichotomization that takes into account the epistemological as well as the ontological dimensions of the conflict between two identities.

In conflicts involving oppression and injustice, in particular, this notion of de-dichotomization is put to a crucial test of morality. First, if de-dichotomization takes place in reflection (conceptualization, perception) alone, then it may be accused of complicity, since it advocates a change in the "consciousness of the oppressed, not the situation which oppresses them," as Simone de Beauvoir perceptively remarks (qtd. in Freire 34). The inherently contradictory identities of oppressor and oppressed cannot find a moral middle ground. So long as the relation of oppression obtains, only coercion, submission, and injustice are possible outcomes. Second, if de-dichotomization is sought only in action aimed at fighting the oppressive relation, without a corresponding change in reflection, it may lead to role exchange, or revenge. Once the oppressed group decides to pursue the path

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of revenge, it exchanges roles with the oppressor, thus maintaining a relation of oppression. So long as the oppressed group only sees the other as devoid of all attributes except being oppressor, it cannot possibly tackle the dichotomy of oppressor/oppressed; it can only reverse it. Challenging the dichotomy would require delving with valor into commonalities, or what Hegel calls the universal, which must be viewed in a specific context of time and space, rather than as absolute, eternal, or transcendental; otherwise, the universal may turn into a tool of imposing conformity, or forced identification—a more subtle form of oppression.

Ethical de-dichotomization ought to be envisioned in reflection and action—that is, in praxis. This dual vision conceptualizes the relations between the two groups as the injustice is undone and after the causes and manifestations of oppression have been overcome. Only then can de-dichotomization be transformative, dialogic, and efficacious in challenging the reality of oppression. Changes in perceptions of identity cannot by themselves extinguish the oppression—which is objectively present, irrespective of perceptions—but are necessary in deciding and shaping the outcome of the struggle to end this oppression.

New Horizons

Despite the pain and loss engendered by colonial oppression, the oppressed have an obligation to distinguish between justice and revenge, for one entails moral decolonization, whereas the other descends into a vicious cycle of immorality and hopelessness. As the late Brazilian educator Paulo Freire writes:

> Dehumanization, which marks not only those whose humanity has been stolen, but also (though in a different way) those who have stolen it, is a distortion of the vocation of becoming more fully human. The struggle for humanization . . . is possible only because dehumanization, although a concrete historical fact, is not a given destiny but the result of an unjust order that engenders violence in the oppressors, which in turn dehumanizes the oppressed. . . . In order for this struggle to have meaning, the oppressed must not, in seeking to regain their humanity (which is a way to create it), become in turn oppressors of the oppressors, but rather restorers of the humanity of both. (28)

Advocating, protecting, and promoting the equal worth of human life and, consequently, the equal entitlement to basic rights of all human beings, regardless of other differences, are the keys to dissociating identity from the recognition and dispensation of human rights. In the Palestinian-Israeli case, the ethically consistent means of redressing the injustice and restoring the humanity of both oppressed and oppressor is to establish a secular, democratic, unitary state between the Jordan River and the Mediterranean, where Palestinian Arabs (both Muslim and Christian) and Israeli Jews can enjoy equal citizenship as equal humans with equal human rights. Only such a state can reconcile the seemingly irreconcilable: the inalienable, United Nations–sanctioned rights of the indigenous people of Palestine to self-determination and equality and the internationally accepted rights of Israeli Jews to peace and security *after* justice has prevailed. This may not cure the pain of Iman al-Hams's family, and it will not return Rula's newborn, but it may offer hope that the relative humanity that victimized both and many others will be seriously defied.

Notes

1. Henry Kissinger identified as Israel's ultimate objective "a normality that ends claims [from Palestinians] and determines a permanent legal status." Consequently, he has consistently counseled Israel, in return for recognizing a Palestinian state, to insist on a quid pro quo that includes "a formal renunciation of all future [Palestinian] claims." That, he maintained, was "the essence of reasonableness to Americans and Israelis."

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2. Gideon Levy writes, "Tens of thousands of trees have been uprooted, groves and vineyards have been crushed, ancient buildings in heritage neighborhoods like the Casbah in Nablus and that of Hebron have been demolished, green spaces have been paved into roads for settlers only, while mountain ridges have been shaved for the sake of settlements, and none of the green activist organizations on our side have gone into action to prevent it" ("Occupation").

3. The Israeli writer Benjamin Beit-Hallahmi says, "Israelis seem to be haunted by . . . the curse of the original sin against the native Arabs. How can Israel be discussed without recalling the dispossession and exclusion of non-Jews? This is the most basic fact about Israel, and no understanding of Israeli reality is possible without it. The original sin haunts and torments Israelis; it marks everything and taints everybody. Its memory poisons the blood and marks every moment of existence" (216).

4. Most of the arguments in this section were first published in my "Ethical Implications."

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