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Discourse and Controversy in the Israel-Palestine Conflict - A Review of the
Literature

By

Irteza Atique

A Major Research Paper
Submitted to the Faculty of Graduate Studies
through the **Department of Political Science**
in Partial Fulfillment of the Requirements for
the Degree of Master of Arts
at the University of Windsor

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Discourse and Controversy in the Israel-Palestine Conflict - A Review of the
Literature

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April 30, 2024

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ABSTRACT

The Israel-Palestine conflict has been ongoing for more than 75 years and has many historical, geographical, religious, and ethnic components. Despite several attempts at resolution, the war persists, resulting in continued violence, human misery, and regional instability. This study dives into the highly contentious dispute over labelling Israel as an apartheid state, a subject that has prompted heated debate in academic literature, college campuses, the media, and diplomacy. Using a wide range of scholarly literature and trustworthy news sources, we investigate the origins of the war, important historical events, and the numerous factors that have shaped the current conflict. Beginning with an overview of the conflict's history, we trace its origins to the late nineteenth and early twentieth centuries, highlighting key events such as the Balfour Declaration of 1917 and the United Nations partition plan of 1947. We also look at how the term "apartheid" came to be associated with the Israel-Palestine conflict, its historical roots, and how it was used to criticize Israel's practices towards Palestinians. Through a thorough analysis of the literature, we examine many perspectives on the conflict, including arguments for and against labelling Israel as an apartheid state. We critically interact with the perspectives of diverse scholars, activists, politicians, and human rights organizations, considering the consequences of changing language and shifting conceptions of the conflict.

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LIST OF ABBREVIATIONS/SYMBOLS

UN - United Nations

BDS - Boycott, Divestment, and Sanctions

NDP - New Democratic Party

US - United States

UK - United Kingdom

NGO - Non-Governmental Organization

EU - European Union

US - United States

MEE - Middle East Eye

UN - United Nations

CJPME - Canadians for Justice and Peace in the Middle East

OPT- Occupied Palestinian Territory

CHAPTER 1

Introduction

The Israel-Palestine conflict is long-standing and deeply entrenched, spanning over 75 years, and characterized by historical, territorial, religious, and ethnic dimensions. Despite numerous attempts at resolution, the conflict continues to persist, leading to continuing violence, human suffering, and regional instability.

This conflict is very well-researched with hundreds of academic articles and books written on its various aspects. Unfortunately, despite this, the conflict also elicits highly partisan and highly emotive work, making it difficult to take away from the literature a nuanced and perhaps more 'objective' analysis on how to properly understand the conflict. The reference to Israel as an 'apartheid state', for example, is a particularly controversial topic, fought in the academic literature, on college campuses, in the media, and in diplomacy.

The paper aims through a literature review to simply demonstrate the highly contentious nature of this conflict by focusing specifically on one issue: the significant controversy of labelling by some in the academic and human rights world Israel as an 'apartheid' state. The paper looks at some of the key literature that makes this controversial point, proceeds to look at the literature which strongly refutes the accusation, and finally looks at how the political world, especially in the West addresses and or reacts to the issue at hand. At the end of the day, the labelling is seen by many as a political act with political implications and cannot therefore be considered objective.

CHAPTER 2

2.1 Background to the topic

The Israel-Palestine conflict is a protracted and multifaceted dispute rooted, as noted above, in historical, territorial, religious, and ethnic dimensions (Smith, 2013). The origins of the conflict can be traced back to the late 19th and early 20th centuries, as various nationalist movements gained momentum in the region. This period witnessed the Zionist movement, advocating for the establishment of a Jewish homeland in Palestine, and the Arab nationalist movement seeking independence from Ottoman rule. One seminal document shaping the conflict was the Balfour Declaration of 1917, in which the British government expressed support for the establishment of a "national home for the Jewish people" in Palestine (Balfour, 1970). The ensuing British mandate in the region further intensified tensions as both Jewish and Arab communities asserted their claims to the land (Khalidi, 2007).

The United Nations' partition plan of 1947 proposed the creation of separate Jewish and Arab states, with Jerusalem as an international city (United Nations, 1947). While accepted by the Jewish leadership, Arab leaders rejected the plan, leading to the Arab Israeli War of 1948-1949. This conflict resulted in the establishment of the State of Israel and the displacement of hundreds of thousands of Palestinians, forming the foundation of enduring grievances on both sides (Morris, 2009).

Over the subsequent decades, the conflict has seen multiple wars, uprisings, and attempted peace initiatives, each leaving a lasting impact on the geopolitical landscape of the Middle East (Gelvin, 2006). Key issues at the heart of the conflict include the status of Jerusalem, the right of return for Palestinian refugees, borders and settlements, security concerns, the recognition of Israel as a Jewish state, and the establishment of a Palestinian state alongside Israel. The Oslo Accords in the 1990s aimed at establishing a framework for peace, envisioned a two-state solution with Israel and Palestine coexisting side by side. However, subsequent negotiations faced numerous obstacles, including issues related to borders, security, and the status of Jerusalem. The construction of Israeli settlements in the West Bank further complicated peace efforts, contributing to a cycle of violence and mistrust (Finkelstein, 2003).

Critics argue that the Israeli occupation of the West Bank and East Jerusalem, as well as the blockade of Gaza, perpetuates human rights violations and stifles the development of a viable Palestinian state (Human Rights Watch, 2020). On the other hand, supporters of Israel contend that security concerns, including recurrent acts of terrorism and rocket attacks, necessitate stringent measures to safeguard the state and its citizens (Dershowitz, 2003). The question of Israeli security becomes central to those scholars who refute the apartheid label in this conflict, a point revisited in more detail below.

2.2 What is Apartheid?

Apartheid was a system of institutionalized racial segregation and discrimination that prevailed in South Africa from 1948 to the early 1990s. The term apartheid comes

from the Afrikaans word "apartness" or "separateness," and it refers to the National Party government's policy of racial segregation (Spoden, n.d.). Apartheid was defined by the systematic oppression and marginalization of non-white South Africans, mainly black Africans and Coloured people (which included mixed race, Asians and others who didn't fit the Whites or Blacks category), who were subjected to discriminatory laws and policies that curtailed their rights and freedoms (Zhou, 2023).

According to Rome Statute Article 7, Paragraph 2(h), Apartheid is a crime against humanity. Fundamentally, it speaks about laws designed to sustain the hegemony of the dominant racial group by giving preference to that race. It was defined as "inhumane acts... committed in the context of an institutionalized regime of systematic oppression and domination by one racial group over any other racial group... and committed with the intention of maintaining that regime". In Article II of the Apartheid Convention, the crime of apartheid is defined as "inhuman acts committed for the purpose of establishing and maintaining domination by one racial group over any other racial group of persons and systematically oppressing them."

Apartheid can be traced back to colonialism and European settlers' construction of racial hierarchy in South Africa. However, the National Party's win in the 1948 general election caused the legal establishment of apartheid policy. A variety of legal measures were implemented by the apartheid system to retain white dominance and control over South African society's economic, political, and social spheres.

In the context of the Israel-Palestine conflict, the term was first used by South African Prime Minister Hendrik Verwoerd in 1961, who described Israel as an apartheid state. Subsequently, in 1976, Yitzhak Rabin, Israel's fifth prime minister, warned a reporter

that annexing the West Bank would raise his concerns about apartheid. And then, between 1980 to 1990, Uri Davis, an Israeli activist; Meron Benvenisti, an Israeli political scientist; Richard Locke, an American essayist; and Tony Stewart, a Northern Irish historian, began using the term apartheid to describe Israel's occupation of Gaza and the West Bank (Boigon, 2021).

Palestinian organizations such as Al-Haq, Adalah, and Badil accused Israel of using apartheid-like practices against Palestinians during the Second Intifada, which lasted from 2000 to 2005. The United States and Israel withdrew from the World Conference Against Racism in 2001 amid worries about linking Zionism and racism. Israeli Apartheid Week began in 2005, coinciding with the rise of the Boycott, Divestment, and Sanctions (BDS) movement. In 2011, Tom Friedman warned of Israel's probable path to apartheid, while in 2013, General James Mattis argued for a two-state solution while cautioning against apartheid-style measures. By 2020, organizations such as Yesh Din had labelled the West Bank occupation (note, not Israel proper) as apartheid, and in 2021, Human Rights Watch accused Israel of committing apartheid (Boigon, 2021).

CHAPTER 3

3.1 Review of the Literature

A review of the existing literature reveals that there is a clear distinction in opinions regarding this conflict. What is surprising is how difficult it is to find a common ground in the literature, because arguments on both sides seem to be totally opposite. Terms like colonialism or apartheid are often used to describe the situation by various authors. (Said, 1977; Shakir 2021). Conversely, some authors state that Israeli policies are tied to self-defense, and should in no way be unfairly associated with colonialism or apartheid. (Schondorf et al., 2012, Dershowitz, 2003).

The late Edward Said (2023) and Ilan Pappé (2006) have argued that the conflict is deeply rooted in the historical injustices of colonialism and ethnic cleansing. They emphasize the importance of acknowledging and addressing historical responsibility. Avi Shlaim (2015) and Benny Morris (2008) highlight the territorial dimension of the conflict. Shlaim argues that Israel's expansion and the construction of the wall along the occupied West Bank hinders the peace process. Morris underscores that territorial disputes and population displacement have played a significant role in shaping the conflict.

More specific to the main point of this paper, there has been a long-running discussion on whether or not Israel's treatment of the Palestinian people qualifies as apartheid. The academic Sara Roy (2014) and Haaretz journalist Gideon Levy (2010)

emphasize the humanitarian crisis in Gaza. They argue that Israeli actions, including the blockade and military operations, have led to significant suffering for Palestinians, particularly in Gaza. Norman Finkelstein (2000) also offers a critique of Israel's policies, arguing that they often result in harm to Palestinian civilians.

Beyond the academic sphere, many human rights organizations have contended multiple times that the Israeli authorities has gradually institutionalized racism against Palestinians to maintain dominance, and to minimize threats in both Israel and in the occupied territories of the West Bank and Gaza. For example, Michael Lynk, former UN special Rapporteur also sees the term apartheid as an accurate way to describe the situation (Benyair, 2022; Goldenberg, 2023; Lynk, 2018, Zhou, 2023; Bakan, 2010; Greenstein, 2015).

Obviously, this assessment has been repeatedly rejected by the Israeli government and their allies like the US and the European Commission (Zhou, 2023, Shakir, 2023; Chomsky, 1999).

Interestingly, and importantly, the term apartheid has figured into intense debates within the Israeli political realm. Indeed, Israeli academics and former Israeli government leaders have used the term to describe the dynamics between Israel and the Palestinians in the Occupied Territories specifically. Former Israeli attorney general Michael Ben-Yair stated in 2022: "I must also conclude that my country has sunk to such political and moral depths that it is now an apartheid regime." (MEE Staff, 2022). Furthermore, Tamir Pardo, the head of Israel's intelligence services, says that "two people (who) are judged under two legal systems," indicating that there is an apartheid state here. (Zhou, 2023)

Eric Goldstein, the editor of the Human Rights Watch report, emphasized his sincere consideration of the phrase. Reflecting on the past, he acknowledged that two decades ago, the term ‘apartheid’ might not have been used to describe the situation. This reluctance stemmed from the optimism surrounding the Oslo peace process, which envisioned the establishment of two separate states for Palestinians and Israelis. At that time, despite existing abuses in the Occupied Territories, there was a perception that these were temporary circumstances. However, with 54 years of military control in place, Goldstein now perceives the situation as anything but temporary. (Birnbaum, 2021). Goldstein elaborated that the most pronounced issue resides in the West Bank, where all individuals fall under Israeli authority, yet Jewish Israelis enjoy complete political and legal rights, whereas Palestinians do not possess the same privileges. What he meant by that was, despite both groups living under the same political jurisdiction, they are treated disparately when it comes to law enforcement. He explained that Israel operates two distinct court systems: a civilian court system for Israeli citizens, governed by standard legal procedures, and a military court system primarily utilized for Palestinians. Even minor offenses like stone-throwing can lead to Palestinians being detained in military courts for extended periods, often enduring mistreatment. Notably, there appears to be a lack of accountability within Israel's military court system (Vox, 2023). Goldstein described this system as a form of apartheid.

Robbie Sabel responds to assertions that Israel is an apartheid state, arguing that such claims are unfounded. Israel is a multiracial and multicolor country in which Arab minorities actively participate in politics and other facets of life. In Israel, it is illegal to incite prejudice or discriminate based on race or religion. Sabel adds that the connection

between Israel and apartheid-era South Africa is baseless and has been broadly rejected (Sabel, 2011). The true objective behind the apartheid campaign is to delegitimize the State of Israel and advocate for the idea that the only acceptable status for the Jewish population in Israel is that of a "protected" ethnic minority within an Arab Palestinian state (Sabel, 2011)

Hirsch Goodman, a seasoned journalist with extensive experience in Israeli politics, stresses the gravity of the term, cautioning against its casual use. Goodman, who grew up in South Africa before immigrating to Israel, suggests that those who apply the label of apartheid to Israel often do so with the intention of casting the country in a negative light and questioning its legitimacy (Birnbaum, 2021). Goodman vividly recalls the oppressive nature of apartheid in South Africa, characterized by restricted freedoms, arbitrary arrests, and racial discrimination. He rejects comparisons between apartheid-era South Africa and contemporary Israel, arguing that the two contexts differ significantly in their systemic injustices. Indeed, in apartheid era the black majority faced segregation, discrimination, and denial of voting rights and participation in government. But Arab citizens of Israel have the right to vote and serve in the Knesset (Sabel, 2011). That's why despite relentless propaganda from Arab states and extremists on both the far left and far right, the overwhelming majority of people in democratic societies staunchly support the Jewish people's legitimate right to self-determination, including the establishment of Israel (Sabel, 2011)

Goodman's views should be contrasted with those of South African President Cyril Ramaphosa, a former anti-apartheid activist, who acknowledges parallels between the

struggles of Palestinians and his country's historical experiences, citing familiar images of restricted movement and home demolitions (ibid.).

Younger generations of South Africans, such as Muhammed Desai, draw connections between their country's apartheid history and Israel's policies. Desai, an activist affiliated with Africa 4 Palestine, recounts experiences during a visit to Israel that evoked memories of South Africa's apartheid regime (ibid.).

The discussion around the use of the term apartheid holds weighty implications that stretch far beyond semantics. According to Leonie Fleischmann, a teacher in international politics at City University of London, the terminology employed — be it apartheid, occupation, or conflict — shapes the roles and responsibilities attributed to the involved parties. (Fleischmann, 2021)

In the 1990s, during the Oslo peace process, the situation was predominantly labeled as a conflict, framing it as a negotiation between two equal parties seeking resolution. However, Fleischmann notes that the contemporary international community characterizes Israel's governance over Gaza, the West Bank, and East Jerusalem as a military occupation (ibid.).

Within the framework of occupation, Fleischmann explains that Israel, as the occupying power, carries specific obligations toward the Palestinian population while also maintaining its right to prioritize security concerns. For instance, military actions in Gaza might be justified as necessary for safeguarding Israeli citizens.

However, Fleischmann underscores that the moment the situation is branded as apartheid, the concept of balancing interests becomes obsolete. The focus shifts toward addressing systemic inequalities rather than brokering political solutions (ibid).

Echoing this sentiment, Eric Goldstein from Human Rights Watch advocates for a focus on securing equal rights for all individuals across the entire region, spanning from the Jordan River to the Mediterranean Sea, encompassing both Israel and the Palestinian territories. Goldstein suggests that instead of getting caught up in the one-state versus two-state debate, efforts should concentrate on establishing a framework where universal rights are upheld (Birnbaum, 2021).

Goldstein believes this approach will garner broad support, regardless of whether individuals opt to use the term apartheid. Ultimately, the aim is to lay the groundwork for ensuring equal rights precedes any discussions on lingering political issues (ibid.).

The UN Special Rapporteur's report supports findings from different Palestinian, Israeli, and international human rights organizations addressing Israel's 55-year occupation of Palestinian territory. According to Michael Lynk, the UN Special Rapporteur on Human Rights in the Occupied Palestinian Territory, there is a fundamentally discriminatory structure that favours Israeli Jewish settlers over Palestinians. This system, he points out, includes illegal Israeli settlements in East Jerusalem and the West Bank, resulting in a dual legal and political framework that disenfranchises Palestinians (Zhou, 2023). Lynk discusses the misery of Palestinians living under this regime, highlighting the extreme limits on their freedom of movement and basic rights, particularly in Gaza, which is frequently compared to an "open-air prison." (UN, 2022). To counter Sabel (2011) says

that it is clear is that this issue will be resolved once Israel, and the Palestinians agree on their borders. Once the line is determined, any Israeli settlements on the Palestinian side of the future border must be approved by the Palestinians. As a result, the issue at hand is a border dispute between Israel and a potential Palestinian state, rather than an apartheid society in which a minority governs the majority. It is a border issue that should be resolved peacefully in the near future (Sabel, 2011)

3.2 The Impact on Politics in the West

The Israeli-Palestinian conflict has, for a host of reasons that go beyond the scope of the paper, figured prominently in domestic Western politics. The use of the term apartheid has only heightened sensitivities in Western political circles. The paper will highlight of few examples in the US, Canada, and Europe.

In 2023, the US House drafted a resolution that stressed Israel is not an apartheid state. In fact, this is one of the few global issues on which both Republicans and Democrats agree. President Joe Biden's administration has remained steadfast in its support for Israel, resisting calls to leverage U.S. aid or address concerns about Palestinian rights (Usher, 2023). Additionally, the European Union declared in January 2023 it rejects the link between an apartheid state and Israel and stated it is not appropriate to call Israel an apartheid state. (Peller et al., 2023; European Parliament, 2023; Dershowitz, 2003)

When Israeli President Isaac Herzog took the podium before a joint session of the U.S. Congress in July 2023, a noticeable absence will mark the occasion. Notable progressive lawmakers such as Ilhan Omar, Rashida Tlaib, Alexandria Ocasio-Cortez,

Jamaal Bowman, and Cori Bush have all skipped Herzog's speech as a form of protest against Israel's treatment of Palestinians in the Occupied Territories, which they denounce as discriminatory and akin to apartheid (Rod, 2023).

While these dissenting voices among Democrats represent a minority within Congress, their stance underscores a growing disparity between public sentiment and the political establishment's stance on U.S. policy regarding the Israeli-Palestinian conflict, particularly within the Democratic Party. Recent polls indicate a noticeable shift in Democrats' sympathies, with more aligning with Palestinians rather than Israelis, signaling a significant departure from attitudes a decade ago (Saad, 2023). And this is before the recent escalation of the situation.

Furthermore, surveys reveal a majority of Americans favour a democratic Israel over a Jewish state that denies full citizenship and equality to non-Jews in the absence of a viable two-state solution. There is also a marked reluctance to characterize Israel as a true democracy, with many respondents viewing it as a flawed democracy or a state exhibiting apartheid-like segregation (Serhan, 2023).

This evolving landscape coincides with a turbulent period in Israel characterized by sustained protests against Prime Minister Benjamin Netanyahu's government and escalating violence in the Occupied Territories. While critics like Tlaib and Omar have long voiced concerns over Israel's policies, discontent with Israel's rightward shift has been brewing even among traditionally pro-Israel Democratic lawmakers.

Moreover, there has been a discernible shift within the American Jewish community, where attitudes toward Israel's government and its peace efforts with Palestinians are becoming increasingly critical (Serhan, 2023).

While U.S. lawmakers are cognizant of these shifting dynamics, policymaking is influenced by a multitude of factors beyond public opinion, including electoral considerations, interest groups, and geopolitical interests. Consequently, while changing public sentiment may eventually exert influence on policy, the extent and timing of these changes remain uncertain (Serhan, 2023).

As for Canada, The Trudeau administration's foreign policy has long been based on two pillars: outspoken support for global human rights and quieter support for Israel at the United Nations. However, recent allegations from prominent human rights organizations accusing Israel's implementation of apartheid-style measures towards Palestinians have put these two agendas in stark contrast (Dyer, 2022).

While Canada normally does not challenge Amnesty International's findings, the government has remained silent on Amnesty's explicit claim that Israel has established an apartheid regime in the occupied areas (Arnold, 2021). Heather McPherson, the NDP's foreign affairs spokesperson, emphasized the need for conversation following the release of the report, highlighting a critical issue that needs addressing. However, the Liberal administration has been hesitant to engage in such negotiations, according to James Kafieh of the Palestinian Canadian Congress. He criticized Ottawa's silence, implying a lack of concern for Palestinian rights and an unwillingness to embrace the harsh judgements of Israel's apartheid policies issued by important human rights organizations both domestically and internationally (Dyer, 2022)

When asked during a Parliamentary committee hearing, Foreign Affairs Minister Mélanie Joly admitted being aware of the study but reiterated Canada's rejection of the apartheid term without providing any further explanation (CJPME, 2022). This stance highlights the minimal attention the Trudeau government's position on Israel has received domestically, where the dispute between Israel and Palestine is less heated than in the past, until October 7, 2024, Hamas attack inside Israel and the subsequent Gaza war.

The topic of Israel's claimed apartheid policies has begun to enter domestic Canadian politics, especially as the NDP increasingly uses the term "apartheid." MP Jenica Atwin left the Greens after criticizing the party's stance on the Israeli-Palestinian issue. Atwin eventually joined the Liberals, signaling a reversal in her stance (Dyer, 2022).

Yasmin Ratansi, a former Canadian politician who quit the Liberal caucus in 2020, publicly highlighted concerns about Palestinian rights, along with people who were angered by Israeli activities. This split within the Liberal Party indicates varied levels of comfort with Prime Minister Trudeau's approach. While pro-Israel organizations in Canada reject the apartheid term, international and Israeli human rights organizations, such as Human Rights Watch and Amnesty International, have levelled allegations against Israel. South African President Cyril Ramaphosa and Archbishop Desmond Tutu have supported these charges, drawing comparisons between Israel's tactics and those of South Africa's old apartheid administration (ibid.).

However, the Trudeau government has maintained its stance and emphasized the complexities of the Israeli-Palestinian conflict while criticizing the apartheid label. Despite rising international scrutiny, the government's posture remains unaltered, generating

criticism from some quarters for what is believed to be a double standard in its response to human rights infractions (ibid.).

The paper notes that important NGO groups with North American like the pro-Israeli Anti-Defamation League reject the label and stress, as others have, that Israeli security concerns rather than racism are the driving force behind policies that have been undertaken by the Israeli authority towards Palestinians in both Gaza and the occupied West Bank (Zhou, 2023). Israel is a country surrounded by ‘enemies’ in a conflictual regional system that refuse to recognize its legitimacy and are a serious threat to its security. Finally, some critics argue that the term apartheid is inapplicable because Palestinian citizens of Israel enjoy all the same rights as other Israelis, including the right to vote and campaign for government offices. (Tait, 2023; Miller, 1988). At the end of the day, critics say that the use of the term is to try and delegitimize Israel and Jewish national movement.

3.3 Conclusion

The purpose of this paper was to review the literature to demonstrate that the often-intense debate in the academic, human rights, and political worlds over the use of apartheid to describe Israeli treatment of Palestinians, primarily in the Occupied Territories. To recapitulate, the discourse surrounding Israel's policies towards Palestinians, particularly regarding accusations of apartheid, reflects a complex interplay of historical, political, and human rights considerations. At the heart of this debate lies the struggle of two groups of people fighting for one land, each deeply rooted in their narratives, identities, and aspirations. As I write, the situation and perceptions continue to evolve, shaping global

discourse and attitudes towards the conflict. And the most important element in all of this debate is the situation and the perception is evolving. At the end of the day, it is about how the world perceives this conflict. It is about choosing a side. People from both sides feel deeply about their side of the story, their respective narratives.

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