

## **WILL THE HARVARD CENTER FOR HEALTH AND HUMAN RIGHTS TAKE A STAND FOR ARTICLES 13 AND 17 OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS?**

A STATE WHICH IS A FAVORED ALLY OF THE U.S. CANNOT EXIST WITHOUT DENYING FOUR MILLION PEOPLE THEIR RIGHTS IN ARTICLES 13 AND 17 OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS; TO ENFORCE THIS DENIAL OF THEIR HUMAN RIGHTS THIS STATE DEPRIVES THEM ALSO OF THEIR RIGHTS TO HEALTH AND MEDICAL CARE. THE ANTI-DEFAMATION LEAGUE AND OTHER POWERFUL FIGURES IN THE UNITED STATES SAY THAT IT IS ANTI-SEMITIC TO STAND UP FOR THESE HUMAN RIGHTS. WILL THE HARVARD CENTER FOR HEALTH AND HUMAN RIGHTS TAKE A SIDE ON THIS ISSUE?

Article 13 of the Universal Declaration of Human Rights says, "everyone has the right to return to his country" and Article 17 says, "no one shall be arbitrarily deprived of his property." The state of Israel prohibits [see par. B-6] at least four million Palestinians from returning to their country (i.e. the land within the 1948 borders of Israel where they lived in 1948 or, in the case of children born to stateless parents living in refugee camps, where their parents or grandparents lived in 1948) and it has and does arbitrarily deprive them of their property (land, homes, bank accounts, bank safes, shares in corporations, etc.)

Health and human rights are always connected, as the former Director of Harvard's Center for Health and Human Rights, Jonathan Mann, so forcefully argued in connection with AIDS. In the case of health care for Palestinians, Physicians for Human Rights reports: "Since the beginning of the Palestinian intifada in December 1987, Israeli soldiers and security personnel have used excessive force, including beatings, indiscriminate shootings, and inappropriate use of toxic gas, against the nearly two million [in 1991] Palestinians who live in the West Bank and Gaza Strip. They have also curtailed access to health care by restricting the movement of health personnel, closing pharmacies and clinics, blocking ambulances, obstructing access to medical care for critically-ill patients, and forcibly entering medical facilities." [<http://www.phrusa.org/publications/israel.html#3>].

### **Why does Israel do this? The answer is that it must. This is why.**

Any state -- be it a Muslim, Christian, Mormon, Black or White state -- which, like Israel, defines itself as the state of a particular religion, race, or ethnic group must, logically and inevitably, discriminate against people within its borders who are not of the favored race, religion or ethnicity and deny them their full human rights.

Israel has declared itself to be a Jewish state and a democratic state. What does it mean to be a Jewish state? It means, according to the Declaration of the Establishment of the State of Israel, Israel's declaration of independence, signed May 14, 1948, that the sovereign authority in Israel is the Jewish people and only the Jewish people: "This right is the natural right of the Jewish people to be masters of their own fate, like all other nations, in their own sovereign state." Thus Jews have rights in Israel that non-Jews do not -- such as the right to move to Israel and receive automatic citizenship. Section 7A(1) of the Basic Law of Israel explicitly prevents Israeli citizens -- Arab or Jewish -- from using the "democratic" system of Israeli elections to challenge the inferior status of Arabs under the law; it restricts who can run for political office with this language: "A candidates' list shall not participate in elections to the Knesset if among its goals or deeds, either expressly or impliedly, are one of the following: (1) The negation of the existence of the State of Israel as the State of the Jewish People." In a 1989 Israeli Supreme Court ruling (reported in the 1991 Israel Law Review, Vol. 25, p. 219, published by the Faculty of Law at the Hebrew University of Jerusalem) Justice S. Levine, speaking for the majority, ruled that this law meant that a political party could not run candidates if it intended to achieve the cancellation of one of the fundamental tenets of the State -- namely "the existence of a Jewish majority, the granting of preference to Jews in matters of immigration, and the existence of close and reciprocal relations between the State and the Jews of the Diaspora."

Notice the insistence on a "Jewish majority."

In 1947 the Jewish population within what would become the 1948 borders of Israel was slightly less than the non-Jewish population, based on UN estimates (apparently biased downward) giving a total population of about one million. In 1948-9 Israeli political and military leaders carried out ethnic cleansing to achieve the Jewish majority which a Jewish state purporting to be democratic must have; they drove 750,000 of the 900,000 (approximately) Palestinians out of the 1948 borders of Israel and seized their property; to this day Israel will not let them return or give them back their property. The pro-Zionist Israeli historian, Benny Morris, in a famous interview with Ha'aretz newspaper, discusses how David ben-Gurion, Israel's first prime minister, deliberately "transferred" the Arab population out of Israel's new borders:

BM: "Of course. Ben-Gurion was a transferist. He understood that there could be no Jewish state with a large and hostile Arab minority in its midst. There would be no such state. It would not be able to exist."

Ha'aretz: "I don't hear you condemning him."

BM: "Ben-Gurion was right. If he had not done what he did, a state would not have come into being. That has to be clear. It is impossible to evade it. Without the uprooting of the Palestinians, a Jewish state would not have arisen here."

This uprooting of the Palestinians is a crime against humanity under international law.

Today about one million Israeli citizens are non-Jews, 250,000 of whom are classified as "present-absentees" (under the Absentees Property Law of 1950) in consequence of which they are denied -- forever -- all of their property rights which were valid until the creation of the Jewish state in 1948. A Jew cannot be classified as a "present-absentee" in the Jewish state of Israel.

Israel deflects attention from these fundamental violations of human rights by pointing out that it does not implement "petty Apartheid": non-Jewish Israeli citizens can use the same parks and busses and drinking fountains as Jewish citizens. Israel also makes the specious argument that, "The French have France and the Germans have Germany, so why shouldn't the Jews have a

Jewish state?" Pro-Israel advocates do not acknowledge the simple fact that when somebody becomes a citizen of Germany they are legally a German, but when somebody becomes a citizen of Israel they are not legally a Jew, and it makes all difference in the world. Nor do they acknowledge that four million people who would otherwise be citizens of Israel are denied such citizenship purely because they are non-Jews and because of Israeli ethnic cleansing.

**Respected Jewish leaders opposed the idea of a Jewish state.** Albert Einstein, on April 17, 1938, in a speech at the Commodore Hotel in New York City, said:

"I should much rather see reasonable agreement with the Arabs on the basis of living together in peace than the creation of a Jewish state. Apart from practical consideration, my awareness of the essential nature of Judaism resists the idea of a Jewish state with borders, an army, and a measure of temporal power no matter how modest. I am afraid of the inner damage Judaism will sustain -- especially from the development of a narrow nationalism within our own ranks, against which we have already had to fight strongly, even without a Jewish state." [Albert Einstein, in *Ideas and Opinions*, Crown Publishers, New York, 1954, p. 190]

Judah Magnes, the first Chancellor of Israel's Hebrew University, opposed the "Jewish state" idea because, as he expressed it in his diary in 1942, "The slogan 'Jewish state' (or commonwealth) is equivalent, in effect, to a declaration of war by the Jews on the Arabs." [Cited in *The Jewish State*, by Israeli historian Yoram Hazony, Basic Books, NYC, 2000, p. 248]

But these leaders were swept aside by Zionist leaders.

**There are many violations of human rights by governments around the world. But what makes these Israeli violations of human rights especially important for the Harvard Center for Health and Human Rights (and people in the United States in general) to condemn is not only that our government backs Israel in its violation of these rights but, even worse perhaps, that in our country those who condemn Israel's denial of these human rights to Palestinians and who try to put pressure on Israel to stop denying these rights are accused (very logically and correctly) of opposing (objectively if not subjectively) the right of a Jewish state to exist, and then (very wrongly!) labeled anti-Semitic ("in their effect, if not their intent") for this. The accusers are not marginal cranks but highly respected and influential national figures and organizations like the Anti-Defamation League (which says that it is not necessarily anti-Semitic to oppose particular policies of the Israeli government but that it "is a form of bigotry and anti-Semitism" to oppose the idea of a Jewish state.)**

Many Americans who would otherwise support Palestinians having their rights under the Declaration -- i.e. the right to return to their country (inside the borders of 1948 Israel) and their right to not have their property seized without due process -- do not do so because, on the one hand, they do not know that Palestinian rights have been denied by Israel and, on the other hand, they do know that Israel claims it is only doing what is necessary to defend the existence of a Jewish state and they have been convinced it is anti-Semitic to oppose the existence of such a state. This is why much of the public -- not wanting to be anti-Semitic -- goes along with the pro-Israel U.S. foreign policy.

Therefore, the Harvard Center for Health and Human Rights should publicly take a stand on this issue. It should declare that, far from being anti-Semitic to oppose the idea of a Jewish state, it is incumbent upon those who embrace the universal values of democracy and equality and the Universal Declaration of Human Rights to condemn the idea of a Jewish state and the ethnic cleansing, the denial of human rights and the crimes against humanity which are required to protect it. The Center gives out copies of the Universal Declaration of Human Rights to all graduating students, but standing up for these rights when powerful people trample on them and accuse those who defend these rights of being anti-Semitic requires confronting the specific and widely believed lies that make denial of human rights possible -- especially when the lies dominate public discourse in one's own backyard. (For example, one need only walk a few blocks up Longwood Avenue to see the huge banner over the entrance to Temple Israel, disingenuously proclaiming: "We stand with Israel in her quest for peace.")

There are times in history when the silence of community leaders charged with defending human rights constitutes a deafening endorsement of the denial of these rights to some. Thus far the Harvard Center for Health and Human Rights has been silent on the issue of whether it is anti-Semitic to oppose a Jewish state, and whether support for the idea of a Jewish state is compatible with the restoration of human rights to Palestinians. At the very least it should hold open meetings to discuss this and it should make a decision as to how it will respond to these questions. Palestinians have suffered outrageously for five decades now. Muslims around the world are justifiably furious at the United States government for almost unconditional support of Israel. Our leaders tell us we need to wage a War on Terror to defend an unjust status quo. It is time good people took a stand!

I think we can expect better of the Harvard Center for Health and Human Rights. I urge you to express your feelings on this topic to the Center's Director. [For details see <http://www.hsph.harvard.edu/xfbcenter/> ]

John Spritzler, Sc.D.  
Research Scientist  
Harvard School of Public Health, Center for Biostatistics in AIDS Research (CBAR)  
FXB room 615  
Email: [spritzler@comcast.net](mailto:spritzler@comcast.net)  
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