he says is doubly true with reference to the start of the eighties.

**WHAT PRICE SETTLEMENT?**

Dani Rubenstein, writing in Davar, devoted three articles to an examination of Israeli settlements in the occupied territories, under the heading "The Price of the Settlements;" the second and third articles on this theme are reprinted below. The second article, "Other Laws," which appeared in Davar on November 1, 1981, considered the elaboration — through the occupation — of a legal system which is based on discrimination, and encourages separate treatment for Palestinian Arab and Israeli Jew:

The new authority now being consolidated in the West Bank, distinguishes between and separates two groups of inhabitants: Israeli citizens and the Arabs. Each group has its own set of laws, of rights and duties. There is one set for Ofra and another for the village Ain Yabrud, that neighbours the settlement Ofra, one set for Neve Zuf, and another for Nebi Saleh, one for the Nahshon family in the Hadasa building in Hebron, and another for the Hiramaw family next door. When Israelis settle in the West Bank there is no way to avoid this legal separation. It would seem that it is justified because the state of Israel wants to allow the Arab inhabitants to lead their life with minimum Israeli intervention.

Legal experts with whom I have spoken, say that legally the settlements are Israeli territory in almost all aspects. The Israeli citizens in Kiryat Arba vote for the Knesset in spite of the fact that they live outside the official borders of Israel. If they were living in New York they would not be able to vote. They have regional and local councils according to the Israeli model and law, they pay Israeli taxes, they receive Israeli national insurance payments, they conduct education, health, housing and employment services as if they were living in Rehovot or Netanya. Here and there are some exceptions. If the institution that pays salaries is in the [occupied] territories, like the Kiryat Arba local council, then they deduct no income tax, and so we have tens of families (and maybe more) in Judea and Samaria not paying taxes as fixed by Israeli law, and they cannot be accused of the responsibility, because it is they who demand that Israel impose in full the Israeli law over the territories.

There were problems around the judicial system for the Israeli citizens in the West Bank. Should they be tried by Arab judges in Nablus and Ramallah according to the Jordanian law? And what should happen with disputes between Israelis and the West Bank Arabs? And to what court should they go and according to what law act? Some of the problems have been solved gradually and a Supreme Court decision last month enables the transfer of every dispute from the courts in the territories to courts in the State of Israel. Lawyers say that this is a revolutionary decision. The case was that of the family of a Jewish driver from Jerusalem, who was burnt to death while staying at a plastic factory in Beit Sahur. He was supposed to have transferred the products from Beit Sahur in the West Bank to Israel. A fire broke out and he died. The factory is in the West Bank, its owners are there and the event took place there (where the Jordanian law is the law) and the Arab owners said that if the family wants to claim anything they should do so through the Bethlehem court according to the Jordanian law. The argumentation was that no Israeli lawyer would bring to a Jerusalem court a claim over an event that took place in New York, for example, done by an American citizen. I won’t go into all the legal details here that concerned sovereignty and authority that were brought up before the Central Court in Jerusalem (the case of the Yaacobi family from Jerusalem against Nicola Abu Aita from Beit Sahur). The important
fact was the final court decision. According to it the case shall be brought to an Israeli court in Israel. The court decision did not say according to what law the court case shall be handled, Israeli or Jordanian, but specialists told me that the decision is an important precedent that permits the elimination of the Arab courts in the West Bank.

By the way, with regard to this subject, a regulation was made two years ago by the then Minister of Justice Shmu'el Tamir, that enables Israelis living in the West Bank to bring disputes among themselves before the Jerusalem courts and not go to the Arab courts. The new factor in the recent court decision is that now, even court cases that involve Israelis and Arabs, or cases involving only Arabs, will not be obliged to come up in front of Arab courts. In fact, and to a certain degree in theory as well, the Israeli settlers in the West Bank shall not be subjected to the military and civilian administration in the area they live in, as is the case in Beit El, near Ramallah. The case of the Ofra settlers who decided to maintain order in the streets of Ramallah and el-Bireh in their own way is well known. When the officers of the military government came to investigate the events, the settlers at Ofra drove them away and refused to turn in their arms. The same thing happened with the settlers at Kiryat Arba and Rabbi Levinger used to flamboyantly tear up the orders he received from the military administration.

The military administration has tried from time to time to impose its authority over the settlers. Levinger and [Meir] Kahana and their men were brought to court several times and certain restrictions were imposed on them, but it is obvious that one cannot compare the means the administration uses in order to impose its authority over the Arabs with that. For example, restrictions on movement in the territories are meant only for the Arabs there, not for the Jews. When a curfew is declared in Hebron, the Arabs in Hebron must not leave their houses, but the Jews may. At roadblocks the Arab cars are stopped for checking and stand there in long lines, while the Israelis pass by and the driver waves at the soldiers at the roadblock. This cannot be otherwise because the military administration exists in relation to the Arabs in the West Bank, not in relation to the Jews there.

In another well known case, Israeli settlers were suspected of the attempt on the lives of the mayors of Nablus, Ramallah and el-Bireh. In spite of the intensive investigation, no one was charged. A reliable official source told me that one of the problems of the investigation was that they cannot interrogate Israelis as they interrogate the Arabs. But we don't really need that testimony. It is clear that if suspicion points at Jewish settlers, it is not so simple to impose curfew over Kiryat Arba or Beit El and make mass arrests, not to mention other methods used in investigation and search after Arab terrorists. The mayors who were hit formulate their reaction in the way that was once used by Alan Paton, who wrote Cry, the Beloved Country: If you murder or rape you can expect the law to protect you as well, but if you are a political enemy don't expect it."

These examples aim to demonstrate the fact that in the West Bank that is being settled with Jews, legal and ruling systems are developing that separate and discriminate. This is the heavy price of the settlements, the price of distorting the State of Israel.

The third article, "Privileged Citizens," published in the November 2, 1981 edition of Davar, considered discrimination as it operates in the domain of land purchase and expropriation, etc. The article is reprinted below:

Several years ago the Israeli administration published orders prohibiting construction works in the area of Gabal
Tawil, east of Ramallah. The orders angered the Arabs, who claimed that Gabal Tawil is the natural development area of the towns of Ramallah and el-Bireh. And now, in recent months, houses are being built there. Arab lawyers who checked the matter found out that a regional centre is being built there to supply services for the many Jewish settlements in the region. How come it is allowed to build a civilian settlement, while there are orders prohibiting such building? The Arab land-owners in the area understood that in fact the prohibition concerns only them as Arabs. The prohibition orders do not concern Israelis. There were many other cases in the West Bank, where the construction prohibition orders not only concerned Arabs alone, but were in fact permission orders for Israelis to build there. This contradiction is legally arranged with the proper orders. And there is the famous Supreme Court decision in the case of Beit El: at the time, lands had been confiscated from Arabs at Beit El for military purposes and after a while a civilian settlement was built on them. The Arab land-owners claimed that the law permits confiscations for military purposes, but that a civilian settlement is not included in that definition. The court then decided that Israeli civilian settlement can be of military importance and therefore the confiscation was legal. The later development at Beit El was interesting: temporary housing was built for a settlement that is no more than a distant suburb of Jerusalem, and detailed plans were made for the permanent houses. If they would have built any military installations or camps at Beit El, there would have been no need for all the tiring procedures of the civilian registrations. When the Army wants to build in a military camp, there is no need for the civilian planning committees that a civilian requires when he wants to do any construction work. But at Beit El we are dealing with civilian construction work and the planners had to follow the law and present the plans to the civilian administration of the West Bank (the local Ministry of the Interior). Presenting construction plans enables other people to check them and to express any objections they may have if the plans trespass or infringe upon their property. And indeed, when the Beit El construction plans were presented, the Arab land-owners sent their objections to the committee. Their advocate, Elias Khuri, said that it was legally impossible that the settlement and construction at Beit El be semi-military and semi-civilian. If it is to be a civilian settlement, then it has to be in accord with the construction orders of the region. The civilian administration notified Khuri that his appeal had been accepted, but the matter was never brought up for discussion. In fact, all civilian procedures were stopped and the construction works continued.

Building Israeli settlements in the West Bank gets complicated only when it concerns confiscation of Arab land. When a settlement is built on state land or land purchased from Arabs, there are no problems. Then no Arab has a legal right to object. According to estimations about a third of the land in Judea and Samaria has been confiscated and declared state land. There are still large areas of land with unsettled ownership that the state (the administration) can take over.

The Israeli settlement policy does not regard the West Bank Arab inhabitants as owners or even partners in the ownership over state land. The land and resources of the West Bank, that are considered state property, are practically the property of the state of Israel and its Jewish inhabitants (and Israel's official position in the autonomy negotiations is on these lines). And so a situation is created, in which the settlers, Israeli citizens, in the West Bank, are the only ones with full civil rights. On the other hand, the status of the Arabs
there is inferior and unclear. In daily language they are referred to as “local inhabitants,” they are citizens of a foreign country (Jordan, according to Sharon and Shamir is the state of the Palestinians), subjects of an enemy country; within the borders of Israel they have the status of absentees, and if they happen to have property in East Jerusalem the Israeli state may legally confiscate it.

The West Bank has not been officially annexed, but the Israeli settlement policy deprives [the Arabs] theoretically, and of course practically, of being citizens in the region, like their neighbours in the settlements. This seems to be a creeping annexation policy, but in many ways it is also the realization of Rabbi Kahana’s slogan: “Zion for the Zionists, Arabia for the Arabs.”

We have shown some examples from the field of construction, but it is in other spheres of civil rights as well that the Israeli settlement policy determines a different and privileged status to Israelis in the West Bank over the Arab inhabitants. For example, the immigration policy: while there are constant efforts to bring more Israelis to live permanently in the West Bank, local Arabs who have been abroad have great difficulties in returning to live. The civilian administration in the West Bank has committees for family reunions (for Arabs only, of course) with contradictory criteria, which they refuse to disclose, according to which they operate. The same goes for employment policies, development and services, everything in fact.

The privileged Israeli inhabitants in the West Bank are a symbol of social and moral discrimination; they are creating there a masters’ regime and that is the high price of the settlements.

COLLECTIVE PUNISHMENT IN BEIT SAHUR

Another aspect of Israeli policy in the occupied territories is the application of collective punishment. This may take the form of curfews or other penalties imposed on entire communities, or, as in the case described below, the dynamiting of a family home when one of its members is suspected of an act or acts hostile to the occupying power. In the principal case described, the arrested member of the family is a 15-year-old boy; the dynamiting of his home as a punishment for the suspected offence left 37 people homeless.

This case was presented in an article by Jerusalem Post reporter Benny Morris, which appeared in the November 22, 1981 edition of that paper. It is here reprinted in its entirety:

A group of some 40 Israeli intellectuals and Peace Now Movement activists went to Beit Sahur on Friday afternoon to pay a condolence call at the traditionally tranquil Christian West Bank town where three houses were blown up by the military government last Monday. The Israelis spoke to the families who owned two of the demolished houses and to Mayor Hanna al-Atrash.

And yesterday, former foreign minister Abba Eban told an audience at the Jerusalem Theatre that the demolitions were a desecration of the Tora and a flagrant violation of the principles of civilization and law that did violence to all human rights.

The destruction of homes, the Labour leader said, fostered enmity between Israel and its neighbours and would weigh heavily upon the peace process.

Eban cited two scriptural passages to support his argument. One insisting that Jews and the foreigners living among them are equal before the law, and the other that it is the individual who must bear the punishment for his actions.

Replying to charges that Labour, too, had demolished homes, Eban said he had always opposed the policy and it had long ago been halted. Israelis must work out a way of living together with Arabs until