

## ARGUMENT

# Last Time a Jewish State Annexed Its Neighbors, It Disappeared for 2,000 Years

Benjamin Netanyahu scores points by promising to annex the West Bank. If he does, Israel faces a long transformative struggle between apartheid and multinational democracy—and democracy will win.

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BY IAN S. LUSTICK | SEPTEMBER 15, 2019, 4:50 AM

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**I**n the second and first centuries B.C., John Hyrcanus and Alexander Yannai, two Hasmonean kings of Judea, conquered and annexed vast areas beyond the borders of their kingdom, converting native populations to Judaism at the point of a sword. The rabbi-led reform movement of the Pharisees fiercely opposed these policies, fearing that by absorbing so much territory and so many gentiles, both the Jewish state and the Jewish way of life would be destroyed. On the other hand, once the Idumeans and others were converted, the Pharisees insisted on equal rights for their new compatriots. By contrast, the Sadducees—representing the aristocratic priesthood—supported the conquests and coercive conversions but sought to treat the new “Judeans” as second-class citizens. With the death of Alexander Yannai, these and other conflicts between these groups exploded into civil war, leading eventually to the end of Jewish independence and Roman rule.

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With criminal charges looming against him, Netanyahu is once again fighting for another term as prime minister. And once again he is promising that if elected he will annex the majority Palestinian West Bank, or at least large portions of it. Most likely, he will declare annexation, but not implement it according to its legal meaning, and that will make an enormous difference.

Israel has become, in U.S. parlance, a deeply red state—one of only two countries in the world where U.S. President Donald Trump is viewed more favorably than former President Barack Obama (the other is Russia). **Polls** have consistently shown that a majority of Israeli Jewish voters identify themselves as right-wing, and that nearly two-thirds of them favor annexation of large portions of the West Bank. Promising annexation therefore has obvious tactical significance for a politician desperate to attract as much right-wing support as possible.

But tactics can have much larger strategic significance. Pundits and diplomats have made much of the damage annexation would do to supposed prospects for a peace agreement. This is a distracting delusion. Since negotiations for a two-state solution have no real prospects for success, in the long run the question is not whether Israel will annex the territories it captured in 1967, but how that is accomplished and what lies in store for Israelis and Palestinians as a result.

In his campaign before this year's first election in April, Netanyahu announced that if he won he would "annex" Israeli settlements in the West Bank. He meant, he said, to annex not just the large "settlement blocs," but every one of the hundreds of settlements scattered throughout the region, along with the roads and territory necessary to protect and tie them to the center of the state. This time around he says he will annex at least a greatly expanded version of the Jordan Valley, and perhaps more—enough in any case to encircle Palestinian areas with sovereign Israeli territory.

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Many news outlets report these announcements as intentions to “annex the West Bank.” If they meant that Netanyahu has declared his commitment to permanent Israeli control of the territory and its people, these reports are correct. But the difference between imposition of permanent control and actual annexation is significant, and now that annexation has become an operational and not just a theoretical question, understanding that difference is crucial.

In the 1967 war Israel conquered or, in the government’s language, “liberated” key portions of the historic “Land of Israel,” including the West Bank—the mountainous heartland of the ancient Israelite kingdom—and the Gaza Strip. Political opinion in Israel immediately split over what to do with them. “Annexationists” wanted to absorb them into Israel on nationalist and security grounds. “Anti-annexationists” wanted to trade territory for peace and feared demographic threats to the country’s Jewish majority posed by the West Bank and Gaza’s large Arab populations. The problem, said Israel’s prime minister at the time, Levi Eshkol, was that Israelis wanted “the dowry, but not the bride.” In other words, Israel wanted the land without the people.

It was in light of the truth of Eshkol’s observation that annexationists suddenly became reluctant to treat the West Bank and Gaza in the same way that Israel had treated areas its forces had conquered in the 1948 Arab-Israeli War, but that lay beyond the borders set by the United Nations Partition Plan. These heavily Arab areas included the western and central Galilee and the “Little Triangle”—a strip of villages along Israel’s “narrow waist” with 30,000 Arab inhabitants that King Abdullah of Jordan was forced to cede to the Jewish state in April 1949. Israel quickly moved to incorporate these territories, which it initially termed as “occupied,” within its sovereign borders by imposing Israeli citizenship, law, and jurisdiction on their inhabitants.

These measures of annexation and sovereignty extension were not implemented after 1967. Instead, Israel decided to rule the newly acquired territories in accordance with the 1907 Hague Regulations, the primary source for customary international law regarding “belligerent occupation.” This decision was based on the belief that at least some territory would eventually be traded for peace agreements with neighboring Arab states. But demographic concerns were also crucial for a country that sees a Jewish majority as foundational to its identity.

As Eshkol had noted, the West Bank and Gaza Strip contained large Arab populations that neither hawks nor doves wanted as citizens. Indeed, annexationists rather quickly stopped using that word. Arguing that “we can’t annex what is already ours,” they

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of as much of the “Whole Land of Israel” as possible, without specifying what would become of the millions of noncitizen Arabs living in the lands conquered in 1967.

What this camp made clear was its categorical hostility to establishing a viable Palestinian state or even recognizing a Palestinian right of national self-determination. What it often sought to conceal was its hope to engineer the departure or “transfer” of most or all the Arabs in these areas. This would be accomplished by making their lives miserable, offering them payments to leave, or through mass expulsions.

Netanyahu’s preelection promise to annex large portions of the West Bank reflects a growing trend over the last decade, within his Likud party, and even more among members of the religious and ultranationalist right, to return to the slogan the “national camp” abandoned decades ago. In the past decade, many legislative initiatives toward annexing part or all of the West Bank, either in stages or in one fell swoop, have gone forward in the Knesset. Netanyahu has blocked most of them. But several factors have been pushing the Israeli right in this direction.

With the demise of the much-touted two-state solution except as a distracting slogan, Israeli expansionists fear no political backlash from an Israeli public that has effectively given up thinking of a negotiated deal with the Palestinian Authority as a realistic option. Even Likud’s main rival, the ostensibly centrist Blue and White Party, offers no plan for securing a negotiated peace agreement.

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Meanwhile, the practical problems that arise from the fact that close to 10 percent of the Israeli Jewish population lives in settlements east of the pre-1967 border—known as the Green Line—means that most Israelis see regularizing administrative and legal concepts

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annexation and declarations of sovereignty also reflects resigned acceptance by most of the Israeli right that however unwanted the noncitizen Arab populations living between the Jordan River and Mediterranean Sea may be, they are effectively unremovable. According to this logic, since the Arabs aren't going anywhere, there's no sense in waiting for them to leave before advancing the agenda of permanent incorporation.

But talking the annexationist talk does not mean walking the annexationist walk. There is a gray area. It is a sweet spot, politically, for Netanyahu, but for all Israelis and Palestinians it is the beginning of a long struggle over what kind of state governs the territory between the Mediterranean Sea and the Jordan River.

Consider the fate of expanded East Jerusalem and the Golan Heights. Occupied in 1967, these areas contain substantial Arab populations whose formal status Israeli governments have tried to change. With a series of complex amendments to existing laws and administrative procedures, Israel applied its “law and jurisdiction” to each of these areas, but without formally declaring an act of annexation (in Hebrew, *sipuach*) or the extension of the sovereign (*ribonit*) borders of the state. The result, and indeed the motivation for annexing without formally annexing, was to avoid having to transform tens of thousands of Golan Druze and hundreds of thousands of East Jerusalem Arabs into Israeli citizens and thereby strengthen the political potential of Arabs within the “Jewish” state.

Since the legal mechanics of both these acts of expansion entailed only the enlargement of the boundaries of adjacent Israeli municipalities, the non-Jews living in these areas became “permanent residents” of Israel and denizens of Israeli municipalities, but *not* citizens of the state of Israel. Israel's hope has been that if it informally treated these areas as annexed, and if the world continued to refer to them as annexed, that eventually they would become recognized as part of the sovereign state of Israel even without Israel having to actually annex them, and thereby extend citizenship and political rights to their non-Jewish inhabitants.

With Trump's recognition of Jerusalem as Israel's capital and of the Golan Heights as a part of sovereign Israel, this strategy of annexation by stealth finally seems to be bearing fruit. It is therefore unlikely that Netanyahu (or any Israeli leader) will soon formally “annex” the West Bank by declaring Israeli sovereignty over the region. Nor will he declare sovereignty over Area C, which would transform at least 70,000 more Arabs into Israeli citizens. Formulas he has used to discuss “annexation” of Israeli settlements are exactly in line with the carefully crafted and unanimously approved

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and its sovereignty to all liberated areas of Jewish settlement in Judea and Samaria,” the Israeli moniker for the West Bank. The key element here is that no additional Arabs would thereby be included within the new boundaries of sovereign Israel.

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If Netanyahu forms the next Israeli government, his coalition will be right-wing, religious, and ultranationalist. It will certainly advance toward consolidating the one-state reality that has existed for some years now, but not in ways that will open opportunities for Arabs to gain political power in Israel. That means talking about annexation, and in some ways changing the legal and administrative categories used to control territories containing large numbers of noncitizens, but also avoiding categorical extension of sovereignty over Arab-majority areas.

If, as seems more likely, a “national unity government” is formed, based on a deal between Likud, Avigdor Lieberman’s Yisrael Beiteinu party, and Blue and White, Netanyahu will almost definitely not be prime minister, but the consolidation of a pervasively discriminatory one-state reality from the Mediterranean Sea to the Jordan River will continue—without the annexationist chest-thumping.

One of every five Israeli citizens now is an Arab. The results of the last two Israeli elections have made it abundantly clear that for the ultranationalist right to continue to dominate Israeli politics, the number of Arabs voting in Israeli elections must be kept low and their representatives must continue to be treated as unkosher for coalitions, even by Israeli moderates.

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## **The results of the last two Israeli elections have made it**

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## **dominate Israeli politics, the number of Arabs voting in Israeli elections must be kept low**

Netanyahu is a clever and unrelenting tactician. If he becomes Israel's next prime minister and survives in that post, he will exploit every opportunity to entrench Israel's control over the Jewish gated communities and Palestinian ghettos of the West Bank, and over the prison that is the Gaza Strip. He will move cautiously toward any forms of annexation that could open opportunities for Arabs to gain Israeli citizenship, or even lead to serious struggles to achieve equality within the state that rules their lives. There are few barriers to his success in the short term.

In the long term, however, the statistical reality that matters is not the demographic complexion of Israel's citizenry, but of the entire population ruled by the country. According to the Israeli military, more Arabs now live between the Jordan River and the Mediterranean Sea than Jews. Therefore permanent and deepening rule of these areas will transform Israel, from the ethnocracy it is now to something resembling an apartheid state and, eventually, into a multinational democracy.

This will be the case whether the coming phase of this process is called annexation or not, and whether it is supervised by far-right ideologues such as Ayelet Shaked, ruthless right-wing opportunists such as Netanyahu, or those, like Blue and White leader Benny Gantz, who lamely hope for a magical solution to keep Israel in control of the territories but without responsibility for their Arab inhabitants.

Eventually the community of fate that decades of Israeli domination of an entire country creates will enmesh Jews, Arabs, and others in democratizing struggles to live decently in the land they share rather than to dominate populations they cannot remove.

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Ultimately, in other words, policies designed to secure control of territories and deny

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be. In that regard one may, as Israelis love to do, turn to ancient history for guidance. For 2,000 years, Jews commanded no state and therefore did not have to worry about the morality, wisdom, or result of annexing land and absorbing foreign peoples. But 2,000 years ago a Jewish state did go down that road, and it is worth considering what happened as a result.

Existing political conflicts among Jews were deepened, leading to an alliance against the ruling party by the opposition and the country's new inhabitants. Civil strife debilitated the state, leading to its collapse into the waiting arms of Rome and a new dynastic line of mixed Jewish and Idumean descent.

“Man plans,” says the old Yiddish proverb, “and God laughs.” Today, it is not Rome that will conquer and rule a state filled with as many Arabs as Jews; it is democracy. In the long run, the unintended consequences of relentless policies of Jewish exclusivism and expansion are perhaps the most likely, if not the most efficient, way to transform what is now a Jewish state into a multicultural republic for all its inhabitants.

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