BOOKS

Arabs in Israel, well-documented but not unbiased

THE ARABS IN ISRAEL
By Sabri Jiryis (translated by Inae Bashnaq; introduction by Noam Chomsky)
Monthly Review Press, N.Y., 1976, $12.50

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For the Zionist and the socialist who sympathizes with Israel, this is a painful, deeply disturbing book.

Sabri Jiryis is an Israel-born and educated Palestinian, currently among the leaders of the PLO, who apparently belongs to the faction of Palestinians that is willing to recognize Israel's right to exist and to accept a "two-state solution" to the Middle East conflict.

The Arabs in Israel first appeared in Hebrew in 1966, parts having been censored by the Israeli authorities. This greatly enlarged and updated edition in English is an indictment of Israel for systematic discrimination against the Arab seventh of its population.

In exhaustive detail and a dispassionate, non-polemical manner, Jiryis traces how up to 1966 Arab land ownership and mobility were curtailed through the military government by which Israel ruled its Arab areas (primarily the triangle in the Galilee where the overwhelming majority of Israel's Arabs live, and which, under the UN Partition Resolution of Nov. 29, 1947, was to have become part of a Palestinian state). This rule established restricted areas in which Arab settlement or trespass was prohibited, mandatory passes for travel, military courts, and in some cases administrative detention.

Jiryis also reveals the extent of Arab land expropriated by the Keren Keyemet Leyisrael (Jewish National Fund). He notes that of the 807 Arab villages and towns that existed in 1945, 433 were still in existence in 1967. (How many were destroyed by war or were tiny villages abandoned by all their Arab inhabitants during the 1948 he does not say.) Jiryis explains how Israel has acquired land abandoned by Arab refugees through legal ruses. For example, the Land Acquisition Act of 1953 provided that any land not in the possession of its owner from May 14, 1948, to April 1, 1952, might be bought by the State. Arabs who could prove ownership were compensated—but on the basis of the considerably lower land value of 1950.

By examining Israeli laws, government documents, Knesset debates and newspaper reports, Jiryis also explores the second-class treatment of Arabs in Israel's economy, educational system, local government and religious life. For example, though Israel boasts of the religious autonomy enjoyed by her non-Jewish minorities, Israeli law decrees a majority of non-Moslem members on a 9-person committee appointing judges to Moslem religious courts.

The Arabs in Israel has several major weaknesses. Jiryis writes as though the discrimination he describes were taking place in a political vacuum. Israel is, after all, completely surrounded by countries that are hostile to its very presence. Besides fighting four wars in three decades, there have been almost constant battles against *fedayeen* (Arab guerillas) and terrorists. Israeli discrimination against Arabs pales in comparison to the denial of civil and religious rights, harassment, and even occasional torture and pogroms that characterized Jewish life in Iraq, Egypt, Yemen and Syria in the postwar period. This does not excuse anti-Arab policies enacted by Israel, but it does place them in historical and cultural perspective.

In addition, Jiryis commits a number of historical inaccuracies. He refers to the Irgun's April 1948 massacre of over 200 Arabs at Deir Yassin as "Zionist terror;" in fact, David Ben-Gurion and other Zionist leaders denounced and repudiated the actions of those who participated in this bloody incident. As the book progresses, Jiryis' tone becomes shrill and increasingly he says Zionists when he means Israelis. While he does mention those Jewish individuals, groups and parties that have protested anti-Arab policies, he does not mention actions by the Israeli government to improve Arab living conditions and Jewish understanding of Arab culture (such as encouraging Jewish students to study Arabic in high school).

Finally, far more than is excusable, he either offers no evidence for his assertions or uses a single isolated example to confirm a generalization.

The Arabs in Israel is hardly a work of "objective" scholarship. It should be read in conjunction with such works as Aharon Cohen's *Israel and the Arab World* and Jacob Landau's *The Arabs in Israel*. While Jiryis' study does not confirm Noam Chomsky's facile and misleading statement that "To the extent that Israel is a Jewish state, it cannot be a democratic state," it does convey how acute Israel's "Arab problem" is. That problem will probably not be substantially diminished until a Palestinian state is created alongside Israel and, concomitantly, the Arab states and Palestinians publicly recognize Israel's right to exist within secure boundaries. In the meantime, Israel must begin to pay as much attention to the desperate plight of its Arab minority as it has begun to do to that of its Sephardim (Israeli Jews, often economically and culturally disadvantaged, from North Africa, the Arab Mideast and Asia).

—**David M. Szonyi**

David M. Szonyi is a doctoral candidate in modern European and modern Jewish history and a member of the Executive Board of Breira.

WOMEN

Wanrow: a new self-defense standard

Seattle, Wash. In 1973 a Spokane Wash., court found Yvonne Wanrow guilty of assault and murder. She was sentenced to serve 25 years in jail on both charges. The Washington State Supreme Court, however, recently reversed Wanrow's conviction and in the process extended the limits to which a woman could go to defend herself. In its ruling, which argued that a woman had the right to equalize her ability to defend herself by using a weapon, the court said: "In our society women suffer from a conspicuous lack of access to training and the means of developing those skills necessary to effectively repel a male assailant without resorting to the use of a deadly weapon."

There is no dispute that Yvonne Wanrow, A Colville Indian, killed William Wesler. The court, however, agreed with the arguments of Wanrow's attorneys from the Center for Constitutional Rights in New York that the jury had not been adequately instructed to view self-defense from a woman's perspective. Recent interviews with the jurors confirm the influence played by the jury instructions.

In a moment of panic Wanrow, then 29, shot Wesler, 62, and wounded his 26-year-old companion after Wesler burst drunkenly into the house at 5 a.m. in early August 1972.

Wesler, who was known as a child molester, had threatened Wanrow's young son the afternoon before while he was playing outside the home of his babysitter, Shirley Hooper. Wesler later appeared on Hooper's porch to deny the incident, whereupon Hooper's seven-year-old daughter revealed that he was the one who had infected her with venereal disease several months earlier. Learning these facts, Hooper called the police, requesting they arrest Wesler. The police refused, telling her to come in Monday and "swear out a warrant."

Photo by John Stamets

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►What is reasonable self-defense?

Left without police protection, Hooper asked Wanrow to bring her gun and stay overnight. Growing more fearful, the women later asked Wanrow's sister and brother-in-law to come over. Without the women's knowledge, the brother-in-law went over to Wesler's house in the early morning and confronted him. Deciding to go over and "get everything straightened out," Wesler barged into Hooper's house. Wanrow, her leg in a cast, went to the door to call her brother-in-law, and turned around, running straight into Wesler. Extremely frightened, she shot him and wounded his companion.

Charged with second degree murder and assualt, Wanrow plead not guilty because of self-defense and temporary mental irresponsibility.

The trial court told the jury that when a person under attack has no reasonable ground to believe "his person is in danger of death or great bodily harm, and it appears that an ordinary battery is all that is needed...he had no right to repel a threatened assault with naked hands, by the use of a deadly weapon in a deadly manner."

Only the male gender was used in the instructions.

Justice J. Utter, writing for the Supreme Court majority, declared that Wanrow was "entitled to have the jury consider the [shooting] from her point of view, even as it is the product of a long and unfortunate history of sex discrimination."

In its 5-4 decision, the court commented: "The impression created—that a 5'4" woman with a cast on her leg and using a crutch, must, under the law, somehow repel an assault by a 6'2" intoxicated man without employing a weapon in her defense...constitutes a separate and distinct misstatement of the law" and "violates equal protection."

Wanrow's attorneys, Liz Schneider and Nancy Stearns, praised the court's decision, noting that "its adoption of the arguments concerning sex discriminatory jury instructions will have a national impact on the treatment of women charged with self-defense-related crimes. However, had the police responded to the request for help that afternoon, self-defense would not have been necessary. Their failure to respond resulted in the death of the child molester and four and a half years of torment for Ms. Wanrow.

►Legal precedent.

Mary Alice Theiler, local Seattle counsel for Wanrow, explained that in some ways Wanrow's case will have a "greater legal impact than either Inez Garcia's or Joan Little's, because they both were jury acquittals, carrying no legal precedent."

In an interview with IN THESE TIMES Wanrow said that although she is "very pleased" with the decision, she had learned during her lengthy legal battle that she doesn't "dare get too happy. I don't know if the prosecutor is done yet." The prosecutor from the conservative Spokane community, Donald Brockett, still can retry her.

Wanrow's defense committee is mounting a campaign to convince Brockett that another trial would not be in the interest of justice, or the taxpayers of Washington. Letters are also being sent to Washington Governor Dixy Lee Ray asking for pardon.

In the event of another trial a tape recording of Wanrow's emergency phone call to the police after the shooting will not be admitted. Upholding a lower appeals court ruling, the Washington Supreme Court held the tape to be "private communication" and therefore inadmissable. The tape recording decision, although less significant nationally, was in fact a stronger basis for the court's reversal.

The prosecutor had argued during the Wanrow's first trial that the tape demonstrated Wanrow was coherent and rational following the shooting: a key element in his theory that Wanrow had lured Wesler into the house to murder him. The seven woman, five man jury was deadlocked until they heard the tape a second time.

►Jurors' opinions.

Last month IN THESE TIMES interviewed eight jurors and one alternate regarding their decision; the remaining four jurors were unavailable or unwilling to comment.

The most intriguing result of these interviews was the contrast between the male and female jurors' opinions. As one female juror stated, "Right when we got into the room, the men were ready to hang her." The five men did not understand Wanrow's panic and fear, and instead described her as "composed," "detached," "a cool, calculating woman," and "possessing a definite coldness." Perceiving the shooting as very deliberate, the men all agreed she used more force than necessary and one characterized the incident as "much like an execution."

They judged Wesler to pose little threat ("from the pictures he appeared to be a harmless old man"), and consequently they believed Wanrow erred in thinking there was "any jeopardy of life in that house." The men discounted the child molesting information, either figuring it was fabrication or deciding Wanrow should have used legal means to solve the problem.

Whereas the men identified primarily with Wesler, the women sympathized with Wanrow and understood her provocation. As one stated, "I would have done the same thing if it had been my kids." Two women considered Wesler a "detriment to society" and therefore, Wanrow did "society a favor by killing him."

In contrast to the men, the women did not view Wanrow as cold or deliberate. One remembered that her attorney had to stop the trial while Wanrow pulled herself together on the stand. Another pointed out that if she was a cold-blooded murderer, she would not have called the police immediately afterwards.

Because of the jury instructions, however, the women could not justify Wanrow's actions as self-defense. Three women held out during the two-day deliberations, then changed their vote on Sunday, Mothers Day. "We simply did not have any alternative," one commented. "They tell you what to do. Our hands were tied."

The men believed that the women were reluctant to convict merely because they were unwilling to put a mother in prison.

►The racial issue.

The all-white jury denied that any racial factors influenced their decision. "There was absolutely no racism," one man commented, incensed because recent publicity had characterized the jury as racist. One woman juror, who also denied the racism charged, declared, however, that Wanrow had had "her Indian friends over and they were drinking." (Wanrow's "Indian friends" were her sister and brother-in-law). The trial also occurred during the Wounded Knee takeover and Spokane's newspapers were filled with sensational article about Native American violence.

The interviews also revealed the illusions many people have about the criminal justice system. Three jurors convicted because they believed Wanrow needed mental help and "she would receive it in prison... They don't just lock you up and leave you there." Believing Wanrow would only serve one year in prison, two others convicted. One woman voted guilty because she thought Wanrow would end up in a mental institution if the verdict was not guilty by reason of temporary mental irresponsibility.

Wanrow has changed significantly from her experience. Her Indian heritage has become more important to her, as well as her understanding of the need for litle people to fight back." She explained, "I provide a voice for people who are powerless to speak up yet, but who feel what I am talking about. I want them to get hope from this case; hope to talk, move, act. I know people depend on me. I pray every day that I say and do the right thing."

Roxanne Park is a writer living in Seattle.