

The "repressive" nature of bourgeois criminal law is instead to be sought in the social production process, the production and reproduction of capitalist social relations by which such property (legal) relations are established. The crucial question is how law preserves, historically, a process by which capitalists and workers come to meet in exchange as *owners*, of capital on the one hand and labour power on the other.

However, Pashukanis' work which did not explore such problems, and which has been subjected here to something of a critique, remains valuable for historical materialist theory of law. It erected signposts for future Marxist analysis of legal relations without submitting to the stranglehold of the base/superstructure metaphor and, despite immense pressure, resisted to the end the reactionary position of arguing for "proletarian law". Just as in the destruction of the bourgeois state apparatus, Pashukanis saw that the "withering away" of bourgeois law involves its disappearance as "a power separate from and counterposed to the masses."¹⁸

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Zionism or Human Rights?

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A serious scientific study of the Jewish problem in the USSR is long overdue. The present article, however, is not meant as such a study (for which I am in any case not properly qualified) but simply as a political statement, written from the point of view of an Israeli socialist, concerning the emotive and propaganda-laden issue of Jewish emigration from the USSR. This issue seems to have caused some confusion amongst the revolutionary left, especially among those who tend to give rather indiscriminate support to any campaign against the ruling bureaucracy conducted in the name of "dissent" and "Human Rights." I therefore beg forgiveness for presuming to offer this short Guide to the Perplexed.

Shortly after the June war of 1967, the Israeli government and the world Zionist movement started a large-scale, well co-ordinated, worldwide campaign for Jewish emigration from the USSR to Israel. This was not caused by any worsening of the position of the Jews in the Soviet Union. True, the Jews — like certain other minority groups — have suffered from various forms of discrimination and repression (over and above the general repression to which all Soviet people are subjected) but there is no evidence that their situation worsened significantly at that time.¹ Rather, the campaign was motivated by the needs of Zionist colonisation. Israel had occupied large areas, some of which (especially the West Bank, including East Jerusalem, and the Gaza Strip) it wanted to annex. However, since these territories are densely populated by Palestinian Arabs, the Zionists were deeply worried by the "demographic danger" which this posed for the "Jewishness" (i.e. Jewish-supremacist) character of the Zionist state. The Hebrew Zionist press was crammed full with articles discussing various aspects of, and remedies to, this terrible threat. Thus, for example, Joseph Weitz — a well-known "socialist" Zionist and leader of the Israeli Labour Party — wrote: "[In 1948], following the UN resolution concerning the partition of this country into two states, there broke out, to our great good fortune [sic!], the War of Independence, in which a double miracle came to pass: a territorial victory and the flight of the Arabs. In the Six Days' War [of June

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1. In contrast, the position of Polish Jews became very much worse in the Spring of 1968, as a result of a vicious official anti-Semitic drive. But the Polish authorities posed no obstacles to Jewish emigration — quite the contrary. Most Polish Jews did in fact leave (for Israel, Denmark, Belgium etc.) without any special Zionist campaign. In the USSR, some deterioration in the position of the Jews did take place after the beginning of the campaign and as a result of it.

18. Lucio Colletti, *From Rousseau to Lenin*, London, New Left Books, 1972.

1967] there came to pass one great miracle: a huge territorial victory, but most of the inhabitants of the liberated territories remained "stuck" to their places, which threatens to undermine the foundations of our state."²

Two complementary solutions were immediately offered: the Arab population must be "thinned out" by deportation ("population transfer")³ and by inducing the Arabs to reduce their "excessive" birth-rate;⁴ and Jewish immigration must be stepped up. Since the Jews of the West show little sign of wanting to leave their American and European flesh-pots, Zionism urgently needed to tap the huge reserve of Soviet Jewry.

Thus the great "Let my people go!" campaign was hatched. The Zionists and their willing liberal dupes did the shouting, their cold-war allies (Senator Jackson and the rest) mobilized heavy political pressure — and many Soviet Jews responded with an energetic campaign from within. Some of these Jews are true Zionists of the most fanatical sort, for Zionism is one of the reactionary fungi which sprout so well on the putrid heap of Soviet "socialism." But the majority are just ordinary Soviet citizens who are eager to seize any opportunity for getting out.

The Soviet authorities reacted with a characteristic mixture of cowardly brutality and ham-fisted weakness. They incurred worldwide odium by subjecting Zionist activists and ordinary would-be emigrants to harassment and repression; but they also capitulated and allowed Jews to go to Israel. For Zionism this outcome was absolutely ideal: it got tens of thousands of immigrants, much needed for the various colonization and Judaization projects, as well as a few martyrs, whose well-publicized cases could be used to fuel the campaign still further.

Since 1970/71, an average of about 20,000 Jews have been allowed to leave the USSR each year, ostensibly for Israel. Ostensibly, but not in fact. For, apart from extremely rare exceptions, the *only* category of people allowed to leave the Soviet Homeland are "Jews emigrating to Israel;" so that many Jews who are eager to emigrate, but not at all keen to go to Israel, have to *pretend* they are Zionists going to colonize the Holy Land, but "change their mind" once they arrive in Vienna. (Even more bizarre: some 100% kosher gentiles have also availed themselves of this unique route out of the USSR.) This too is quite typical of the Soviet bureaucracy; whereas other classes throughout human history have had monumental dominant ideologies to support their rule, the Soviet bureaucracy only has a transparent tissue of lies which nobody believes.

Practically all the Jewish emigrants leave by train for Vienna. There they are handed over *en bloc* to representatives of the Jewish Agency (i.e. the Israeli office of the Zionist movement) who apply great pressure on them to go to Israel. Nevertheless, a growing proportion of these refugees resist the pressure and "drop out". It is estimated that about 50-60% drop out directly on arrival in Vienna; in addition, an unknown but not insignificant proportion of those who

2. Joseph Weitz, "Solution to the refugee problem — a State of Israel with a small Arab minority," in *Davar* (the Histadrut daily), 29.9.67.

3. *Ibid.*

4. S. Schnitzer, "Looking into the future," editorial in *Ma'ariv*, 29.10.67.

first go to Israel, later leave for other countries, but their position is particularly difficult because the USSR does not want them back, and as far as the West is concerned they are no longer Soviet refugees in need of help.⁵

The drop-outs are looked after by Jewish charity organizations such as the Joint and HIAS. However, the Israeli press has revealed that the Zionist movement and the Israeli government are trying constantly to prevent this, so that the refugees should have no option but to go to Israel.⁶

It is interesting to speculate why Jews with Israeli visas are singled out by the Soviet authorities as the only group allowed to leave the USSR. The main reason is undoubtedly the persistent and well-orchestrated Zionist campaign. Another reason is perhaps the anti-Semitic sentiment endemic among the Soviet bureaucracy: the Jews are regarded as a foreign element, which does not really belong there, and the USSR is well rid of them. Thus William Frankel explains that "... the theory was propounded [in the Kremlin] that, because Soviet Jewry is recognized as a nationality but does not have a republic of its own in the USSR, Jews should be able to go to their homeland (Israel) there to be reunited with their families."⁷ Here, as in so many other cases, anti-Semitism and Zionism are good allies.⁸

The left has, on the whole, reacted to the issue of Jewish emigration from the USSR, and the Zionist propaganda campaign surrounding it, with an embarrassed silence. This is not good enough. A counter-attack must be mounted. Let me try to outline a few principles for such a counter-attack. These come under three headings, corresponding to the three targets of the counter-attack — Zionism, the Soviet bureaucracy, and the Western governments (in particular the Austrian).

1. Against the Zionist campaign

First of all it must be pointed out that the Zionist campaign is *not* one for human rights. The Zionists are not demanding equal rights for the Jews in the USSR; nor are they engaged in a struggle against anti-Semitism. They are absolutely uninterested in such matters; if anything, they are happy with the present situation, in which the Jews are discriminated against, because this encourages Zionist consciousness and Zionist emigration. Where anti-Semitic incidents do not exist, the Zionists are prepared to provoke or fabricate them. (If this sounds a bit too strong, recall what happened in 1950/51 in Iraq, when Zionist agents planted bombs in Jewish centres in order to create panic and encourage the Jews to leave.)⁹

5. William Frankel, "The Jewish drop-outs putting emigration from Russia at risk," *The Times*, 12.5.77.

6. See also W. Frankel, *ibid.*

7. *Ibid.*

8. For a discussion of this objective — and in some cases even subjective — alliance, see M. Machover and M. Offenber, "Der Zionismus und sein Popanz," *Probleme des Klassenkampfes*, Heft 19/20/21 (Dreifachheft), West Berlin, October 1975.

9. *Ibid.*

The Zionist campaign is concerned *exclusively* with one group of people — the Jews. And for the Jews it demands one and only one right — not the right to leave the USSR in general, but only the right to go to Israel. Even the slogan of this campaign has been changed: it is no longer “Let my people go!”, but “Let my people go to Israel!”.

Some of the leaders of the Zionist propaganda campaign actually *fight against human rights*. Thus, for example, Ms. Barbara Oberman, who chairs the “English Committee for the Liberation of Soviet-Jewish Prisoners,” is also engaged in *another* campaign: against Prof. Israel Shahak, the courageous anti-Zionist Israeli dissident and Chairman of the Israeli League for Human and Civil Rights. In a letter to the editor of the Israeli daily *Ha'aretz* (11 July, 1976), Ms. Oberman complains that the failure of the Israeli government to put Shahak on trial “has caused anger and confusion among diaspora Jews.” She goes on to say, “No Jew who is friendly to our mortal enemies, in particular the Council for Advancement of Arab-British Understanding and the Palestine Liberation Organization, deserves to be handled with kid gloves. The government of Israel should deal with traitors to the Jewish people as other nations deal with traitors. The sovereign State of Israel must take all steps necessary for its defence.”

But above all it must be remembered that the main motive behind the Zionist clamour about Soviet Jews is the desire to recruit man-power for a colonization enterprise, carried out at the expense of the human and national rights of the Palestinian people.¹⁰ Of course, I am *not* saying that individuals who for personal reasons wish to go and live in Israel should be prevented from doing so if they happen to be Jewish. But this is not the point; the point is that Zionism is conducting an organized and orchestrated drive for mass recruitment of Jews from the USSR (and elsewhere) as new settlers in the Zionist settler-state. How would socialists react to a similar drive for a mass recruitment of white settlers in Rhodesia or South Africa?

2. Against the Soviet bureaucracy

Socialists must resolutely expose and denounce all forms of racism and national oppression practiced by the rulers of the USSR. In particular, we must fight against anti-Semitism, and oppose the discrimination practised in the USSR against Jews both as individuals and as an ethno-cultural group.

But for socialists the fight against anti-Semitism is not a separate matter; it is part of the struggle against all oppression and inequality. All special pleading, exclusively on behalf of Jews (or of any special group), must be exposed and resisted.

The socialist solution to the problem of the Jews in the USSR is not emigration, but equal rights. Therefore the fight against anti-Semitism must under no circumstances be confused with the issue of emigration. The right to emigrate is a basic democratic right, which every individual must possess, irrespective of his

10. In this connection recall in particular the racist element in Israel's immigration and citizenship policy. The Law of Return grants to every Jew an automatic right to immigrate and become an Israeli citizen. The same right is denied to Palestinian Arabs who were born in that country and whose parents and parents' parents up to the n-th generation had lived there.

or her religion and ethnic origin. Zionist propaganda concentrates on the fact that the Soviet authorities make it difficult for Jews to leave for Israel. This is special pleading, because no Soviet citizens other than Jews going to Israel (or at least pretending to go there) are allowed to leave the USSR at all. Socialists must therefore protest at this discrimination practiced against all gentile and non-Zionist Jewish would-be emigrants, and demand freedom of emigration for all.

3. Against Western hypocrisy

Certain Western governments and politicians have joined the Zionist outcry about Soviet Jews, partly in order to help Zionism (an important ally of imperialism) and partly as a move in the cold war. But these governments themselves have a very restrictive immigration policy. It is therefore very convenient for them to confine their pressure and propaganda on the issue of emigration to the case of Jews wanting to go to Israel. Of the Jewish emigrants from the USSR, the largest single group (though no longer the absolute majority) are those who do in fact go to Israel, where they are needed in the services of Zionism; the rest (about 10,000 annually at the present rate) are spread among various Western countries, and do not constitute a serious “immigration problem” there. But there are millions of Russians, Ukrainians and Oriental Soviet people (as well as many Jews) who would love to leave the USSR for the US, Britain, etc. So, when British politicians attack the USSR for restricting Jewish emigration, we should challenge them and ask whether they support the right of *all* Soviet citizens to emigrate, and how many millions of Ukrainians, Tartars and Georgians they would allow to settle in this country. We must not let the pro-Zionist Western politicians get away with their hypocritical “concern for human rights” at the expense of the Palestinian Arabs.

As for the Austrian authorities, they must be condemned for their practice of handing over all those who arrive in Vienna from the USSR to the control of Zionist officials, who then pressurize these people to go to Israel. This is an infringement of the liberty of these refugees. The fact that they arrive with an Israeli visa cannot be regarded as sufficient ground for presuming that they actually want to go there. A much better and fairer arrangement would be for the refugees to be received by a non-Zionist body and to be allowed to decide free of any pressure where they want to go.

It is high time that the left break its sheepish silence on the issue of Soviet Jews and go onto the offensive.