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An end to Israel's invisibility

Michael B. Oren, NY Times, October 13, 2010

Nearly 63 years after the United Nations recognized the right of the Jewish people to independence in their homeland--and more than 62 years since Israel's creation--the Palestinians are still denying the Jewish nature of the state. "Israel can name itself whatever it wants," said the Palestinian Authority president, Mahmoud Abbas, while, according to the newspaper Haaretz, his chief negotiator, Saeb Erekat, said that the Palestinian Authority will never recognize Israel as the Jewish state. Back in 1948, opposition to the legitimacy of a Jewish state ignited a war. Today it threatens peace.

Mr. Abbas and Mr. Erekat were responding to the call by the Israeli prime minister, Benjamin Netanyahu, for the Palestinians to recognize Israel as the nation-state of the Jewish people, enabling his government to consider extending the moratorium on West Bank construction. "Such a step by the Palestinian Authority would be a confidence-building measure," Mr. Netanyahu explained, noting that Israel was not demanding recognition as a prerequisite for direct talks. It would "open a new horizon of hope as well as trust among broad parts of the Israeli public."

Why should it matter whether the Palestinians or any other people recognize Israel as the nation-state of the Jewish people? Indeed, Israel never sought similar acknowledgment in its peace treaties with Egypt and Jordan. Some analysts have suggested that Mr. Netanyahu is merely making a tactical demand that will block any chance for the peace they claim he does not really want.

Affirmation of Israel's Jewishness, however, is the very foundation of peace, its DNA. Just as Israel recognizes the existence of a Palestinian people with an inalienable right to self-determination in its homeland, so, too, must the Palestinians accede to the Jewish people's 3,000-year connection to *our* homeland and our right to sovereignty there. This mutual acceptance is essential if both peoples are to live side by side in two states in genuine and lasting peace.

So why won't the Palestinians reciprocate? After all, the Jewish right to statehood is a tenet of international law. The Balfour Declaration of 1917 called for the creation of "a national home for the Jewish people" in the land then known as Palestine and, in 1922, the League of Nations cited the "historical connection of the Jewish people" to that country as "the grounds for reconstituting their national home." In 1947, the United Nations authorized the establishment of "an independent Jewish state," and recently, while addressing the General Assembly, President Obama proclaimed Israel as "the historic homeland of the Jewish people." Why, then, can't the Palestinians simply say "Israel is the Jewish state"?

The reason, perhaps, is that so much of Palestinian identity as a people has coalesced around denying that same status to Jews. "I will not allow it to be written of me that I have...confirmed the existence of the so-called Temple beneath the Mount," Yasir Arafat told President Bill Clinton in 2000.

For Palestinians, recognizing Israel as a Jewish state also means accepting that the millions of them residing in Arab countries would be resettled within a future Palestinian

state and not within Israel, which their numbers would transform into a Palestinian state in all but name. Reconciling with the Jewish state means that the two-state solution is not a two-stage solution leading, as many Palestinians hope, to Israel's dissolution.

Which is precisely why Israelis seek the basic reassurance that the Palestinian Authority is ready to accept our state - to accept us. Israelis need to know that further concessions would not render us more vulnerable to terrorism and susceptible to unending demands. Though recognition of Israel as the Jewish state would not shield us from further assaults or pressure, it would prove that the Palestinians are serious about peace.

The core of the Israeli-Palestinian conflict has been the refusal to recognize Jews as a people, indigenous to the region and endowed with the right to self-government. Criticism of Israeli policies often serves to obscure this fact, and peace continues to elude us. By urging the Palestinians to recognize us as their permanent and legitimate neighbours, Prime Minister Netanyahu is pointing the way out of the current impasse: he is identifying the only path to co-existence.

Unnecessary law, unnecessary hysteria

By Alexander Yakobson, Haaretz, 25 October 2010

Is the unnecessary and harmful loyalty pledge bill really a victory for Foreign Minister Avigdor Lieberman and the concept of "no citizenship without loyalty"? Forgotten in all the commotion is that Yisrael Beiteinu proposed something entirely different in the election campaign; it demanded a loyalty oath from citizens and wanted to deny civil rights to those who refused. This is indeed a completely illegitimate idea. A person's citizenship is a right, not a privilege, and no one has the right to condition it on a declaration. The very raising of the idea is a grave act. There is no possibility of putting this idea into practice in Israel's political and judicial reality.

The current bill, which deals with foreigners wishing to become naturalized citizens, is not a victory but rather a consolation prize for Yisrael Beiteinu. "No naturalization without a loyalty pledge" is the way it usually goes. The wording in loyalty oaths differs from country to country, and it is not always neutral. In Britain, for example, people pledge allegiance to the queen. For most people, this is a neutral and problem-free formula, but not for an Irish Republican. In Israel, the proposal is to insert the phrase "Israel as a Jewish and democratic state" into the pledge.

That is the official definition of the state in its basic laws. The phrase "Jewish state" appears in the Declaration of Independence and in the UN resolution that led to the establishment of the state - the partition plan. Nothing in this provision is illegitimate. Nor is there anything wise about it. In general, it's better to avoid signing people up, including people about to be naturalized, to a controversial ideological formula that different people might interpret differently. It can do no good, and can certainly do harm. The sharp disagreement over the law presents the principle of the Jewish state itself as much more controversial than it is.

The truth is that in addition to the vast majority of Israeli Jews who support this definition, the Israeli Arab community, when asked about it directly, does not reject it. According to a survey recently published by Prof. Sammy Smooha, 51.6 percent of Israel's Arab citizens agree that "Israel has a right to exist as a Jewish and democratic state." A few years ago, under more favorable political circumstances, the percentage was 65.6 percent. And 60.8 percent (previously 75.5 percent) agree that "the Jews in Israel are a people that have a right to a state."

The claim that the formula "Jewish and democratic state" in the bill humiliates Israeli Arabs, though the legislation is not aimed at them, is based on the assumption that the Arab community's attitude toward the Jewish state is completely negative, in accordance with the rhetorical division of labor between the Arab parties and Yisrael Beiteinu. The real picture is much more complex.

And what should a candidate for naturalization do if he or she is a conscientious objector to the definition of a Jewish state or a democratic state? Committing oneself to being loyal to Israel as a Jewish and democratic state is not the same as declaring that one believes in the idea of a Jewish or democratic state. It only means that one commits oneself to be loyal to the state knowing that it is defined as such, and one cannot exempt oneself from this loyalty if one thinks the state should change. This does not mean it is forbidden to work legally for such a change. You call that trampling on a person's conscience? Henry VIII at least knew how to do it right; a modern democratic state should not even try. The hue and cry about the victory of fascism is no less absurd than the bill itself.

Goldstone and the Guerilla Flotilla: An emerging pattern

By Trevor S. Norwitz, UN Watch, 20 October 2010

One of the most troubling manifestations of Lawfare today is the increasing abuse of the instruments of international law, specifically to delegitimize and demonize one country (Israel) and to embarrass and weaken another (America).

I thought I would talk today about the latest contribution of the United Nations "Human Rights" Council to this phenomenon, namely its report on what might be called the Guerilla Flotilla (or, if you prefer, the Intifada Armada) which as you probably know was submitted to and accepted by that august body just a few days ago. After that, I'd like to offer a few general thoughts on the topic of Lawfare.

The Flotilla Report is the "Son of Goldstone". Cut from the same cloth, it is a political manifesto masquerading as a fact-finding report. The main difference (aside from its scope) is that it does not bear the name of a prominent Jew and self-styled "Zionist" and so it is easier to just treat like all the other anti-Israel detritus that has come out of the UN over the years.

It is not surprising that the Flotilla Report looks, feels and smells just like the Goldstone Report given its genesis. Hamas leader Khaled Mashaal specifically called for the HRC to commission "another Goldstone Report." After all, Goldstone excoriated Israel and

exonerated Hamas (contrary to how many in the press have chosen to characterize it). Needless to say, Hamas -- along with Hezbollah, Al Qaeda, Iran and all those other champions of human rights around the world -- are simply thrilled with the results of this mission as well. They could not have written it better themselves.

The creation of a document like this, however preposterous it may be, is a perfect example of Lawfare in action: a massive public relations coup (UN Flotilla gets you 3 million Google hits in 0.11 seconds) and a precedent that can be used not only against Israel but against the US and other countries when they try to tackle asymmetrical threats in the future.

The most important thing to understand about the Flotilla Report is that it is a political document hinging almost entirely on the commissioners' subjective determination of proportionality. Its essential finding is that, since the Israeli sea blockade of Gaza was itself *disproportional* -- that is, it inflicts disproportionate damage on the civilian population of Gaza in relation to the military advantage sought by Israel -- it was *illegal per se*, so the boarding of the ships was illegal, justifying virtually everything the activists on the ships did to "protect themselves and their ship and negating the legitimacy of almost anything the Israelis did."

This essential finding from which the Report's other findings all flow shows up in one conclusory paragraph: "[T]he Mission is satisfied that the blockade was inflicting disproportionate damage upon the civilian population in the Gaza strip and that as such the interception could not be justified and therefore has to be considered illegal." (53) In the entire 56-page Report there is hardly any discussion or justification for this key finding of disproportionality. And there is no discussion whatsoever on Israel's reasons for the blockade -- one of the two elements of the proportionality analysis -- beyond the observation (in a final paragraph) that "*Israel seeks to justify the blockade on security grounds*" (263).

It should be noted that the Mission did determine that the primary objective of the flotilla was *not* in fact humanitarian but *political*, namely to break the blockade (80), and also acknowledged that Israel had offered to itself deliver all of the humanitarian supplies the ships were carrying. But somehow -- inexplicably -- they still found the blockade disproportional and therefore illegal.

To give you a sense of the mindset of the authors of this masterpiece of fictional jurisprudence, one of the commissioners, British lawyer Da Silva, commented that "even if *Bin Laden* himself were on the Mavi Maramara, Israel's blockade would still be illegal." The Goldstone and Flotilla Reports share many of the same fundamental flaws. I have time to cite just a few:

1. Both missions were born in sin, the illegitimate offspring of politics and prejudice. They were commissioned by the much same cast of characters, including many of the rogue nations who dominate the "Human Rights" Council. In both cases they were authorized by resolutions that expressly prejudged the outcome.

- Goldstone called the resolution creating his tribunal a "very unfair lopsided resolution" but he still produced his report under it even though it was never formally changed.

- HRC Resolution 14/1 which established the Flotilla fact-finding mission is entitled “*The Grave Attacks by Israeli Forces against the Humanitarian Boat Convoy*” and at the outset “*condemns in the strongest terms the outrageous attack by the Israeli forces against the humanitarian flotilla of ships*”. (Of course this resolution was adopted after the footage of Israeli soldiers being beaten with iron bars had been all over the news.) The commission, according to the Report, “*found it necessary to reinterpret its mandate because of the manner in which the resolution appointing it was couched*”. In other words “we know we were hired to do a one-sided hatchet job and we took on that assignment willingly, but trust us when we say we had no prejudices”. Well, that is just not good enough. It is equivalent to Goldstone’s admission that Christine Chinkin would have had to be recused for bias if their mission had been a judicial inquiry.

2. Both missions based all of their findings on one-sided evidence. In both cases, the evidence they had was obviously biased, and in Goldstone’s case it was (by the report’s own admission) also tainted by duress. But the same basic formula was used to produce the factual findings in both: the evidence we collected (from the anti-Israel side) said X; Israel provided no evidence to the contrary; therefore we find that the facts are X.

- To quote from the Flotilla Report: *The Mission gave particular weight to the direct evidence received from interviews with eyewitnesses . . . the Mission was obliged to treat with extreme caution the versions [of TV footage] released by the Israeli authorities where those versions did not coincide with the evidence of eyewitnesses . . .* (In other words, as Groucho Marx put it: “Who are you going to believe -- me or your lying eyes?”)

3. Both reports represent an unwarranted rush to judgment, dealing in an expedited cursory manner with matters that should be handled with much greater rigor. The Israeli investigations into the allegations and accusations made by Goldstone have shown the vast majority of them to be false -- and the one or two that have substance are being pursued, as well they should. The Flotilla mission is even more egregious in a sense because it is front-running the Turkel Commission, an ongoing independent investigation including international observers (which is quite unprecedented).

4. Both reports utterly failed (or refused) to investigate critical facts. Goldstone exhibited the most extraordinary willful blindness in refusing to look beyond the evidence presented from the Palestinian side or to investigate Hamas’ behaviour (such as locating fighters and weapons in hospitals, schools and other civilian locations). The Flotilla Report doesn’t even mention Hamas except to refer to their electoral victory as the alleged reason Israel wanted to punish the people of Gaza. And it never examines the dubious background, aims or tactics of IHH, evidently the primary instigators of the violence aboard the Mavi Marmara.

5. Both reports betray their bias in their use of language. Here are a just a few gems from the Flotilla Report:

- You may have seen the photograph of an Israeli soldier who had been beaten and stabbed in the stomach with a knife (it was one of those photos doctored by Reuters to remove the knife from the picture); well, in the Report that is described as follows: “*One of the soldiers had a superficial wound to the abdomen, caused by a sharp object . . .*” (A thumbtack no doubt!)

- There is a very short description of the battle itself -- the vicious one the whole world

saw on TV -- just a few paragraphs, but here is how they describe the events when the first Israeli commandos tried to rappel down the rope and were pummeled by a mob of armed activists: “*a fight ensued between passengers and the first soldiers to descend . . .*”. A fight ensued . . . like “war broke out” in 1948. Or a scuffle ensued between the office workers in the World Trade Center and the young gentlemen who had commandeered the planes.

- You may have seen the video clip of the IHH leader urging his troops to jihad and martyrdom and to “throw the Jews off the ship”. In the Report it is noted that he “*spoke with some bravado about preventing an Israeli takeover of the ship.*”
- Of course on the other side there is no such euphemism: the Israeli commandos are found to have summarily *executed* passengers and tortured those they didn’t kill (by tying their plasticuffs too tightly). The finding is actually that they are guilty of *torture* in violation of articles 7 and 10, paragraph 1, of the International Covenant on Civil and Political Rights and of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. And, to add insult to injury, they are guilty of not informing the passengers of the reason for their detention as required by Article 9, paragraph 2 of the International Covenant on Civil and Political Rights.

6. Both reports demonstrate shocking evidentiary double standards, in the assessment of credibility of witnesses and evidence and in the ascertaining of intentions. I go into some detail on this regarding the Goldstone Report in my letter to Judge Goldstone. By way of example in the Flotilla Report, Israel’s evidence of weapons used by activists on the ship is summarily dismissed as unreliable but “*the fact that some passengers engaged in last minute efforts to fashion rudimentary weapons shortly prior to the interception confirms the findings of the Mission that no weapons were brought on board the ship.*” (101)

7. Both reports include grandiose political pronouncements that are not only irrelevant and inappropriate for a “fact-finding” mission, but betray both a lack of understanding of the complexities (let alone the equities) of the Middle East conflict and a bias against Israel. For example, the Conclusions section of the Flotilla Report offers the pretentious but revealing admonition that “*an unfair victory has never been known to bring lasting peace*” and ends by referring to “*the regrettable reputation which [Israel] has for impunity and intransigence in international affairs*”. In similar vein, the Goldstone Report criticizes Israel for “*failing to protect its own citizens by refusing to acknowledge the futility of resorting to violent means and military power*” (as though its implacable enemies like Hamas have given it any choice).

8. Both reports exhibit a startlingly un-judicial lack of balance between the prejudicial and the probative. The Flotilla Report for example includes lengthy and graphic descriptions of the way in which the deceased activists were (allegedly) summarily executed and of the horrible abuses (allegedly) suffered by the surviving passengers after Israeli commandos took control of the ships which, although obviously derived from one-sided testimony, was simply stated as fact, and seemed to serve little purpose other than to highlight how merciless, bloodthirsty and depraved the Israeli military is.

I could go on and on but I think you get the point. Tragically, both reports reward and encourage the most cynical and despicable of behavior. Both cases represent a missed opportunity to provide moral clarity and deter cynical manipulation of international law

and institutions.

Instead they provided a blueprint for violent political groups as to how they can use international law to protect themselves and shift blame to those trying to contain them, a blueprint that can be used against the United States as easily as against Israel.

In my few remaining minutes, I'd like to say a few words about Lawfare more generally.

Almost anything created for a good purpose can be abused or even "weaponized"; think of an ice-pick, a candlestick, a box-cutter knife, an airplane, a shoe, a pair of underpants.

And not just physical objects. We have seen the abuse of almost every institution invented by man: democracy (think of Venezuela, Iran, the Weimar Republic); education (look at Gaza under Hamas or the PLO, Apartheid South Africa); religion (no examples needed).

It should be no surprise then that the law -- one of humanity's greatest achievements, designed for the creation of ordered societies, the establishment and maintenance of justice and the determination and protection of truth -- is also susceptible to abuse.

Today what is really under attack is perhaps the most fundamental value in our Western culture: truth. And it is ironic in the extreme that it is the law, which was created and designed to be the servant and protector of truth, that is the enemy's weapon of choice to undermine the truth.

When one speaks of abuse, of things being misused, the abuse can be in *design* or in *application*. Some things are just bad by design and no amount of tinkering can save them: crack cocaine -- it's cheap and devastating and has no good purpose; the legal system of Apartheid South Africa (intricately designed to achieve its awful goal). Such things cannot be fixed, they are just bad and have to be eradicated or, if that is not possible, contained.

But more often the abuse lies not in design but in application. People take ordinary things and use them in a bad way: a webcam becomes a weapon with which to bully; a water bottle becomes a bomb; a civilian airplane becomes a guided missile.

Human nature being what it is, it is not possible to guarantee that things will not be abused. But once a risk of abuse is manifested, what we can do is implement design improvements to prevent that abuse in the future: we add a dead bolt on the cockpit door -- a simple cheap fix to prevent a civilian aircraft being turned into a weapon of mass destruction. Some fixes are more expensive and the cost benefit analysis is not as clear.

The same is true for the law. The fundamental problem is not one of design but one of application. I know some disagree and think that the laws should be changed to take account of asymmetrical warfare and terrorism, but I think the fundamental laws and principles themselves are basically fine. Universal jurisdiction is not inherently a bad idea, but it is being abused. The fundamental principles of the laws of war -- the principle of distinction between civilian and military objects, and the principle of proportionality, which have developed over hundreds of years -- are good and sensible tools for balancing the needs for people to defend themselves and their rights and the

protection of the innocent.

The problem is that the application of these laws and principles has been corrupted.

When Tzipi Livni has to avoid traveling to England for fear of arrest under universal jurisdiction, something is wrong.

When a terrorist organization can commandeer a major hospital in Gaza for their military headquarters with absolute impunity because the so-called fact-finders are not interested but are only looking to condemn the other side, something is wrong.

When the so-called “human rights” organs of the United Nations are so obsessed with demonizing one country that they make a mockery of the very idea of human rights and allow real violators to literally get away with murder and genocide, something is terribly wrong.

The question of why seemingly good people abuse the law like this is a fascinating one but beyond my brief. A question we do need to ponder is what can be done about it?

In some cases, there are fairly simple design improvements -- like the dead bolt on the cockpit door -- that will fix a problem. For example, England and other countries are in the process of fixing (or have fixed) the abuses of universal jurisdiction in their countries.

I am actually confident that the law is quite resilient and, with the help of good lawyers and NGOs like The Lawfare Project who shine a light into the darkness, will strike the right balance eventually.

In the meantime, there are a variety of tactics by which to prod the law in the right direction: political intervention of course; legal defence work (although that can legitimize the abuse, and so has not been favored for example by Israel which has refused to cooperate with the marsupial tribunals of the HRC, or the International Court of Justice in the separation barrier case, another nadir of jurisprudential gibberish); and perhaps also going on the Lawfare offensive, if only to highlight the absurdity of the abuses. Public relations is a large part of the battle, since that is one of the main objects of the abusers. And just continuing to speak the truth is an imperative -- and a victory in itself.

Where I have far less confidence is in the institutions that are being entrusted to implement these laws. In particular the so-called “human rights” organs of the United Nations. It is becoming increasingly clear that these bodies, in particular the Human Rights Council, are not capable of being a force for good in the world. To the old saying “If it ain’t broke, don’t fix it”, I’d like to offer a corollary: “If it ain’t fixable, don’t waste resources trying”. The U.S. made a good effort at constructive engagement with the Council but it is clear that it has not worked. The HRC is not in need of a design tweak, it is rotten and malignant to the core. I believe that the single most significant step that could be taken to put an end to the abuse of international law is for the U.S. to disengage from that contemptible body.

Singling out Israel – a response to Ran Greenstein

Robert Fine, Engage Mailings, 1 November 2010

www.EngageOnline.org.uk

Dear Ran

Thanks for your latest response in our discussion and apologies for being far slower to reply than yourself!

Let me return to the question of Israel's 'uniqueness'. There is, of course, a sense in which every state is unique. Every state has a unique history, a unique set of circumstances that led to its emergence and development, a unique population, a unique place on the globe. But this is trivial. What you are talking about is exclusion. You write:

"Israel is indeed unique as an exclusionary state. No other state is founded – historically and at present – on the physical and political exclusion of the majority of its indigenous population. No other state regards its ethnic identity as the *sine qua non* of its existence with such intensity. No other state is an ethnic 'demographic state' in the same way. No other state combines the inclusion of all members of one group (Jews), regardless of their specific origins and concrete links to the territory, with the exclusion of most members of another group (Palestinians), regardless of their specific origins and concrete links to the territory."

We know at least some of the exclusionary elements that went into Israel's composition. One element was a political and largely secular Zionism that arose in Europe in the late 19th century and attracted a minority of European Jews in the first half of the 20th century. The point to remember here, I think, is that Zionism was one nationalism amongst many in Europe, itself a product of the exclusion of Jews from the nations of Europe. Nationalism was not exceptional; it was the norm. Nationalism for Jews co-existed with nationalisms for Hungarians, Serbs, Czechs, Slovaks, Germans, French, etc. All such nationalisms, not only Zionism, contain strong exclusionary forces.

A second exclusionary element has to do with the experience of the Holocaust. Many of the 'unmurdered Jews' of Europe, as Philip Roth called them, went to Palestine-Israel because there was often no other place to go, because they were understandably keen to get out of Europe, or because they were committed to establishing some kind of safe haven for Jews that seemed lacking elsewhere. The experience of exclusion, oppression and murder by Europeans was not unique to Jews, though Jews suffered especially badly, and in most cases it led those who suffered at European hands to seek to establish their own independent states. The newly independent states that arose at different times out of this experience often combined a vibrant sense of national freedom with exclusion of those deemed not to belong to the nation in question. Israel is not in this regard unique.

A third – and perhaps crucial exclusionary element – has to do with Israel being a 'Jewish state'. As far as I know, many states in the Middle East and North Africa describe themselves as 'Arab states' and in some cases as 'Muslim Arab states'. Yesterday morning I was reading an article in the *Independent* by Robert Fisk (no great admirer of Israel) who quotes President Sadat of Egypt referring to himself as 'the Muslim president of a Muslim country'. Fisk focuses on the exclusion of Christians in

'Muslim' countries. The problem, he writes, doesn't only come from fundamentalists but from constitutions: in all the countries of the region, except Lebanon, Christians are second class citizens. Both you and I are opposed to any exclusion that derives from the national character afforded to the state, but to think such exclusions are in any sense unique to Israel cannot be right.

The labelling of a state 'Jewish' or 'Arab' or 'Muslim' or indeed 'British' or 'French' is in all cases problematic. But it may be more or less problematic depending on whether the national epithet attached to the state refers merely, say, to the cultural motifs of a nation (e.g. whether Christmas or Pesach or Ramadan is a public holiday); or entails the subordination of those deemed not to fit the 'national' definition of the state as second class citizens or 'minorities'; or worse still entails the expulsion of those deemed not to fit as 'stateless persons'. The history of Israel seems to me equivocal. As far as I know, mainstream Zionists originally supported two states: one for Jews and one for Palestinians with rights of minorities built into both. In the aftermath of existential wars between Israel and neighbouring states, Palestinians in Israel were considered co-citizens but were also discriminated against; Palestinians who left Israel (often in the heat of battle) were not allowed back; Palestinians on the West Bank and in different ways in Gaza have been subjected to occupation and to the denial of civil and political rights that flows from occupation.

If we criticise exaggerated characterisation of these abuses as 'ethnic cleansing' or 'genocide', this does not deny the need to put an end to discrimination against Palestinians in Israel, to the occupation of the West Bank, and to the human rights violations that result from the occupation. The present-day problem is that disrespect for Palestinians is getting worse in Israel as a right wing government, religious fundamentalist movements and needy immigrant populations combine to give license to anti-Arab racism. The situation seems to be aggravated by the decline of antiracist currents within Israel and the difficulties ordinary Israelis and Palestinians have in meeting and conversing with one another.

But the drift to the right in Israel is not unique. In a number of European countries, including some within the EU, there is a disturbing drift to an increasingly ultra-nationalist right wing. In some cases not only is the party of government extreme right but also the main opposition party is even further to the right. In the Middle East, Jews have long since been encouraged to leave or actively expelled from most 'Arab' countries and many of them ceased to be considered refugees when they became beneficiaries of Israel's open door policy to Jews worldwide (beneficiaries, in Zionist parlance, of a right of 'return'). I am no expert on the Middle East but if Fisk is right there is an increasing problem for other minorities living within Arab states. I should like to know more about how Palestinians are being treated in those Arab countries which refuse to integrate them as full nationals. Certainly Israel is not their only problem. One would have to be wilfully blind not to be aware of the growing dangers of religious fundamentalism on one side and authoritarianism among secular elites on the other in a number of Arab countries. Such anti-democratic forces pose dangers not only to Israel but more immediately to a culture of tolerance and mutual respect among Arab people themselves. In short, the drift to what we might call the 'ultra-nationalist right' is a threat that is not unique to Israel and indeed seems not to be isolatable in any one country.

From where then does the singling out of Israel derive? One source is perhaps displacement. Instead of the difficult task of addressing problems within ourselves and

our own world, we can focus on denouncing Israel as if it were uniquely violent, uniquely exclusionary and uniquely powerful. Israel isn't in my opinion any of these things but the accusation can open a can of worms. What is really unique about Israel is the *Jewishness* of the Jewish state as opposed to the *Arabness* of an Arab state or indeed the *Britishness* of the British state. It seems to me that the whole argument about uniqueness pushes us where none of us wants to go: not to political criticism but to an attack on Jews. You point your finger at Israel in the name of 'an inclusive non-ethnic democracy', but you do not ask why of all states it is Israel that is selected out for not meeting this ideal.

For various reasons, some biographical, I share your particular concern with Israel. There is part of me too that wants to be proud of Israel, though I do not share the conviction of some that there is *nothing* already to be proud of. We do not want Israel to be corrupted from within or threatened from without. We want it to succeed as an open society as well as to resist those who think Jews have no place in the Middle East. We are worried about what we hear and see of current developments in Israel, but it would be parochial of us to translate our particular concern, as it were, into the mother of all concerns. Democrats from Burma, Hungary, Tibet, Zimbabwe, Syria, Iran, Denmark, the UK, etc. all have their particular battles to fight with their own political elites. The point is not Zionism or antizionism but the need to defend and build democracy with the materials at hand.

You put forward the idea of an inclusive non-ethnic democracy for Jews and Palestinians together. Excellent! I am all for supporting those who try to build a sense of conviviality between Jews and non-Jews, those who oppose hatred and racism on both sides, and I don't think we should make a fetish of the 'Jewish state'. In this sense we are not 'Zionists'. We agree we need to start from the existing situation and move forward, but I cannot accept the way you pose the issue. The idea of transformation from an 'exclusionary ethnic state' to 'an inclusive democratic state' does justice neither to the past nor the future. In this scenario the darkness of the past goes along with unlimited trust in the future. But those who see only darkness and light never learn to make distinctions between shades of grey.

In any event, your opinion and mine count for little. On the one hand, most people in Israel do not embrace the 'transformation' you seek, perhaps because they believe in the idea of a 'Jewish state' or more simply because for good reason or bad they are fearful of the consequences. On the other hand, many of the political forces who do embrace 'transformation' do not show much interest in sharing an inclusive democracy with Jews. We may want to see what exists dismantled in the name of *our* idea, but the one thing of which we can be sure is that what will replace the existing state will be driven by forces far bigger and more demanding than what is merely in our heads.

Best Wishes, Robert Fine