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# OUTPOST



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# Levy's Bombshell

William Mehlman

"In a time of universal deceit," George Orwell wrote, "to tell the truth is a revolutionary act." The opening note in just such a revolution in Israel may have been struck with the issuance in July of an 89-page investigative report confirming beyond reasonable doubt the international legality both of Israel's presence in Judea and Samaria and that of its 120 communities beyond the 1949 armistice lines.



Edmond Levy

The report is the product of a three-member blue-ribbon panel headed by retired High Court of Justice magistrate Edmond Levy and including former Foreign Ministry legal advisor Alan Baker and former Tel Aviv District Court Deputy President Tchia Shapira. It was commissioned by Prime Minister Netanyahu in January, ostensibly to guide him through the legal thickets raised by the allegedly unauthorized "Outpost" construction which has fueled the demolition of Jewish homes in places like Amona and Ulpana. The resultant Levy Report, as it has become known, went a lot further. It not only recommended transforming the outposts, wherever possible, into new settlements, it blew the almost universally accepted canard that Israel is in "occupation" of Arab real estate in Judea and Samaria clear out of the water.

The laws of occupation "as set out in the relevant international conventions," the Levy panel's findings asserted, "cannot be considered applicable to the unique and *sui generis* historical and legal circumstances of Israel's presence in Judea and Samaria spanning over decades. Israelis have the legal right to settle in Judea and Samaria and the establishment of settlements cannot, in and of itself, be considered illegal." Punctuating these findings with a calculated rap across the knuckles of both the current Israeli government and its predecessors, the panelists added that "we wish to stress that the picture that has been displayed before us regarding Israeli settlement activity in Judea and Samaria does not befit the behavior of a state that prides itself on, and is committed to, the rule of law." The tinkling sound discerned in the background was the illuminati breaking the dishes.

While it was Mr. Netanyahu who set the Levy panel in motion, the impact of its findings and recommendations on Israeli policy remains distinctly moot in the face of an immediate State Department re-rejection of the "legitimacy of continued Israeli settlement activity" and opposition to "any effort to legalize settlement outposts." Will the prime minister have the courage to remove adjudication of Arab land claims in Judea and Samaria from a High Court of Justice highly deferential to the views of a far left cabal of bitterly anti-settler journalists, academics and NGOs to a special tribunal tasked with examining the validity of those claims and making their data public, as recommended by the panel? Is he prepared to make it clear to his defense minister, Mr. Ehud Barak, that in accordance with Levy, construction within the bounds of existing settlements will henceforth be permitted to proceed without further government or ministerial approval and that there will be no prohibition on construction in Judea and Samaria within the bounds of settlements built on land seized by military order? Will he call a halt to the demolition of Jewish homes on land whose status remains unclear, pending the exhaustion of all avenues for the granting of building permits? On these and other Levy recommendations, the jury is likely to be out for some time.

Where the Levy Report's bold reaffirmation of Israel's legal presence in Judea and Samaria appears to have struck an immediate response is in the nation's highly politicized higher education arena. That seemed evident in the 11 to 2 vote of the Council of Higher Education to award full university status, after a seven-year wait, to the former College of Judea and Samaria in Ariel, more recently known as the Ariel University Center. Reversing a rejection of AUC's bid a week earlier by CHE's own Planning and Budgeting Committee, the Council ignored wall to-wall opposition by the



Ariel University Campus



presidents of Israel’s seven existing universities and an anti-accreditation petition signed by 165 academics, including three Israel Prize laureates. The Council’s decision was a long-withheld salute to the 14,000-student university’s full liberal arts and sciences curriculum, increasingly impressive science-oriented research, and a hard-nosed campaign by MK’s Alex Miller (Yisrael Beitenu) and Tsipi Hotovely (Likud) , co-chairs of a Knesset Education Committee Lobby that would not take no for an answer.

Unspoken for the most part, but underlying the lopsided CHE vote was the emboldening power of the Levy Report, reflected in Education Minister Gideon Sa’ar’s shift from a “someday soon” position on AUC’s bid to the clear “now” that induced several of its members to come down off the fence. “The new university combined with the Levy Report,” Knesset Education Committee member Danny Danon (Likud) averred, “vindicates the Settlement enterprise , which will grow international recognition of Judea and Samaria as an inalienable part of Israel.”

Weizmann Institute of Sciences President Daniel Zajfman’s protestation that his opposition to an Israeli university in Ariel was “not political,” but rather a function of his doubt of the need for an eighth university, was shot down by advocates on both his right and left. Nir Gov, the chemistry professor at Zajfman’s own Weizmann Institute who initiated the anti-Ariel academic petition, made it clear to *Ha’aretz* reporter Tallia Neshet that its 165 signatories were “trying to stop an attempt to use Israel’s academia to advance the occupation policy...The intention is obvious: to create a deceptive guise of normalizing the settlements.” Commenting from the other end of the spectrum, Assaf Meydani, a lecturer at the Academic College of Tel Aviv-Jaffa’s School of Government, said that “an Israeli university in the West Bank is a political statement that ‘we are here and we are going to stay here.’”

As for the alleged inroads Ariel will be making on the research budgets of its seven stepsisters, that turns out not to be the case. Finance Minister Yuval Steinitz, in a letter to Sa’ar, has upped his pledge to the new university from 15 million to 50 million shekels over the next two years, none of which will be deducted from the previously announced sums allocated to the other seven.



Ariel mayor Ron Nachman

Relieved of the threat of a two-front war by the Kadima Party’s abandonment of its 71-day marriage to Likud over the Yeshiva military draft impasse, Prime Minister Netanyahu broke his silence on the Ariel University dispute with a congratulatory call to Ariel mayor Ron Nachman. “This a holiday for Ariel,” he told Nachman, “and a holiday for higher education in Israel.” After a week locking horns with Shaul Mofaz, Haredi rabbis and Hillary Clinton,

nobody appears more in need of a holiday than Mr. Netanyahu.

*Bill Mehlman leads AFSI in Israel.*

## From the Editor

### Last of the Lions

With the death of Yitzhak Shamir on June 30 at the age of 96, the last of Israel's founding fathers is gone.

One of Shamir's finest moments was when he voted against the Camp David Accords and the subsequent peace treaty with Egypt. He stood up against a wall to wall coalition swept away by the euphoria surrounding Sadat's visit to Jerusalem.

When Shamir led Lechi, the Fighters for the Freedom of Israel, the most vilified of the underground organizations, few could have imagined that he would one day become Prime Minister.

As David Isaac summed up in his tribute to Shamir on his *ShmuelKatz* blog, "The man most stubborn in facing the British proved to be most stubborn in defending Israel's rights. He championed Jews living in Judea and Samaria and when asked about land for peace liked to say that Israel had already given up 80 percent of its land--the part that is now Jordan. "

### Amazing Israel

With so much negative reporting on Israel, it is heartening to find Michael Ordman's remarkable blog ([www.verygoodnewsIsrael.blogspot.com](http://www.verygoodnewsIsrael.blogspot.com)) which chronicles a staggering number of Israeli achievements *each week*. Here are just a few reported for the week of July 8-15.



1) Israel's LifeWatch Technologies unveiled the Lifewatch V, a first of its kind medical smart phone that measures ECG, heart rate, body temperature, body sugar levels, body fat percentage, blood oxygen saturation and provides an index for measuring stress.

2) A new method for treating diabetes is being developed by Israeli biotech company Orgenesis. The therapy is called autologous cell replacement and uses a patient's own cells.

3) A robotics professor and an aerospace engineering scientist at Israel's Technion have decoded the movement of insects. Replaying the electronic signals makes the insect move. Known as Biomimicry this can help produce small controlled vehicles.

4) Israeli student Tirosh Shapira has become the first person to meld his mind and movements with a robot surrogate, or avatar. Situated inside an fMRI scanner in Israel, he controlled a humanoid robot 2000 kilometers away in France using just his mind.

5) The recently discovered Higgs boson helps explain the structure of matter in the universe. A Weizmann team helped develop particle detectors, a Technion professor designed a key experiment and several Israeli researchers were involved in building the accelerator.

It's a pity all those bitter divestors and boycotters can't be divested from benefitting from all the Israeli achievements that brighten--and in some cases may save--their lives.

### Refugees Forever

Following an initiative by Senator Mark Kirk (R., Illinois), the Senate Appropriations Committee voted unanimously to require the State Department to report on how many of the five million Palestinian Arab refugees currently receiving assistance from UNRWA are people who were physically displaced from their homes and how many are descendants of original refugees.

The State Department responded by saying that it considers all five million to be refugees and to separate them would "generate very strong negative reaction from the Palestinians and our allies in the region, particularly Jordan."

Actually, the best estimate is that 30,000 of the original refugees are still alive. If the State Department definition holds, the academic journal *Refugee Survey Quarterly* has projected that by 2040 there will be 11 million Palestinian refugees and by 2060 there will be 20 million.

An article in *Foreign Policy* notes that the State Department endorsement of the five million figure appears to conflict with the U.S. Law on Derivative Refugee Status, which allows spouses and children of refugees to apply for derivative status as refugees, but specifically declares grandchildren ineligible.

Never mind. No normal rules apply when it comes to putting Israel in the dock.

### **Land for Nothing**

Israeli political leaders have an extraordinary immune system--they are immune to learning from experience. Defense Minister Ehud Barak, speaking at the Institute for National Security Studies in Tel Aviv, declared that if Israel could not cut a deal with the Palestinians, it should consider surrendering Judea and Samaria for nothing. Remember the unilateral retreat from Lebanon? That brought the takeover of Lebanon by Hezbollah. Remember the unilateral retreat from Gaza? That brought the rocket attacks on southern Israel. And no gain in U.S. or Western support--quite the contrary.

Caroline Glick observes: "So, according to Barak and his associates, to prevent Israel's isolation by securing U.S. support, Israel ought to...move full speed ahead with policies that will make it impossible to defend the country."

Sebastian Haffner's words come to mind: "The history of France between 1919 and 1939, the history of a painfully won and subsequently totally lost victory and of a progressive descent from proudest self-confidence to almost accomplished self-surrender, is a tragedy."

### **Changing Muslim Demography**

David Goldman (better known as "Spengler") in *How Civilizations Die* reports that in the Middle East Muslim fertility is converging on Europe's low fertility. The significance for Israel is that the fertility rates of young Arabs in Judea and Samaria has converged with that of young Israeli Jews. As Arab fertility rates go down, Jewish fertility rates, including that of secular Jews, is trending upward. If fertility rates remain unchanged, says Goldman "Israel will have more young people than Italy or Spain, and as many as Germany, by the end of the century.... A century and a half after the holocaust, the Jewish State will have more military age men, and will be able to field a larger land army, than Germany."

### **In Memoriam - Emanuel Zweibon**

AFSI mourns the passing of Emanuel (Manny) Zweibon, first cousin of AFSI's sorely missed founder and long time leader Herbert Zweibon. Manny was the son of Abe and Sylvia Zweibon, both Betar and Revisionist leaders who were among the founder of the Nordau Circle in 1940, a fraternity of Jabotinsky disciples which provided the initial burial place for the great Zionist leader.

Following in his parents' footsteps, Manny became the long-time Secretary-Treasurer of the Nordau Circle. In this role he was active in a host of activities, often in association with AFSI, including the annual Jabotinsky Memorial tribute, lectures, forums, publications, research, support for Ariel University and Gush Katif.

In his battle with cancer, Manny remained stoic, courageous, good humored and active until the end.

## Israel...A Peacetime War Or A Wartime Peace

Daniel Greenfield

In the library, opposing polemics on the Middle East are wedged up against each other. Alan Dershowitz rubs shoulders with Tony Judt who leans onto George Gilder who balances out Norman Finkelstein who flakes bits of paper on Benjamin Netanyahu. Though located in the history section, most of these books are not history. They are long opinion pieces, arguments for and against the Jewish State.

On the left there are vituperative diatribes and on the right there are earnest defenses. The Holocaust Industry contends with *The Case for Israel*, *The Jewish Lobby* with *Start Up Nation*. Every few months brings new combatants to the shelves. Shlomo Sand is swapped out with Peter Beinart who is swapped out with Noam Chomsky like a baseball team that is forever calling the same players off the bench to make the same plays.

The four-hundred thousand word argument can be summed up as, "Israel is bad and those who live there are bad people" and "No, they aren't."

When the torchbearers of the anti-Israel argument are the likes of Norman Finkelstein and Tony Judt, anyone who appears less filled with violent hatred seems moderate by comparison. It allows opponents of Israel like Peter Beinart to rebrand themselves as Liberal Zionists because at least they aren't claiming that the Prime Minister of Israel ritually eats four babies for breakfast every morning.

Few of the books are concerned with the reality of Israel. They are concerned with it as an ideal. The left tears apart the ideal. The right defends the ideal. There is a growing body of books by Jewish leftists who visit Israel, stop by a supermarket outside their hotel, visit one or two sites, cringe at the guns, take in a nightspot, visit the Western Wall, visit the Separation Wall, and transmit the whole thing into a miniature memoir expressing their disappointment with the experience.

The latest such offering is Harvey Pekar's *Not the Israel My Parents Promised Me*. A 70 year old son of a Communist mother and Orthodox father visited Israel for the first time and discovered that it didn't live up to whatever mixed-up ideal his parents promised him. Pekar is already dead, but there is an entire conveyor belt along which the younger set rides to write critical books, graphic novels, blogs and tweets about their disappointing experience in the Jewish State.

Whatever books are on the shelves two years from now, it is likely that very little will have changed. The world as a whole, not just the occasional liberal brat, will continue being disappointed in Israel for not having magically and non-violently resolved the dilemma of people shooting at it no matter what it does. After all there's already a book titled, *How to Make Peace in the Middle East in Six Months or Less* on the shelf. Why not just read it and do what it says?

Regardless of who wins the presidential election, two years from now a Secretary of State will be icily dressing down Israel for building houses in provocative places, using drones to kill terrorists and refusing to make peace. While the Democrats have been worse on Israel, each administration regardless of its affiliation, has accepted the precedents of the previous administration and eventually managed to top its attacks on Israel's sovereignty.

And yet America has slowly been becoming Israel, constantly on alert for terrorists, negotiating with terrorists, seeking ways to kill terrorists while minimizing collateral damage and trying to find a way out of the same trap that Israel has been caught in. The trap of how to be an ideal while fighting an enemy willing to do anything except make peace.

The books on America's War on Terror increasingly echo the ones on Israel's War on Terror. There are the denunciations of foreign policy, the exposure of abuses and proposals for negotiations. From the other side there are the embedded journalists accompanying the troops and defenses of America's moral standing. There is no book on *How to Make Peace with the Taliban in Six Months or Less* but it's coming.

America, like Israel, is magic. It operates as not just a country, but a set of ideals. Countries aren't meant to be magic; they're meant to be places. Places full of houses, farms, factories and all the usual stuff. Fly a flag over the place, write an anthem and make sure that it means, "This is our place and we like it a lot, so please don't put your feet up on the furniture or try to blow it up... or we'll have to kill you."

The national anthem of the United States, like most national anthems, is a long-winded way of expressing that set of thoughts. The Israeli national anthem is still expressing a longing to return to a homeland which it already has. A homeland whose biggest problem isn't getting there, but convincing its leaders not to give it away in the name of its ideals.

A sensible anthem for Israel wouldn't remove Zion or Jewish Soul, as the left would like it to, but it would have something in there about "Bombs bursting in air" from the Star-Spangled Banner, a little "O Lord, our God, arise, Scatter her enemies, And make them fall. Confound their politics, Frustrate their knavish tricks," from God Save the Queen, and "To Arms Citizens" from La Marseillaise along with the usual listings of natural features, such as the "coral isle" and "blue lagoon" of Belize, the "salty eastern beaches" of Denmark, the "golden sands" of Fiji and the "luscious fruit" of Sri Lanka; and finally some mention about refusing to be ruled by tyrants ever again.

The Two-State Solution talked up by politicians almost as often as the virtues of diversity, high taxes and filling out government forms, is a solution to the problem of Israel. And the problem of Israel is that it exists and a great many people would rather that it didn't. There are two possible solutions to the problem. One is to go on existing and wait for them to change their minds while humming a tune about the last time someone tried to invade your golden hills with its luscious fruit and blue beaches. Or you can try to convince them to change their minds.

We have expended a great deal of land, lives and dead trees on convincing them to change their minds. And it hasn't worked. The one baseline treaty that Israel signed will be rolled back by Egypt's new cheerfully Islamist government. And still next year there will be four more books arguing that Israel is committed to peace and would love to have peace next week if it were at all possible and four other books insisting that the Jewish Devil State has never wanted peace.

The books are part of an industry and industries are built around harvesting and processing stable commodities. If anyone thought that Israel would be at peace tomorrow, next week or next year; the market for pro and con books would suddenly bottom out. Norman Finkelstein, that self-described "Old-Fashioned Communist", would have to try his hand at working for a living, Tony Judt's estate would be forced to republish his essays on Marxism, and Peter Beinart would have to go door-to-door peddling vacuum cleaners or encyclopedias.

The Peace Process is a permanent state of crisis. A Zeno's Paradox in which the Jewish State shoots for peace, and seems to privileged observers to keep getting closer and closer, even as physically the arrow can never reach its target.

To pursue peace is to perpetuate the crisis and the entire publishing industry built around it. It ensures that Peter Beinart, Norman Finkelstein and the rest of the horrible bunch will have more books explaining why Israel is a horrible country because it won't solve the crisis, even though it is entirely within its power. It ensures that Jimmy Carter will drag his senile smirk into more false piety and terrorist toadying—perhaps with another book deal. And it ensures that two years from now a Secretary of State will icily mention an apartment building in a Jerusalem neighborhood, where Jews, rather than Arabs, live, as the death of all hope for peace.

The only way to solve an unsolvable crisis is to de-crisis it, to stop trying to solve it. To declare that there is no crisis at all to solve and that perhaps all the people trying to solve it should find a real job. Netanyahu, like so many advocates from the right, has tried to prove that peace is impossible by making peace, and then showing that the other side is the obstacle.

That approach hasn't worked. And that approach will never work. It will not work if a hundred Israeli Prime Ministers offer 99 percent of the country for a hundred years to the radioactive zombie corpse of Yasser Arafat. It will convince the occasional observer of good-will, but it will not convince a single politician, diplomat, journalist or any of the other people who are the actual problem.

Israel can withdraw from every scrap of land that it took back in 1967 and the cries of "End the Occupation" will only grow louder. It can split Jerusalem, split Tel Aviv, split Haifa and split Ben Gurion Airport and there will be forty books on the history shelf next year explaining how the Zionist Devil Entity fueled by lobbyists, tears and racism has deprived the perpetually oppressed peoples of the other half of Jerusalem, Tel Aviv, Haifa and Ben Gurion Airport.

And there will still be no peace. Only the perpetual crisis of constantly being pressured to urgently make peace before, that favorite phrase of diplomats and seriously serious pundits, "time runs out".

Well the time has run out. It ran out a while back.

Israel has to decide whether it wants to live in crisis mode or go back to the way things were before a drunken Prime Minister, whose only qualification for the job is that he once looked good in a military uniform, shook hands with a sleazy Oxford grad who talked a great deal about hope, and a greasy terrorist pedophile, to the brief acclaim of the politicians, diplomats and journalists who hailed the new era of peace.

The longer the crisis goes on, the worse Israel's position becomes, the lower its morale falls and the fewer options it has. The crisis of unfulfilled peace cannot continue indefinitely and while it does, the only ones who benefit are those who write the books and plant the bombs. The Jewish State can have the peacetime war of the peace process or the wartime peace of the old status quo. Jabotinsky warned once that it came down to ending the exile or the exile will end you. The ashes prove the truth of his words. Now Israel has another choice, either it will end the peace process or the process will end it.

*Daniel Greenfield blogs at <http://sultanknish.blogspot.com/>. This appeared there on July 11.*

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## **Nine Lives of Israel:**

### **A Nation's History through the Lives of Its Foremost Leaders, by Jack L. Schwartzwald.**

Reviewed By Edward Alexander

"History," wrote the Victorian sage and hero-worshiper Thomas Carlyle, "is the essence of innumerable biographies." Jack Schwartzwald, a professor of medicine at Brown University, has adopted this principle for his compact history of the country that, in a mere 64 years, has already survived at least the proverbial nine attempts upon its life by enemies who think little of building up their own societies, but much of destroying that of their neighbor. Delicately balancing biography and history, he tells Israel's story through the lives of nine of its founding figures and brief yet remarkably thorough analyses of the historical epochs and critical events (both glorious and calamitous) in which they played crucial roles. They are as follows: Theodor Herzl and the birth of modern political Zionism; Chaim Weizmann and the British Mandate; David Ben-Gurion and the birth of the state; Abba Eban and Israeli statesmanship; Moshe Dayan and the wars of 1967 and 1973; Golda Meir and the Yom Kippur War; Menachem Begin and Camp David; Yitzhak Rabin and the Oslo accords; Ariel Sharon and disengagement.

The chapters are not written according to formula; each has a shape that develops organically from its biographical and historical content. We begin with Theodor Herzl, an assimilated Hungarian Jew

whose manifesto *The Jewish State: An Attempt at a Modern Solution to the Jewish Question* (1896), may be said to have dreamed the Jewish State into existence. Recognizing that Jewish existence was imperiled by assimilation in the west and by anti-Semitism in the east, he proved John Stuart Mill's axiom that "philosophy, which to the superficial appears a thing so remote from the business of life and the outward interests of men, is in reality the thing on earth which most influences them, and in the long run overbears every other influence...." In his diary entry for September 3, 1897 Herzl wrote that "At Basle [the first World Zionist Congress] I founded the Jewish state. If I said this out loud today, I would be answered by universal laughter. Perhaps in five years, and certainly in fifty, everyone will know it." Fifty years later, in 1947, everyone did.

The distinctiveness of Schwartzwald's biographical approach becomes clear if we compare this opening chapter with Hannah Arendt's account of the birth of the Zionist movement during the Dreyfus Affair. As Paris correspondent for *Neue Freie Presse* in 1894, Herzl covered that trial, witnessed the French mobs chanting "Mort aux Juifs ("Death to the Jews"), and in his writing and political activity drew the Zionist conclusion about the Jewish future in Europe: the Affair was a dress rehearsal for the Nazi movement. Arendt, in her historical analysis of the Affair, grudgingly but correctly called Zionism "the only political answer Jews have ever found to anti-Semitism and the only ideology in which they have ever taken seriously a hostility that would place them in the center of world events." But she attributed that Jewish awakening to "the subterranean forces of the nineteenth century," and did not even mention Herzl.

*Nine Lives* is a small miracle of conciseness and compression, yet we never have the sense that the author is cutting corners or curtailing analysis. Even so tangled a web as the moves and countermoves leading to the Six-day War or UN resolutions are patiently unraveled. Schwartzwald carries his erudition lightly, though its vastness is hinted at in voluminous endnotes and a superb index which comprises almost every crucial point in the book (for the benefit of readers who like to enter books from the rear). He relies heavily on a keen instinct for the pregnant anecdotes and terse utterances that epitomize an Israeli leader's relation to his (or her) historical moment.

For example: Chaim Weizmann's, Jewry's greatest diplomat, answered Lloyd George's question about what His Majesty's government could do to reward the Anglo-Jewish chemist for his "great service" to Britain during World War I by saying "I would like you to do something for my people." (Can one imagine Henry Kissinger, who appears prominently in Schwartzwald's "Golda" and "Begin" chapters, saying this, in that voice dipped in sludge, to Richard Nixon?) That "something" turned out to be the Balfour Declaration of British commitment to a National Home for the Jews in Palestine. Later, In 1936, Weizmann tried to persuade Britain's Peel Commission that "the Jewish problem" was the problem of the homelessness of the Jews of Eastern Europe facing Nazism's war against them: "there are six million people doomed to be pent up where they are not wanted, and for whom the world is divided into places where they cannot live, and places into which they cannot enter." The Peel Commission subsequently recommended the partition of Palestine. (After the war, and the destruction of European Jewry, Weizmann conciliated the support of Britain, America, and the UN for the establishment of Israel in 1948.)

Schwartzwald writes with deep respect for the resourcefulness and courage of his nine protagonists who created and then preserved a state that has lived under constant siege; but he is by no means their uncritical cheerleader, and (since a critic need not be an enemy) he is far from silent about their personal shortcomings and political mistakes. David Ben-Gurion, the premier political figure of Israel's early history, was a Polish Jew of almost superhuman versatility: engineer, farmer, lawyer, soldier, labor organizer. But he could also be (as in the fratricidal quarrels with Begin over the Altalena and over accepting German reparations) stubborn and dictatorial. Schwartzwald's capacity for balanced judgment of his subjects is elegantly exemplified in his summary estimate of Ariel Sharon's uneasy relation with his military superiors: "His new commanders [in 1961] found his approach to be

innovative to the point of genius, and daring to the point of recklessness.” (As this sentence indicates, Schwartzwald is the best physician-writer on Zionism since Leo Pinsker, whose pamphlet *Auto-Emancipation* anteceded Herzl’s *The Jewish State* by fifteen years.)

If, as Ruth Wisse once observed, American Jews are divided between those who judge Judaism by the standards of the *New York Times* and those who judge the *New York Times* by the standards of Judaism, Schwartzwald is definitely a member of the latter group. This means not merely that he dissects such scandalous distortions of fact as the *Times*’ infamous mislabelling of photos to insinuate that Sharon’s stroll on the Temple Mount “caused” the Al-Aksa Intifada. More importantly, it means that he does not, like so many Jewish authors of books about Israel that are trumpeted (and sometimes actually published) by the *Times*, blush for the existence of a Jewish state and seek to advertise his own virtue by blackening its reputation. His book is not merely a welcome antidote to their poisonous mixtures of bile, vitriol, and ignorance.

Despite its brevity and modesty, it is, for the general reader, probably the best introduction to Israel’s short yet tumultuous history.

*Edward Alexander’s most recent book is The State of the Jews: A Critical Appraisal (2012).*

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## Peres on 'Tomorrow' - Yesterday and Today

Martin Sherman

*Ambition drove many men to become false; to have one thought locked in the breast, another ready on the tongue*

– Gaius Sallustius Crispus (Sallust), Roman historian and politician, (86 BCE-c.35 BCE)

During the state’s first decade, as a young protege of David Ben-Gurion, Shimon Peres is credited with playing a leading role in setting up much of the foundations for the nascent nation’s military infrastructure that has been so crucial in ensuring its survival and its technological edge – including Israel Aircraft Industries (today Israel Aerospace Industries), the acquisition of advanced combat aircraft from France and the establishment of the nuclear facility in Dimona.

As defense minister at the time of the Entebbe raid in 1976, many identify him as providing the political will to push through the decision to carry out the now legendary operation.

But perversely, it has not been Peres’s successes – but his failures – that have catapulted him to international stardom.

It was the Oslo Accords – which have long since imploded into bloody ruin – that brought him the 1994 Nobel Peace prize.

It was his lofty vision of a “New Middle East” – with peace and prosperity stretching from the Maghreb to the Persian Gulf – that caught the imagination of so many but now appears nothing but a ludicrous delusion.

Thus it was not his considerable contributions to Israeli security that made him such a sought after figure on the global stage, but rather his adoption of the role of supranational statesman on a noble quest for regional peace, a quest that precipitated nothing but death and devastation.

Peres has always been obsessed with “Tomorrow.” In many ways he has appropriated it as his professional trademark, in an endeavor to brand himself as future-oriented statesman.

One of his first forays into “Tomorrow-territory” was a programmatic book he authored as chairman of the Labor Party, just after it had lost power for the first time, to Menachem Begin’s Likud.

Titled *Tomorrow is Now* and published in 1978, it laid out Peres's prescriptive vision for the future conduct of the affairs of the nation.

In many ways, the book – available only in Hebrew – is an astonishing document.

In *Tomorrow is Now*, pre-Osloian Peres gives a chillingly accurate prediction of what would occur if the policies endorsed by post-Osloian Peres were in fact adopted, sternly cautioning as to the realities liable to emerge should Israel accept the idea of a Palestinian state.

"The establishment of such [a Palestinian] state means the inflow of combat-ready Palestinian forces (more than 25,000 men under arms) into Judea and Samaria; this force, together with the local youth, will double itself in a short time. It will not be short of weapons or other [military] equipment, and in a short space of time, an infrastructure for waging war will be set up in Judea, Samaria and the Gaza Strip."

He was of course proved right – for these were precisely the realities that precipitated the IDF's Operation Defensive Shield Judea and Samaria in 2002 – and later Operation Cast Lead in Gaza in 2009.



Pre-Osloian Peres continued, warning of the grave consequences further territorial concessions advocated by post-Osloian Peres would entail: "If a Palestinian state is established, it will be armed to the teeth. Within it there will be bases of the most extreme terrorist forces, who will be equipped with anti-tank and anti-aircraft shoulder-launched rockets, which will endanger not only random passersby, but also every airplane and helicopter taking off in the skies of Israel and every vehicle traveling along the major traffic routes in the Coastal Plain."

But it was not only low-intensity conflict and terror-related dangers that concerned pre-Osloian Peres. He expressed grave concern over conventional warfare threats as well. Although post-Osloian Peres commonly dismisses the importance of territory in the age of modern weaponry, pre-Osloian Peres knew better, articulating a cogent rationale why the enhanced range, mobility and firepower of today's weapon systems enhance its strategic significance: "In 1948, it may have been possible to defend the 'thin waist' of Israel's most densely populated area, when the most formidable weapon used by both sides was the cannon of limited mobility and limited fire-power. In the 20th century, with the development of the rapid mobility of armies, the defensive importance of territorial expanse has increased... Without a border which affords security, a country is doomed to destruction in war," he wrote.

Regarding Israel's minuscule dimensions, pre-Osloian Peres elaborated: "It is, of course, doubtful whether territorial expanse can provide absolute deterrence. However, the lack of minimal territorial expanse places a country in a position of an absolute lack of deterrence. This in itself constitutes an almost compulsive temptation to attack Israel from all directions."

Especially disconcerting is the dramatic dichotomy between Peres's pre-Osloian denigration of the value of agreements with the Arabs and his post-Osloian enthusiasm for them – particularly with regard to demilitarization.

Pre-Osloian Peres warned: "Demilitarization of the West Bank also seems a dubious measure. The major issue is not [attaining] an agreement, but ensuring its actual implementation in practice. The number of agreements which the Arabs have violated is no less than the number which they have kept."

But perhaps the most astounding of all is pre-Osloian Peres's stance on the issue of "settlements" and the imperative he saw for their development. He urged Israel "to create a continuous stretch of new settlements; to bolster Jerusalem and the surrounding hills, from the north, from the east, and from the south and from the west, by means of the establishment of townships, suburbs and villages – Ma'aleh Adumim, Ofra, Giló, Beit El, Givon – to ensure that the capital and its flanks are secured, and underpinned by urban and rural settlements.

"These settlements will be connected to the Coastal Plain and the Jordan Valley by new lateral axis roads; the settlements along the Jordan River are intended to establish the Jordan River as the [Israel's] de facto security border; however, it is the settlements on the western slopes of the hills of Samaria and Judea which will deliver us from the curse of Israel's 'narrow waist.'"

No kidding! He really wrote that.

Just imagine how distressing it must be for the hundreds of thousands of Israelis who rallied to implement pre-Osloian Peres's call to "deliver us from the curse of Israel's "narrow waist" and establish settlements that post-Osloian Peres now denounces.

Would a bitter sense of betrayal not be totally understandable – even inevitable?

*This is an abbreviated version of an article that appeared in The Jerusalem Post on 14/06/2012. Martin Sherman was an adviser to Yitzhak Shamir's government and lectured for 20 years at Tel Aviv University.*

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## France's Shame

Rita Kramer

*(Editor's note: The Jews of France feel increasingly vulnerable. In a recent article "Anti-Semitism Sweeping France," Peter Martino notes that anti-Semitic violence is dramatically on the rise. In certain neighborhoods of Paris, Marseille or Lyons it is no longer safe for Jews to walk the streets; Mohammed Merah, the mass murderer at the Jewish school in Toulouse, has become a role model for young Muslims; rising numbers of Jews no longer send their children to public schools for fear of harassment or actual harm; emigration to Israel has doubled. The culprits in anti-Semitic acts are overwhelmingly Muslim, but the public has not rallied strongly to put an end to this savagery. Rita Kramer reminds us of the terrible history of French complicity in Nazi crimes against Jews in wartime France. The French are not participants in the violence as they were during the German occupation but indifference enables the violence to continue and grow.)*

The long history of anti-Semitism in France, that had seemed to reach its climax with the Dreyfus Affair as the nineteenth century segued into the twentieth, was to provide worse to come, worse than could ever have been imagined, in the new century.

This year marks the seventieth anniversary of an event that signaled France's wholehearted participation in the murder of Europe's Jews--La Grande Rafle du Velodrome d'Hiver, the Great Raid resulting in the rounding up and incarceration in inhuman conditions of 13,152 Jewish men, women and children, the first step on their way to extinction.



Carrying out a decree by the Nazi rulers of occupied France, in the spring of 1942 the French police required that all Jews register their names and addresses. "Since," as David Pryce-Jones has put it, "the majority of Jews were not conscious of having done anything wrong," they lined up to register and then sewed on the yellow stars they were now required to wear like the Jews of Germany and Poland.

At the end of June Eichmann arrived in Paris to discuss with representatives of the French police services "the objective of deporting all French Jews as soon as possible." Plans were laid for a huge roundup to be carried out by teams of French police, with no Germans directly involved. Fifty buses were provided by the Compagnie des Transports, those familiar green and white buses so much a part of Paris.

On the night of July 16 and into the following day, French police sealed off parts of the city and began knocking at the doors of the addresses so conveniently provided for them--the addresses of

Jewish families. They were foreign Jews, refugees from parts east who had come to France seeking a haven in the cradle of the rights of man, the home of liberty, equality, fraternity. Now they faced treatment no different from what they had fled from.

One survivor remembered, "We went out of the house, me pushing the pram and the four children holding on to me tightly, frightened and ashamed of being led away by policemen. On our clothes we were wearing the yellow star. People stared at us. I don't know what they were thinking. Their expressions were empty, apparently indifferent."

Herded on to the city buses driven by their regular drivers, the passengers were taken to the Velodrome d'Hiver, a large indoor sports stadium ringed by grandstands. The heat was intense, magnified by a glass ceiling, and there was no water, no food, no adequate sanitary arrangements, no information about what to expect. It was a large-scale rehearsal for a trip in a railway boxcar. During eight days and nights of stifling heat, thirst and hunger amid the human waste there was no way to dispose of, over a hundred people committed suicide before the rest were transferred in cattle trucks to the camps that were way-stations on the route to Auschwitz. The entire operation had, at the behest of the Nazi officials, been organized, run, and guarded by ordinary Frenchmen--policemen, bus drivers, truck drivers, in full view of ordinary citizens.

Only those over sixteen years of age were taken, in order to preserve the fiction that their destination was a work camp. Babies and toddlers were torn from the arms of their screaming mothers while older children stood by, bewildered. Vichy France's second-in-command, Pierre Laval, decided that the four thousand orphans should follow the parents from whom they had been separated. A witness described how they were dumped from buses at Drancy "as though they were tiny beasts," and added that "the majority of the gendarmes did not hide sincere emotions at such a sight." However, not one refused to carry out the assignment.

What historian Robert O. Paxton referred to as the "spectacle of human misery" had begun gradually with the French armistice ceding rule of the country to the Germans. At first Jews were expelled from schools, then they were purged from the professions and their businesses were "aryanized," and then they were barred from cinemas, restaurants, and public parks, allowed to shop for food only after most of the shelves had been emptied, and forbidden to use telephones. The gendarmerie, like the rest of Paris and the country at large, had gotten used to the way things were for those unfortunates still among them wearing the yellow star. And there were fewer and fewer of them as Frenchmen organized to carry out German policy, which gradually had become French policy. By war's end stateless and naturalized Jews had been joined by native French-born Jews on the journey to the east. In the end, some 76,000 Jews had made the trip from France to the death camps.

It was thirty years before the myth of France's heroic resistance was shattered and its collaboration in the extermination of European Jewry began to be revealed. On this seventieth anniversary of one of France's most shameful moments it seems fitting to be reminded that the first major step in setting the historical record straight was taken by an American historian, Robert O. Paxton, whose *Vichy France: Old Guard and New Order 1940-1944* was published on another anniversary, in 1972. Among the many works that followed his in giving a picture of what life was like in World War II France is *Paris in the Third Reich* by David Pryce-Jones, published in 1981. Much scholarship has followed, as well as memoirs and novels dealing with the fate of the Jews of France in the ugly years of the 1940s.

No one who follows the news of rising anti-Semitism in France as in the rest of Europe today can feel sure that the blind prejudice and hatred that led to the Vel d'Hiver is a thing of the past.

*Rita Kramer has written for Commentary, The Public Interest, The Wall Street Journal, The International Herald Tribune and other periodicals in the U.S. and abroad.*

# Daniel Gordis and the Prestige of Israel

Emmanuel Navon

Last month, a panel of three Israeli legal experts submitted to the Prime Minister and to the Minister of Justice a “Report on the Status of Building Activities in Judea and Samaria” (the “Levy Report”). The report was immediately condemned by the US State Department whose spokesman, Patrick Ventrell, declared: “We do not accept the legitimacy of continued Israeli settlement activity and we oppose any effort to legalize settlement outposts.”

Less expected was the condemnation coming from mainstream North American Jewish leaders. In a letter to Prime Minister Netanyahu, those leaders expressed concern “about the recent findings of government commission led by Supreme Court Justice (Ret.) Edmond Levy.” They went as far as to claim that the endorsement of the Levy Report by the Israeli government would place the “prestige of Israel as a democratic member of the international community in peril.” The letter was noticeably signed by Shalem Foundation President Daniel Gordis.

I found it hard to believe that a report whose purpose was to analyze the legal status of Israeli buildings beyond the armistice lines of 1949 would, if officially endorsed, imperil the “prestige of Israel as a democratic member of the international community.” So I read it.

The three authors clarify (on Page 2) that their report does not constitute an opinion on the wisdom (or lack thereof) of Israel’s settlement activity. Indeed, the report quotes testimonies from experts and organizations from all sides of the political spectrum (including “Peace Now,” “Betslem,” “Yesh Din” and “Addalah”).

The Levy Report only repeats a legal opinion that has been known for decades and expressed many times in the past (including by Israel’s Foreign Ministry) regarding the legal status of Judea and Samaria. This opinion states that Judea and Samaria cannot be defined as “occupied” in international law, since a territory is occupied only if it has been conquered from a recognized sovereign country. Judea and Samaria were not a sovereign country or part of a sovereign country when Israel conquered that territory in June 1967.

When Israel conquered Judea and Samaria in June 1967, it lawfully recovered (in an act of self-defense) a territory that had been granted exclusively to the Jewish People for self-determination by the Balfour Declaration (1917), by the San Remo Conference and by the Treaty of Sèvres (1920), by the League of Nations Mandate for Palestine (1922) –a mandate that was confirmed by the UN Charter (1945).

Claiming that Israel’s civilian presence in Judea and Samaria is “illegitimate” (as President Obama said in his Cairo Speech in June 2009) is historically absurd. Claiming that it is illegal is factually wrong.

Many Israelis, however, claim that their fellow-citizens’ presence in Judea and Samaria is both illegitimate and illegal. In 2005, a report was submitted to then-Prime Minister Ariel Sharon by Attorney Talia Sasson. Sasson is hardly an apolitical figure: she ran for Knesset in 2008 as a Meretz candidate, is a board member of the New Israel Fund and of “Yesh Din,” and was among the initiators of the “Geneva Initiative.” She has called Israeli settlements in Judea and Samaria a “cancer.”

Talia Sasson’s report listed what she defined as “unauthorized outposts” in Judea and Samaria, but her claim that those constructions were “unauthorized” was firmly disputed by the Jewish Agency and by the Ministry of Housing. Attorney Shlomo Ben-Elyahu, for instance, wrote on behalf of the Jewish Agency that the outposts labeled “unauthorized” by Talia Sasson had in fact been built with Government approval and according to the law.

The dispute over whether or not some constructions in Judea and Samaria were “unauthorized” stems from a legal loophole. In March 1999, the Israeli Government passed a decision that required

government approval for the expansion of existing settlements. Since then, many settlements have been expanded without formal government approval but with the government's full knowledge as well as funding. What the Levy Report is saying is that technically and on paper there was no government decision to expand some settlements, but that in fact the government was actively involved in expanding and funding settlement expansions. Therefore, the Government should take full responsibility for its actions (or for those of its predecessors) and authorize de jure what it has authorized de facto.

Since 1999, Israeli governments have refrained from officially approving settlement expansions by fear of international criticism, but they did expand settlements "under the radar." Both the Sasson and the Levy reports point out to this contradiction (if not hypocrisy) and are basically telling the Government that it should decide what it wants. But while the Sasson Report concludes that all constructions that were not formally approved since 1999 should be demolished, the Levy Report concludes that they should be officially approved a posteriori, as they should have been in the first place. Moreover, the Levy Report says that if the Government is going to build or expand a settlement, it should pass a formal decision so that new constructions approved by the government cannot be declared "unauthorized" by the High Court of Justice and be demolished.

Demolishing entire neighborhoods is precisely what the High Court of Justice has recently ordered, and the Court's orders are based on laws and practices that discriminate against the Jews. While international law recognizes the rights of Jews to live in Judea and Samaria, Jordanian law forbids them from buying land there. A Jordanian law from 1953 (by which Israel absurdly still abides), states that only citizens or residents from the Hashemite Kingdom of Jordan are allowed to buy land in Jordan. Because this law is still valid in Judea and Samaria, Arabs are allowed to buy land there but Jews are not (Jews circumvent this limitation by buying land via corporations registered in Judea and Samaria).

In property disputes between Jews and Arabs, the latter tend to be believed and the former dismissed –as Colonel Moti Almoz testified to the Levy Commission. In the case of the Ulpana neighborhood in Beit-El, for instance, an Arab resident petitioned the High Court of Justice, claiming that he was the owner of the land on which the neighborhood was built. This property claim was never proven in the District Court where the case is still pending, and yet the High Court accepted the unproven claim of the Arab petitioner and ordered the demolition of five buildings. Even if the property claim had been proven, the Court should have ordered the compensation of the owner and not the demolition of the buildings. Indeed, this is precisely what the European Court of Human Rights ruled in March 2010 regarding a property dispute in Cyprus.

The Levy Report rightly argues that citizens who lawfully bought a house or an apartment built by the Government should not be expelled from their home by the High Court of Justice just because the Government did not abide by its own decisions (i.e. not to expand settlements without a formal and official decision). The Report also states that the High Court of Justice should not order the demolition of houses because of a property claim that has not yet been proven in a District Court.

I fail to understand why the simple legal facts and the healthy common sense that emerge from the Levy Report should be a source of concern to Mr. Gordis. Why on earth should Israel's prestige be imperiled for respecting more carefully the rule of law, as the Levy Report recommends? I wonder if Daniel Gordis and his co-signatories actually read the Levy Report. But if saying the truth imperils our prestige, then the lack of prestige is a badge of honor.

*Emmanuel Navon teaches at several Israeli colleges including Tel Aviv University. This appeared on his blog of July 19.*

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# Let's Have a Conversation About The Real Illegal Settlements

Ruth King

The late Shmuel Katz once admonished me for using the word “settlement” instead of town, village, borough, district, or community for those areas reclaimed by patriotic Jews in Judea and Samaria. He was right. The word “settlement” evokes temporary and makeshift and is now twinned with the word “illegal” by the mendacious media and those who echo it.

There are illegal settlements in Israel but the unreported story is that they are Arab settlements. Although the destructive Israeli organizations that are obsessed with Arab claims get the most coverage, thanks to the organization Regavim (<http://www.regavim.org.il/en>) there is, in Israel an awakening to the real usurpers in Israel’s heartlands.

Regavim's video "Did You Know?" details the burgeoning Arab settlements on Jewish land, illegal activity that goes unchallenged by a government that is swift to demolish the homes of Jews. Did you know that over 100,000 illegal Arab homes were built within the past few years? Did you know how the Bedouin of southern Israel work under the radar and continue illegal construction? Did you know that the cowboys of southern Israel are routinely threatened by criminal Arab elements? See the video!

Regavim does more than expose these problems. They have had impressive success in countering them.

1) Next to the Druze town Majdal Shams, without any authorization, construction has been going on in five different locations completely destroying hundreds of acres of a nature preserve lying at the foot of Mount Hermon. Heavy machinery, trucks and tractors were employed to excavate the mountain, pave roads and build houses.

At the Supreme Court session, the judges voiced their criticism of the authorities who did nothing to stop the construction until Regavim got involved. Now work has been halted in the area.

2) An illegal residential structure was built in Gib’a village, on a promontory, adjacent to the main road and looking out over it. In the letter that Regavim sent to the enforcement authorities it was noted that this structure presents a clear security hazard since it stands above a road where many Israeli cars travel. As a result of the letter, Civil Administration inspectors arrived with bulldozers and demolished the building to its foundations.

3) Following a petition submitted by Regavim, the District Court of Be’er Sheva ordered the demolition of tens of Bedouin houses that were built within the municipal boundary of Abu Basmah in the Negev. The Abu Basmah council has submitted an appeal to the Supreme Court, with a demand to cancel the ruling and a request to place a restraining order on the implementation of the District Court’s ruling. The Supreme Court instructed the State Attorney to join the deliberations that are taking place within the framework of the process.

Good for Regavim. May the organization continue to succeed and prosper.

Then there is the other overlooked illegal settlement within Israel, namely illegal Arab immigration.

Over 400,000 Arabs have entered Judea, Samaria and Gaza since the start of Oslo. Joseph Katz, in a 2009 article "Media in Silence About Illegal Arab Immigration" reported that these numbers are "based on statistics collected on the Allenby bridge and other connection points between Israel and Jordan....The statistics are based on the number of Arabs day workers entering, but not leaving Israel, published by the Israel Central Bureau for statistics during the Netanyahu administration and subsequently denied as 'recording errors' by the Barak administration. The original report claimed upwards of 400,000 *known* illegal immigrants in Israel since the start of Oslo, ostensibly pushing the West Bank population from 1 million to 1.5 million Arabs."

Just as the word “intransigent” was used ad nauseum to describe Israel’s refusal to commit national suicide, the word du jour is “illegal” pinned to everything Israel does in its national interest and self defense.

It's high time to begin the conversation on what is really illegal in Israel.

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