

OUTPOST



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Lurching Left

Herbert Zweibon

Recently Shimon Peres told *Newsweek's* Lally Weymouth that Netanyahu was mistakenly viewed as a right-winger. Since assuming power, his behavior, on small matters as on larger issues, suggest that for once Peres's words correspond to reality.

Take Beit Shalom (the Peace House) in Hebron. The Jewish community legally purchased the building (at a highly inflated price). Nonetheless the Olmert government embarked on a long process of harassment, finally evicting the residents. The case is still in the courts and it is a travesty of justice to put people out of their homes while adjudication is going on. If only to symbolize that the new government differed from its predecessor in upholding Jewish rights, Netanyahu could have made the small gesture of restoring the residents of Beit Shalom to their home.

Then, under the aegis of his own government, there are the three young men from the community of Yitzhar in Samaria, banished from their homes and families without explanation, having violated no law, charged with no offense. It may seem a small matter in that only a few families are affected, but a big principle is involved. Netanyahu could have shown solidarity with the settler community (which had invested their hopes and votes in him) and with the rule of law by insisting they be charged or allowed to return home.

Netanyahu's actions reveal the same pattern of collapse in the face of American pressures that he manifested when he was elected Prime Minister in 1996. First there was the speech at Bar Ilan University on June 14 where Netanyahu abruptly reversed course to endorse a Palestinian state. (With breathtaking political cynicism he insisted the new state be demilitarized, although he had argued a few years earlier that demilitarization was an absurdity, that the Palestinian state would assume all the powers of a state "and the world will stand by and do nothing but it will stop us from trying to stop them".)

Now, acceding to Obama's pressure, there is the settlement freeze. This *Outpost* includes two articles, by William Mehlman (from Israel) and Jerold Au-

erbach, on the deadly implications of this latest exercise in appeasement. Suffice it to point out here the needlessly provocative way in which the Netanyahu government is treating the "frozen" communities. Netanyahu met with leaders of the affected communities telling them, "We need to cooperate and get through this period together" and "I would like you to sit at the steering wheel together with us." In direct contradiction to his words, he has sent contingents of "building inspectors" to each community with "stop work papers," backed by police and worst of all, *Yassamnikim*. (*Yassam* is an abbreviation for Special Reconnaissance Unit. Set up during the second Intifada, these black-garbed experts in strong arm techniques have been retained for "special" circumstances.) If the government wants to monitor building activities it could do so by flyovers or through sending in left-wing "spies." In Kedumim the mayor Hananel Durani, sitting with a handful of protesting high school kids, was beaten and dragged away and *Yassamnikim* were caught on video manhandling young girls.

Required to enforce the freeze on Jewish construction, Israel Defense Forces have scaled back anti-terror operations in Judea and Samaria. Military affairs correspondent Haggai Huberman quotes an IDF officer: "We are barely doing patrols or initiating action against terrorists, except for the bare necessity minimum." One result of the government's crazily skewed priorities is already in: a young Jewish woman was stabbed in the back at a bus stop south of Efrat—the checkpoint had been removed.

While they are not likely to voice their appreciation, the fact is that judging from his behavior thus far, the secular (delusional) left could scarcely have obtained a more satisfactory leader than Benjamin Netanyahu. •

Table of Contents

Israel Undermines Its Legal Standing by William Mehlman3
Netanyahu's Surrender by Jerold Auerbach5
An Inconvenient Truth by Andrew Roberts	...8
Three to Read by Ruth King	..11

From the Editor

Freebies at Copenhagen

An unusual freebie was on offer to delegates at the Copenhagen climate-fest. Copenhagen Mayor Ritt Bjerregaard, in cooperation with Copenhagen's Community Council, sent postcards to 160 hotels urging delegates "Be sustainable—don't buy sex." Copenhagen's prostitutes were up in arms. They offered free sex to anyone who could produce one of the offending postcards and an identity card for the conference. In the wake of the exposure of distortion and destruction of key data at the Climate Research Unit at the University of East Anglia, one AFSI reader wrote in: "Which are the prostitutes? The girls or the climate scientists?"

Representing Israel at this jamboree, Shimon Peres, in what is billed as a "special speech" emphasizing Israel's obligation in solving the climate crisis, is likely to produce enough hot air to single-handedly raise global temperatures.

Talibanizing Gaza

Shin Bet (Israel's security service) has issued a report on the ways in which Hamas has Islamized Gaza. Here are a few: Judges have been instructed not to hold sessions if female lawyers do not appear in Islamic garb. On official Hamas TV, women announcers wear a veil and Islamic content is increasingly featured in its programs. Mixed gender public ceremonies may not be held, and men may not teach in girls' schools. Hamas is trying to separate boys and girls in UN-run schools. Unmarried couples may not appear in public; married couples must be ready to produce a marriage certificate on demand. The pace of building mosques, madrassahs and Islamic sharia courts is being stepped up. The Bureau for Legal Counsel and Legislation is preparing a new criminal code based on Islamic law.

To be sure, Hamas faces some opposition: organizations have cropped up claiming Hamas is too compromising and moderate.

The Left and Islam

Journalist and retired federal agent Chuck Hustmyre has an original take on the union between the American left and fundamentalist Islam which, he points out, given their huge differences on issues like feminism and homosexuality, "seems like a marriage made in hell."

Writes Hustmyre: "The American Left's affair with fundamentalist Islam is essentially a love-fear relationship. The Left loves Islam's hatred of America and its desire to radically change this country, but the Left also fears what militant Muslims are capable of, especially if they turn their murderous rage on their so-called friends. So the Left, like Neville Chamberlain with the Nazis, walks a tightrope, appeasing Muslims

at every turn, offering excuses for Islamic violence, and hoping Muslim fundamentalists won't bite the hand that feeds them their excuses."

The Policy of Olmert

William Buckley famously wrote that he would rather entrust the government to the first 400 names in the Boston telephone book than to the faculty of Harvard. Reading former Prime Minister Ehud Olmert's interview with *The Australian* (November 28), it appears Israel's government was in the hands of a man even more foolish and reckless than anything Harvard's faculty could offer.

Here's Olmert on Obama: "I'm entirely free of any suspicions or complaints about the Obama administration. I think the Obama administration is very friendly to Israel."

He goes on to provide hitherto unknown detail on the offer he made to Abbas on September 16, 2008. Israel would keep 6.4% of territory beyond the Green Line and provide an equivalent amount of territory inside the Green Line in recompense. A re-divided Jerusalem would become the capital of a Palestinian state. The holy sites would be jointly administered by Saudi Arabia, Jordan, the Palestinian state, Israel and the U.S. There would be territorial continuity for the Palestinian state via a tunnel controlled by the Palestinians between the West Bank and Gaza. Israel would accept a certain (low) number of Arab refugees for five years and create an international fund to compensate Palestinians for their suffering.

Olmert says he gave Abbas a map embodying the plan and Abbas promised that the next day his adviser would come. The adviser never came.

And so Israel was (temporarily) saved from its leadership. It is hard to imagine a more irresponsible offer—to uproot untold thousands of Israelis from their homes in Judea and Samaria, to re-divide Jerusalem, physically to join Hamastan to Fatahstan, hastening the day Hamas took over both. And then there was the absurdity of expecting "peace" to follow massive withdrawals, after the experience of Oslo and what followed retreat from Gaza. And Hamas, the "other" Palestinian state, was not even party to the talks! •

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Israel Undermines Its Legal Standing

William Mehlman

Even were one to accept Prime Minister Netanyahu's "bottom-line" assurance that his shut-down of Jewish housing construction in Judea and Samaria is a "one-time step for a limited time period," or that now "hooked," the Israeli fish is ever going to be let off the hook by Obama & Global Associates, the bedrock damage done to the Jewish State's most fundamental legal cover by this act could well be irreparable.

The first and most immediate casualty of the "freeze" is the July 1950 "Law of Return," characterized by then-Prime Minister David Ben-Gurion as "the unchanging law of Jewish history, reflecting the principle whereby the State of Israel was established." At the heart of Israel's *raison d'être*, it cast in concrete the universal Jewish right of citizenship and settlement in Israel. The language of the law, moreover, is quite specific. In prescient anticipation of changes in the contours of Israel, it deliberately does not confine the right of Jewish settlement to "Medinat Yisrael," the "State of Israel" as it existed in the summer of 1950, but rather extends it to "Eretz Yisrael," the "Land of Israel," wherever and however future events might define the parameters of the "National Jewish Home."

Given that the exercise of the right of settlement in "Eretz Yisrael" is contingent on the availability of places to live, the government's ban on housing construction (however "limited") in Judea and Samaria, the heartland of "Eretz Yisrael," renders that right and the law underlying it essentially meaningless. Beyond that, the government's action widens the shadow over the status of 120 Jewish communities in Judea and Samaria, all of which draw their legitimacy from the same legal wellspring.

Even more ominous than its marginalization of the Law of Return is the can of worms the government may have opened in its outright snub of the 1948 "Area of Jurisdiction and Powers Ordinance." It would be a grave error to let its cumbersome title obscure the impact of this ruling on Israeli history, avers Howard Grief, attorney, constitutional scholar and legal adviser to the late Professor Yuval Ne'eman, Minister of Energy in the Shamir government. Embodied in the September, 1948, "Land of Israel Proclamation," the Jurisdiction and Powers Ordinance officially recognized all laws applicable to the State of Israel as applicable with equal force to "any area of Palestine" that came under the authority of the Israel Defense Forces. It was under that umbrella that Israel settled and populated major portions of the Negev and the Galilee—not allo-

cated to the Jewish State in the 1947 UN Partition—that came into its possession in the 1948-49 War of Independence. The Israeli Left needs occasional reminding that those lands are part and parcel of what it sanctimoniously refers to as "Israel proper."

It was also in part as a result of the Jurisdiction and Powers Ordinance that Israel saw itself within legal bounds in creating 142 Jewish communities in Judea, Samaria and Gaza and additional communities on the Golan Heights, territories that fell to the IDF in the Six-Day War. None of them, needless to say, were allocated to Israel under the Partition. Israel may consider itself fortunate if new challenges to its territorial status do not ensue from the fresh openings it has provided its worldwide legion of enemies and ill-wishers.

Their weapons are the lawsuit (900 and counting against the IDF alone): the "fact-finding" mission, the international arrest warrant, the academic boycott, the apartheid charge.

If amidst concerns over Ahmadinejad's centrifuges, Hezbollah's rockets and the mass murderers being set free in exchange for Gilad Schalit, Israel needs to worry about the deference it pays to 60 year-old laws, it's because it is in the courts, the agencies of the UN and other international bodies and among a phalanx of well funded, intensely hostile NGOs that the battle for the survival of the Jewish State is being played out. The suicide bombers have been replaced by lawyers and lobbyists. Their weapons are the lawsuit (900 and counting against the IDF alone): the "fact-finding" mission (UN and ad hoc); the international arrest warrant and "universal jurisdiction statute" (arrests and trials of Israeli military and public figures anywhere, any time); the petition, the initiative, the academic boycott, the apartheid charge—all directed toward the single aim of delegitimizing the Jewish State. The targets are no longer buses and coffee shops, but the legality of Israel's presence on its land and its sovereign right to defend that land and its people.

On this battlefield, no mistake can prove more costly than ignoring the law of unintended consequences, as Netanyahu appears to be doing with this "freeze." Nothing more painfully illustrates that fact than Israel's 2000 middle of the night abandonment of its anti-terrorist stronghold in south Lebanon (along with its South Lebanese Army ally of 18 years) and its unilateral evacuation and destruction of 22 Jewish communities in Gaza. The first gave sinew to the then fledgling Iranian terrorist proxy Hezbollah, for which the Jewish State was repaid six years later with 4,000 Katyusha rockets over Haifa and the Galilee. Today,

as a well equipped army with 15 times that number of rockets, it threatens a major retaliatory response to any Israeli strike at Iran's nuclear installations.

The unintended consequences of Ariel Sharon's handover of Gaza to Hamas continue to wind themselves like a steel daisy-chain around Israel's throat. From this single most irrational act by any government in the state's 61-year history ensued a four-year rocket bombardment of the western Negev, the termination of which required a full-scale IDF air and ground offensive into Gaza, causing minimal but inevitable casualties (lovingly documented by a hostile media) among the civilians behind whom the Hamas terrorists shielded their dirty work. This resulted in near universal condemnation of Israel as a heartless human rights violator, a charge underwritten and codified in the damning Goldstone Report, soon to be featured at the UN Security Council. The campaign to strip Israel of its right of self-defense against a terrorist organization pledged to its destruction has exceeded the wildest imaginings of its planners.

What have the legal pot-holes Netanyahu has dug for himself with the freeze availed him? Precious little at this counting. They have no more taken Barack Obama "off his back" than has his embrace of the "two-state solution." "The Americans drove me nuts," he was quoted by *Ynet* to have confessed to a meeting of Likud branch members. "They wanted more, also in Jerusalem." In addition to concessions on Jerusalem, moreover, the White House, according to *Jerusalem Post* columnist Caroline Glick, is demanding that Israel allow the Palestinian "Security Forces," equipped and trained by U.S. General Keith Dayton, to set up shop in Judean and Samarian areas currently under full IDF control and that Israel "surrender land to Fatah in the strategically crucial Jordan Valley."

The Hebrew daily *Yediot Aharonot* further reports that as a precondition to talks with the Palestinians, President Obama will be asking Israel to formally declare its acceptance of a Palestinian state in Judea, Samaria, Gaza and eastern Jerusalem and agree to cleanse those areas of all Jews. "So far from winning American support, or at least causing the White House to ease its bullying," Glick concludes, Obama regards Netanyahu's "decision to implement a militarily irrational, bigoted policy of prohibiting Jews from building in Israel's heartland as a drop in the bucket."

From Mahmoud Abbas, the prime minister has gotten a complete brushoff. Yet, his flat rejection of "peace talks" unless the construction freeze is extended to include Jerusalem, is raising few eyebrows. The "President" of the Palestinian Authority can hardly be seen as less demanding than Israel's self-

appointed masters in Washington. Former Mossad chief Ephraim Halevy, for one, is not surprised. Like all of America's past promises of "reciprocity" from Abbas in return for Israeli concessions and "gestures," he asserts this one also runs aground on the thorny fact that Abbas is "incapable of being a partner to peace negotiations." The guy Obama really needs to accomplish that purpose, Halevy submits, is someone Mahmoud Abbas is not and will never be – "a Palestinian leader acceptable to all the Palestinians."

International applause for the moratorium has also been notably absent. Secretary of State Hillary Clinton's hopes for a joint declaration of support from America's "Quartet" partners, Russia, the European Union and the UN, were dashed by Moscow's reservations to two items in the text proposed by Washington: an acknowledgement of the "Jewish identity" of the State of Israel and that the dividing line between Israel and a future Palestine would be determined by developments on the ground, including the anticipated Israeli annexation of major settlement blocs.



U.S. General Keith Dayton

What the prime minister's accession to the freeze certainly did achieve was almost uniform settler denunciation and a deep but at present not unbridgeable rift within the Likud sector of the cabinet. Ministers Silvan Shalom, Gilad Erdan, Moshe Kahalon. Yuli Edelstein and Limor

Livnat were unanimous in their condemnation of the decision, with Livnat declaring that "we have fallen into the hands of a horrible U.S. administration" and Erdan refusing to provide inspectors from his Environmental Protection Ministry to help enforce the freeze. Shalom, a late convert to the "Land of Israel" movement, declared that if the Likud was now abandoning its championing of the settlement enterprise, such a turnabout would have to be deliberated by the party's institutions.

At least three of the "Security Cabinet" members who voted 11 to 1 to back Netanyahu on the freeze (Minister Uzi Landau of "Yisrael Beteinu" cast the lone dissenting vote) were experiencing varying degrees of buyer's remorse. Stung by an avalanche of "Stop Work" orders on the settlements, propelled by Defense Minister Ehud Barak within hours after the announcement of the moratorium, Minister of Strategic Affairs Moshe Yaalon told the Hebrew weekly **Makor Rishon** that he was particularly disturbed by the blanket manner in which the decision was being implemented. "It was not intended to be an overall freeze of all construction," he said. "This is not what we meant. Whatever was already being built and approved should have continued to be built." He vowed to quit the government if the moratorium was not lifted after 10 months.

Joining Yaalon in a request to Netanyahu that he rein in an overly zealous Barak, Minister Without

Portfolio Benny Begin promised that the end of the moratorium would see a resumption of housing construction in Judea and Samaria “at a faster pace than before the freeze.” Likud Central Committee Chairman and Communications Minister Moshe Kahalon caustically noted that “the U.S. did not send us flowers,” while the Europeans were “unilaterally declaring east Jerusalem to be the Palestinian capital.”

As for the settlers, a column in the Hebrew daily *Ha'aretz* by the paper's chief political correspondent Yossi Verder entitled “Worst of All Worlds,” seemed to say it all: “If Tsipi Livni were in power today,” Verder opined, “she would not have had the courage to freeze construction. And if she had, she would have been left without a government because Shas and Yisrael Beitenu (her prospective coalition partners) would have walked. Netanyahu, however, can do what he wants.”

Verder touches on a key point in that last sentence, because for all the grousing among the Likud cabinet members and the Likud Knesset caucus as a whole, not one of the senior members has risen to lead a revolt, nor have any of them attacked the prime minister directly. They are not ready to bring this government down—at least not yet.. Virtually all of their anger has been vented at Barak, the leader of a fractured, diminishing, unpopular Labor party. However emotionally satisfying, that expedient may have limited shelf-life. All of which raises an intriguing question: When push comes to shove, as it inevitably will when Obama demands that he acquiesce to the division of Jerusalem (“One Capital for Two Nations”), in order to lure or keep Mahmoud Abbas at the bargaining table, will Netanyahu, faced with a revolt that must bring his premiership crashing to earth, finally stand his ground, or might he do something else?

The “something else” scenario initially posed by Verder and now gaining increasing traction, is that the Prime Minister, flushed with the momentum of a perceived diplomatic “breakthrough” on the Palestinian

or Syrian “track,” might—a la Ariel Sharon in 2005—split the Likud, taking a required one-third (but probably more) of the faction with him, and join forces with Barak and his nine “loyalists” (none of whom would presumably cavil at deserting a drowning Labor party \$40 million in debt) and, with a bunch of Tsipi Livni-hating Kadima defectors in tow, cobble together a new “centrist” Likud. Verder believes Barak has been banking on just such a turn of events “from the moment he entered the government. A government of ‘B’s’—Bibi and Barak—may be his last opportunity to succeed Netanyahu as prime minister,” Verder argues. As for

Netanyahu, Verder says nothing about the man would surprise him: “Since taking office less than a year ago, Netanyahu's principles and declarations of the past have been put to the test repeatedly and each time a new reality emerges victorious.”

Not one of the Likud senior members has risen to lead a revolt, nor have any of them attacked the prime minister directly.

Is such a scenario within the realm of possibility? If we are to credit MK Ophir Pines-Paz, one of the four Labor “rebels” who have fought the party's entry into the Likud coalition from the outset, a variation of it could be in the making. Pines-Paz related to Verder the details of a meeting he recently had with an unidentified Likud cabinet minister. In the course of the conversation, Pines-Paz says, he was “suddenly asked” what he thought about Likud and Labor running on a joint list in the next election, but with each party retaining an autonomous existence. Queried as to the genesis of the idea, the Likud minister said it was put to him by Netanyahu. He said he told Netanyahu he could live with it. Knowing Netanyahu, he added, he didn't think the prime minister would have broached the subject “if something wasn't cooking.” Pines-Paz tossed the idea around with several of his colleagues and “not one of them fell off his chair.”

Be that as it may, it could be a signal for the rest of the country to fasten its seat belt.

William Mehlman is AFSI's representative in Israel..

Netanyahu's Surrender

Jerold S. Auerbach

Just before Prime Minister Netanyahu imposed the ten-month housing freeze in Jewish settlements that has roiled Israel since late November, President Obama committed his Gilo gaffe. The woefully misinformed president labeled a neighborhood of 40,000 Israelis in southwest Jerusalem, purchased by Jews before World War II, a “settlement” in (Arab) “East” Jerusalem where Jews must not build new homes. Rejecting Obama's demand for a Jerusalem

freeze, Netanyahu responded with a far more draconian constraint of his own. The two episodes are not unrelated.

To be sure, Netanyahu's penchant for yielding to American pressure is hardly new. In 1998, during his first term as prime minister, he was strong-armed by President Clinton into relinquishing Israeli control over nearly all of Hebron, the ancient biblical city where the patriarchs and matriarchs of the Jewish people are entombed, where King David reigned, where sixty-seven Jews were brutally massacred in 1929 – and where Jews once again now live.

Even by Netanyahu's surrender standards,

however, the announcement of a ten-month housing freeze stunned the settler communities. Instantly polarizing Israelis, it raised the danger of massive civil (and even military) disobedience and draconian government retaliation. Worse yet, the freeze may represent only the beginning of massive capitulation to American demands: for the release from prison of a thousand Fatah terrorists, the surrender of strategic land in the Jordan Valley to the Palestinian Authority, and ultimate acceptance of a Palestinian state in Jerusalem, Judea, Samaria and Gaza.

It was hardly coincidental that just days after Netanyahu's announcement of the housing freeze Defense Minister Ehud Barak visited an army induction base to warn soldiers of the consequences of refusing orders. "We intend to use an iron fist to limit this phenomenon," Barak announced bluntly, while directing a special warning to "kippa-wearers" to obey the Talmudic injunction against a civil war between Jews, a warning that Barak himself seemed prepared to disregard.



Danny Dayan

Netanyahu has been deservedly criticized for his abject surrender. "In the hopes of appeasing the unappeasable Obama administration," *Jerusalem Post* columnist Caroline Glick wrote sharply, "the government has adopted Obama's anti-Semitic policies against Jewish communities in Judea and Samaria." Yoram Ettinger, who carefully monitors Middle Eastern demographic trends, dismissed Netanyahu's implicit claim that Jewish settlements are obstacles to peace. It was, after all, the evacuation of 9,000 Jews from twenty-five communities in Gaza in 2005, ordered by Prime Minister Sharon, that enabled Hamas militants to ascend to power there. Ettinger wondered whether President Obama, who evidently considers 300,000 Jews (17%) living among 1.5 million Palestinian Arabs in Judea and Samaria to be an obstacle to peace in the Middle East, would also support the uprooting of 1.4 million Arabs (20%) who reside among six million Jews within the State of Israel. If not, why are only Jews to be ethnically cleansed?

By the beginning of December, just a week after Netanyahu's announcement of the housing freeze, several dozen army officers and soldiers on reserve duty had signed and circulated a statement indicating their refusal to report to active service for the duration of the housing freeze: "We see this as a racist decision that infringes on our human rights and our rights as citizens, contradicts the rights of the Jewish nation to its land, and goes against morality and justice." Ehud Barak's nightmare scenario was already unfolding, and he was eager to enforce the edict that provoked it.

Confronting the outrage that was building in Israel, even Cabinet ministers who had supported the

Netanyahu freeze began to backtrack. Directing much of their criticism at Barak for his ham-handed zeal—the Defense Ministry had even issued stop-work orders to houses already approved or under construction—Moshe Yaalon and Benny Begin asked Netanyahu to urge Barak to "calm down." The Knesset Subcommittee for Judea and Samaria Affairs demanded that the housing freeze order be revoked for its violations of settlers' rights.

Prime Minister Netanyahu could hardly ignore the outrage that his capitulation to Obama had generated. As settlers sought an injunction against the freeze, he met with their leaders to persuade them that "We took this difficult decision in order to move Israel's widest interests forward." In an atmosphere described by one participant as "hard and tense," Netanyahu tried to reassure them that "we are not your enemy, we are your brethren." But, for entirely understandable reasons, it was a hard sell, not least because it implicitly undermined the 2004 agreement reached by President Bush and Prime Minister Sharon that large settlement blocs (Ma'ale Adumim, Gush Etzion, Ariel) would, in any peace agreement, remain part of Israel.

Insisting that the freeze would make it evident that it is Palestinians who provide the real resistance to peace, Netanyahu was sharply rebuked: "Didn't Israel already make that point when it withdrew from Gaza in the summer of 2005?" Offering reassurance that the suspension was "one-time and temporary," the Prime Minister also issued a firm warning: "You can protest, demonstrate and express your opinion, but it can't be that you don't abide by a decision that was lawfully taken." Predictably, the Palestinians rejected the housing freeze as insufficient, demanding that it also include a freeze in Jerusalem. Given Netanyahu's inclination to capitulate, why not?

Settler leaders remained openly defiant. Danny Dayan, chairman of the Council of Jewish Communities in Judea and Samaria, bluntly declared: "We will disobey the freeze order and we are willing to pay the price in order to break Netanyahu's 'White Paper' policy"—a reference to British limitations on Jewish immigration to Palestine during and after the Holocaust years. Residents of Kedumim, a settlement founded during Hanukkah in 1975, responded by blocking Civil Administration officials from distributing stop-work orders in its new building projects.

Israeli opinion, at first, was sharply divided over Netanyahu's decree. *Haaretz*, predictably, focused more on the "organized lawlessness" of Jewish settlers whose communities were threatened by the freeze than on the draconian restriction itself. "Only a few kilometers from Tel Aviv," proclaimed a lead editorial (December 3), "the laws of democracy give way to

the law of the jungle.” But once Tel Aviv is within Palestinian missile range, as it will be if Israel returns to its pre-1967 borders, Israeli leftists may regret the absence of the “jungle” Jews whose presence in Judea and Samaria now protects them.

Journalist Amos Harel noted that Netanyahu, under heavy American pressure, had “crossed an ideological Rubicon” with his announcement of the housing freeze. Indeed, in tandem with his embrace of a two-state solution in his Bar-Ilan speech several months earlier, the Likud prime minister was sounding increasingly like Shimon Peres, whose shimmering vision of “a new Middle East” plunged Israel into the Oslo “peace process” fiasco. To his *Haaretz* colleague Akiva Eldar, the problem was that the prime minister had not yet done enough. If only Netanyahu had been more conciliatory toward Palestinian Authority and President Abbas. If only he had formed a new government based upon a genuine commitment to “the road map and a regional peace plan.” If only he had reached out to his Kadima opponent Tzipi Livni instead of to the settlers. By now, of course, Israel would have returned to the “safety” of its pre-1967 “Auschwitz borders.”

Once public opinion consolidated, however, the depth of opposition to the Netanyahu freeze was evident. One week into December, 72% of Israelis believed that the housing freeze stemmed from Netanyahu’s inability to withstand American pressure; 68% believed that Netanyahu’s primary objective was to placate President Obama; 65% believed that the freeze should be brought to the Knesset for approval; 56% believed that the freeze would increase, not decrease, pressure on Israel to make further concessions.

As Netanyahu scrambled to minimize the damage caused by the housing freeze, he insisted that it was not intended to apply to construction already underway. But Defense Ministry inspectors, surely at Barak’s orders, had already ordered stoppage of work under construction.

Settlers quickly let Netanyahu know that they would resist his draconian plan. In Beit Arie, their mayor was arrested when residents blocked security forces from entering to enforce the freeze. In Elon Moreh and Kiryat Arba, there were confrontations with inspectors. “The anger we feel over the freeze is only getting stronger,” said a resident of Psagot. “And we’re making our voices heard.” Indeed they were: the evening of December 9, more than 10,000 Israelis gathered in Jerusalem, near the Prime Minister’s residence, to make their opposition known. “Jews are not

ice pops,” Knesset member Aryeh Eldad proclaimed at the rally. “You don’t freeze us so fast.”

Netanyahu’s housing freeze in Judea and Samaria was instantly volatile because it needlessly—and heedlessly—reopened the issue of Israel’s final borders. For sixty years now, from Ben-Gurion to Netanyahu, Israeli prime ministers have ignored the settlement rights of Jews under international guarantees that were set in place in 1920. In that year, the San Remo Conference converted the Balfour Declaration (1917) into what Howard Grief has correctly called in *The Legal Foundation and Borders of Israel Under*

International Law “a binding legal document.” The right of the Jewish people to establish their national home in Palestine—the land that now encompasses Jordan, the West Bank, Israel, and Gaza—was affirmed. The League of Nations mandate for Palestine, ratified unanimously two years later, recognized “the historical connection of the Jewish people with Palestine” and “the grounds for reconstituting their national home in that country.” In this land,

Jews were guaranteed the right of “close settlement.”

But Great Britain, the Mandatory Trustee for Palestine, retained the discretion to “withhold” the right of Jews to settle east—not west—of the Jordan River. Consistent with that solitary exception, and to satisfy the ambitions of the Hashemite Sheikh Abdullah, Colonial Secretary Winston Churchill removed the land east of the Jordan River, which became Trans-Jordan, from Palestine. West of the river, however, the right of Jewish settlement remained undiminished. No international legal agreement has ever abrogated it. The United States, having signed the 1924 Anglo-American Convention stipulating acceptance of the mandate, remains bound by it. Article 80 of the United Nations Charter, drafted in 1945, explicitly protected “the terms of existing international instruments to which members of the United Nations may respectively be parties.”

After the Six-Day War, the UN Security Council adopted Resolution 242, calling for “secure and recognized boundaries.” It provided that when “a just and lasting peace in the Middle East” was achieved—not before—Israel would be required to withdraw “from territories”—but not from “the territories” or “all the territories”—that it gained in that defensive war. No limitation on Jewish settlement was adopted. “The Jewish right of settlement in the area,” wrote Eugene V. Rostow, Undersecretary of State for political affairs between 1966-69, “is equivalent in every way to the right of the existing [Palestinian] population to live there.” International law expert Julius

For sixty years, from Ben-Gurion to Netanyahu, Israeli prime ministers have ignored the settlement rights of Jews under international guarantees that were set in place in 1920.

Stone concluded that any allegation of settlement illegality was a “subversion . . . of basic international law principles.” In sum, the right of Jews to “close settlement” throughout Mandatory Palestine west of the Jordan River has never been abrogated.

It is nothing less than astonishing, and potentially catastrophic for Israel, that its political leaders from Ben-Gurion to Netanyahu have been prepared to relinquish Israel’s legitimate land claims in Judea and Samaria. Only in Chelm, the mythical land of Jewish folly, can such a surrender otherwise be imagined. Why has a long parade of prime ministers, defense ministers, judges, media sages, and “peace” advocates been so eager to divest the State of Israel of its internationally guaranteed rights in the biblical homeland of the Jewish people?

The question answers itself. For the Israeli secular majority, and its representatives in government, anything that promises to squelch the potential political power, and undermine the land base, of reli-

gious Zionism is both worthy and urgently necessary. The Gaza withdrawal, as Caroline Glick wrote perceptively, “wasn’t about peace with the Arabs. It was about cultural supremacy within Israel.” Even *Haaretz* editors conceded that “the real disengagement” was not from Gaza but from Jewish religious sources. That helps to explain why no Israeli government during sixty-one years of statehood has acted as though it believed that Judea and Samaria actually belong to the Jewish people.

The enduring lesson from ancient Jewish history is that *sinat hinam*, groundless hatred between Jews, undermined national independence and led to the destruction of the Jewish Commonwealth. That very hatred, however, propels the unfolding Jewish tragedy of our time: the willingness, if not eagerness, to abdicate the biblical homeland of the Jewish people.

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An Inconvenient Truth

Andrew Roberts

Editor’s Note: Melanie Phillips posted this speech, given by historian Andrew Roberts (raised in the Anglican church) on Dec. 9, on her (U.K.) Spectator blog.

My Lords, Ladies & Gentlemen,

It’s a great honour to be invited to address you, especially on this the 60th anniversary of the Anglo-Israel Association, and I’d like to take the opportunity of this anniversary to look at the overall story of the relationship between Britain and Israel, and to try to strip away some of the myths.

Because it seems to me that for all the undoubted statesmanship implicit in Arthur Balfour’s Declaration of November 1917, promising “a National Home for the Jewish People,” it doesn’t mean that Britain has ever been much more than a fair-weather friend to Jewish national aspirations. The Declaration itself was at least in part conceived to keep Eastern European and Russian Jews supporting the Great War after the Bolshevik Revolution, and Chaim Weizmann’s preferred wording of ‘a Jewish State’ was turned down by the British Foreign Office. As David Ben-Gurion wrote at the time: “Britain has made a magnificent gesture . . . But only the Hebrew people can transform this right into tangible fact: only they, with body and soul, with their strength and capital, must build their National Home and bring about their national redemption.”

Sure enough, at the Versailles Conference and its ancillary meetings up to 1922, although Britain was given the League of Nations Mandate for Palestine, the Jewish National Home was not established. During the Mandate period there was an observable

tension between the Colonial Office, which was responsible for administering Palestine and wanted to do so within the terms of the (admittedly self-contradictory) Balfour Declaration, and the Foreign Office, which feared that allowing the de facto creation of a Jewish State would alienate Arabs. In 1937 the Peel Commission recommended ending the Mandate and partitioning Palestine into Arab and Jewish states, with population transfers of 225,000 Arabs from Galilee, an outcome Ben-Gurion said “could give us something which we have never had, even when we stood on our own during the days of the First and Second Temples.” Nonetheless, both the Arabs and the 20th Zionist Congress rejected Peel’s recommendations, to the palpable relief of the Foreign Office, which concentrated its own opposition to it on the basis of its supposed impracticality.

Instead there was the notorious 1939 White Paper, which severely limited Jewish immigration into Palestine at precisely the period of their greatest need, during the Final Solution. A total upper limit of 75,000 Jewish immigrants was set for the fateful years 1940-44, a figure that was also intended to cover refugee emergencies. The White Paper was published on 9 November 1938—the very same day as the Kristallnacht atrocities in Germany—and was approved by Parliament in May 1939, a full two months after Hitler’s occupation of the rump of Czechoslovakia. *The Manchester Guardian* described it as “a death sentence on tens of thousands of Central European Jews,” which in sheer numerical terms was probably an underestimation. Although the Labour Party Conference voted to repeal the White Paper in 1945, the Labour Foreign Secretary Ernest Bevin—a bitter enemy of Israel—persisted in it, and it was not to be repealed until the day after the State of Israel was pro-

claimed.

In late April 1948, Bevin ordered that Arab positions in Jaffa needed to be protected from the Jews "at all costs," and when Israeli independence came the next month, the departing British sometimes handed over vital military and strategic strong points to the five invading Arab armies, the most efficient of which, Transjordan's Arab Legion, was actually commanded by a Briton, Sir John Glubb. And then on New Year's Eve 1948 the British Government actually issued an ultimatum to Israel threatening war if Israel did not halt its counter-attacks on Egyptian forces in the Gaza Strip and Sinai. Britain was the only country in the UN that came to Egypt's aid in this regard.

One can easily see, therefore, why when Brigadier-General Sir Wyndham Deedes set up the Anglo-Israeli Association only weeks after Israel was finally recognized by Britain in 1949—months after America, Russia and several other states had already done so—it was much-needed. There was still massive resentment over the War of Independence; Israel was considered at best a headache by the Foreign Office; and worst of all, unlike her neighbours, she had no oil. Nor did the Suez Crisis much help matters seven years later: the way in which Israel fitted in neatly with British plans to crush Nasser ought to have endeared her to the Foreign Office, but of course it didn't.

When in May 1967 Nasser announced the blockading of the Straits of Tiran, closing Israel's commercial lifeline to the east, the guarantors of this international waterway—including Britain—failed to act quickly or decisively, and although Harold Wilson was proud of his pro-Israeli sentiments, his foreign secretary George Brown and the Foreign Office certainly did not reciprocate them. Britain compounded its generally lukewarm attitude during the Six Day War by sponsoring Resolution 242 at the end of it, which called on Israel to withdraw "from territories occupied," in a resolution that was so badly worded by the Foreign Office that Arabs and Israelis have been able to argue over its proper meaning ever since.

The Yom Kippur War of October 1973 saw even worse bias by the Foreign Office in favour of the Arabs and against the Jews. Announcing an arms embargo "equally" between the belligerents, the Heath Government effectively stopped Israel buying spare parts for the IDF's Centurion tanks, whilst allowing them to be bought by Jordan, the only other country affected, because it was not (officially at least) a belligerent. Egyptian helicopter pilots continued to be trained in Britain, with the foreign secretary Sir Alec Douglas-Home lamely telling the Israeli Ambassador

that it was better for the pilots to be training in Britain than fighting at the front. Heath even refused to allow American cargo planes taking supplies to Israel to land and refuel at our bases on Cyprus.

In the 1980s Margaret Thatcher seemed to offer a new warmth to Anglo-Israeli relations. She sat for Finchley, her Methodism chimed well with Jewish values, and she was the most philo-Semitic PM since Churchill, yet even she was stymied by the Foreign Office, especially over Intelligence cooperation with Mossad. It's true that John Major sent a special SAS unit to seek and destroy Iraqi Scud missile batteries targeting Israel during the First Gulf War, but that was largely to remove the danger of Israel retaliating, and thereby perhaps destroying the Arab coalition against Saddam.

After 9/11 Tony Blair seemed to appreciate how Israel was in the very front line in the War against Terror, and he thus bravely refused to condemn Israel's acts of self-defence in Lebanon, but since then Britain's contribution to the EU's strand of negotiating over

Iran's nuclear ambitions has been, frankly, pathetic.

One area of policy over which the Foreign Office has traditionally held great sway is in the question of Royal Visits. It is therefore no coincidence that although HMQ has made over 250 official overseas visits to 129 different countries during her reign, neither she nor one single member of the British royal family has ever been to Israel on an official visit. Even though Prince Philip's mother, Princess Alice of Greece, who was recognized as "Righteous Among the Nations" for sheltering a Jewish family in her Athens home during the Holocaust, was buried on the Mount of Olives, the Duke of Edinburgh was not allowed by the Foreign Office to visit her grave until 1994, and then only on a private visit.

"Official visits are organized and taken on the advice of the Foreign and Commonwealth office," a press officer for the royal family explained when Prince Edward visited Israel recently privately—and a spokesman for the Foreign Office replied that "Israel is not unique" in not having received an official royal visit, because "Many countries have not had an official visit." That might be true for Burkino Faso and Chad, but the Foreign Office has somehow managed to find the time over the years to send the Queen on State visits to Libya, Iran, Sudan, Kuwait, Bahrain, Qatar, the United Arab Emirates, Oman, Saudi Arabia, Tunisia, Algeria, Morocco, Jordan & Turkey. So it can't have been that she wasn't in the area.

Perhaps Her Majesty hasn't been on the throne long enough, at 57 years, for the Foreign Office to get round to allowing her to visit one of the only de-

It is no coincidence that although Her Majesty has made over 250 official overseas visits to 129 different countries during her reign, neither she nor one single member of the British royal family has ever been to Israel on an official visit.

mocracies in the Middle East. At least she could be certain of a warm welcome in Israel, unlike in Morocco where she was kept waiting by the King for three hours in 90 degree heat.

The true reason of course, is that the Foreign Office has a ban on official Royal visits to Israel, which is even more powerful for its being unwritten and unacknowledged. As an act of delegitimization of Israel, this effective boycott is quite as serious as other similar acts, such as the academic boycott, and is the direct fault of the Foreign Office Arabists. Which brings us on to Mr Oliver Miles.

One of the reasons I'm proud to be an historian is that there are scholars of the integrity and erudition of Prof. Sir Martin Gilbert and Prof. Sir Lawrence Freedman who also write history. If people as intelligent, wise and incorruptible as they choose to be historians, then it must be an honourable profession. Let me quote to you, therefore, word-for-word, what a former British Ambassador to Libya and Greece, Mr. Oliver Miles, wrote in *The Independent* newspaper, commenting on the composition of the present Chilcot Inquiry into the Iraq War: "Both Gilbert and Freedman are Jewish, and Gilbert at least has a record of active support for Zionism. Such facts are not usually mentioned in the mainstream British and American media....All five members have outstanding reputations and records, but it is a pity that, if and when the inquiry is accused of a white-wash, such handy ammunition will be available. Membership should not only be balanced; it should be seen to be balanced."

Ladies and gentlemen, if that's the way that Foreign Office Arabists are prepared to express themselves in public, can you imagine the way that they refer to such people as Professors Gilbert and Freedman in private? For the balance that Mr. Miles is talking about here is clearly a racial balance, that only a certain quota of Jews should have been allowed on to the Inquiry. Of course there's a reason why "such facts are not usually mentioned in the mainstream media," and that is because it is a disgraceful and disgusting concept even to notice the racial background of such distinguished public servants, and one that wouldn't have even occurred to most people had not Mr. Miles made such a point of it.

It seems to me that there is an implicit racism going on here. Jews are expected to behave better, goes the Foreign Office thinking, because they are like us. Arabs must not be chastised because they are not. So in warfare, we constantly expect Israel to behave far better than her neighbours, and chastise her quite hypocritically when occasionally under the exigencies of national struggle, she cannot. The problem crosses political parties today, just as it always has. William Hague called for Israel to adopt a proportionate response in its struggle with Hezbollah in Lebanon in

2007, as though proportionate responses ever won any victories against fascists. In the Second World War, the Luftwaffe killed 50,000 Britons in the Blitz, and the Allied response was to kill 600,000 Germans—twelve times the number and hardly a proportionate response, but one that contributed mightily to victory. Who are we therefore to lecture the Israelis on how proportionate their responses should be?

Very often in Britain, especially when faced with the overwhelmingly anti-Israeli bias that is endemic in our liberal media and the BBC, we fail to ask ourselves what we would not do placed in the same position? The population of the United Kingdom of 63 millions is nine times that of Israel. In July 2006, to take one example entirely at random, Hezbollah crossed the border of Lebanon into Israel and killed 8 patrolmen and kidnapped 2 others, and that summer fired 4,000 Katyusha rockets into Israel which killed a further 43 civilians. Now, if we multiply those numbers by nine to get the British equivalent, just imagine what we would not

do if a terrorist organization based as close as Calais were to fire 36,000 rockets into Sussex and Kent, killing 387 British civilians, after killing 72 British servicemen in an ambush and capturing a further eighteen? I put it to you that there is absolutely no lengths to which our Government would not go to protect British subjects under those circumstances, and quite right too. So why should Israel be expected to behave any differently?

There has hardly been a single year since Brigadier-General Deedes established the Anglo-Israel Association in 1949 when a speaker has not been able to say that Israel faced a crisis, and on some occasions—in 1956, 1967, 1973 and especially in the face of the present Iranian nuclear programme today—these were existential. At a time when Barack Obama appears to be the least pro-Israeli president since Eisenhower, the dangers are even more obvious. For there is simply no way that Obama will prevent Ahmadinejad, perhaps Jewry's most viciously outspoken and dangerous foe since the death of Adolf Hitler, to acquire a nuclear bomb.

None of us can pretend to know what lies ahead for Israel, but if she decides preemptively to strike against such a threat—in the same way that Nelson preemptively sank the Danish Fleet at Copenhagen and Churchill preemptively sank the Vichy Fleet at Oran—then she can expect nothing but condemnation from the British Foreign Office. She should ignore such criticism.

Although History does not repeat itself, its cadences do occasionally rhyme, and if the witness of History is testament to anything it is testament to this: That in her hopes of averting the threat of a Second Holocaust, only Israel can be relied upon to act decisively in the best interests of the Jews. •



Andrew Roberts

Three To Read

Ruth King

Pretend there is no European Union, no United Nations, no Arab League, no Iran, no mainstream media and no George Mitchell. Fly this magic carpet to a warm and comfortable chair and read two books that are original and exhilarating and optimistic about Israel.

First, George Gilder's *The Israel Test* is a thrilling paean to the Jewish people and Israel. Gilder, an apostle of free market capitalism and author of highly acclaimed books and articles on economics and technology, calls tiny Israel the "central issue in international politics, dividing the world into two fractious armies"... one of creative excellence and the rule of law and its opposite an army of envy, hatred and resentment—for Gilder sees anti-Semitism as the product of irrational envy.

Gilder, who calls Israel "the Hong Kong of the desert," sees a thriving, creative and entrepreneurial Israel as the paradigm of achievement and endless possibility in an economically free society. He credits Jews with genius in science, technology, business and medicine which continues to propel them to the cutting edge in the advance of Western civilization.

Gilders spares no obloquy for the easy fix policies of peace processors. He mocks those who treat the impasse as though it was caused by Israel's occupying "too much land" and "think it is within Israel's power to choose peace" by making territorial concessions. He calls the recidivist recyclers of Oslo "extortionists."

For Gilder Israel is America's most valuable partner and ally, but it is more than that. In the last lines of the book, Gilder melds his political, secular and entrepreneurial respect for Israel with his spiritual love of the land: "Ultimately our loyalty to Israel arises not from the cold calculus of survival but from a sense of the holy....What Americans must fathom with both heart and mind is that this instinct is true—and vital to our survival—that if we would live, we must defend this Holy Land."

One finishes this book with gratitude and a fervent Amen.

The second highly recommended book is *Start-Up Nation: The Story of Israel's Economic Miracle* by Dan Senor, a senior Fellow for Middle East Studies at the Council on Foreign Relations and Saul Singer, a former adviser to the U.S. Congress and journalist who lives in Israel.

Again, one succumbs to the pleasure of reading an original, lively and optimistic recounting of the nation's booming start-up companies that

outpace those of China, India, Korea, Canada and the United Kingdom. Incredibly, there are more Israeli companies on the Nasdaq than from all of Europe, Korea, Japan, Singapore and India combined!

The authors believe that Israeli "chutzpah", immigration, research and development, and the military have been key components of this incredible economic leap.

Jews have always been entrepreneurial. In the U.S., in the pre-computer and technology era, they were key to the development of the garment trade, large retail chains and the movie industry which between them employed more Americans from entry level to executive suites than all other industries.

However, in Israel, the early oppressive bureaucracies inhibited growth and innovation, and created a brain drain of top scientists, researchers and entrepreneurs. The Israeli "hero" in those days was a farmer who grew crops in sand and not a "yuppie" business upstart.

The authors also remind us that in an earlier and (I might add, saner) incarnation, Shimon Peres encouraged and persuaded Israel's government to develop its first technological "start-up," namely its nuclear deterrent, long before India, China and Pakistan developed theirs.

Ironically, the unrelenting wars and the need for an effective and efficient military presented Israel with a great opportunity to train its citizens. As the authors point out, America has a limited all-volunteer army but in Israel all families have soldiers, and the "Ivy League" of the citizens are the elite army units that challenge, inform and teach problem solving and strategy as well as ordnance and combat. Friendships are formed that lead to collaborative efforts in industry. Their army education transforms these people into what the authors call "mission oriented leaders and problem solvers"—read that as business school students in military uniforms.

In a bizarre turn of events, Senor and Singer point out that the Arab boycott spurred Israel to develop products that could be shipped in boxes which would not arouse boycotters' suspicions—unlike produce which requires more space and open carting.

One ends the book with renewed appreciation of Israel's Defense Forces which not only guard the nation but contribute mightily to its dazzling economic successes.

But, and here is the seemingly everlasting "but" of the Jewish people, the delight and optimism these books produce are quickly dissipated when we turn to our third volume, Robin Shepherd's *A State Beyond the Pale: Europe's Problem with Israel* which chronicles the *tsumani* of anti-Semitism sweeping Europe. This hatred gives aid and support to the *Ji-*



had that threatens the survival of the state that elicits Gilder's, Senor's and Singer's admiration.

Shepherd wrote this book while running the Europe program at the Royal Institute of International Affairs in London. Presently, he is Director of International Affairs at the Henry Jackson Society. As he states in his introduction, Shepherd is neither Jewish nor a Christian Zionist and as a mainstream Anglican youth he was largely unaware of Jews or their myriad problems. In 1989 he read Conor Cruise O'Brien's epic *The Siege*, given to him by a Zionist friend, and for the first time he challenged what he calls the prevalent anti-Israel bias that mushroomed in British academia in the eighties.



The forty-four pages of footnotes and index display the meticulous research that sustains the author's conclusion that the language, tone, content and mainstream commentary on Israel in Europe is hard to distinguish from the libels of the Arab world.

Shepherd calls this a civilizational sickness fueled by appeasement and moral relativism rather than an atavistic return to old style European anti-Semitism. One may debate the roots, but not the actual facts. Shepherd also cautions that the virus of Jew-hatred may easily spread to American shores.

Although he gives a cursory overview of Israel's history, Shepherd concentrates on the past nine years and the question of how and why Israel has become the focus of such intense disdain in Europe, with attitude polls reflecting a significant decline in Jewish prestige along with an irrational view of the Israel/Arab

dispute wherein Israel is painted as oppressor, racist and neo-Nazi, and terrorism seen as the "natural" response of her victims.

Shepherd blames the Jewish defamers of Israel, the old left which leads the charges against Israel, the large Muslim population which is becoming electorally and culturally significant throughout the continent and elements of the right which have made common cause with Muslims and the left in their anti-Israel bandwagon. Whenever Israel engages in self defense, throughout Western Europe there are charges of war-crimes, violations of international law, and disproportionate response. Israel's denials are lost in the howls of self-righteous venom.

Then, there are the charges of Israel as untrustworthy and a liability rather than a worthy ally. These spill over to the general Jewish population which by and large continues to support Israel and lead to overt anti-Semitism including harassment, defamation and threats.

Shepherd reminds us that in Europe the only nations that defend Israel are Eastern European countries freed of the Soviet yoke. He attributes this to their recent first hand experience with totalitarianism which they see throughout the Arab world.

There is no hint in Shepherd's fine book that things will change for the better, and although he avoids reference to similarities between the present and pre-Holocaust Europe, one cannot avoid thinking of Europe, 1938.

On reflection, perhaps one should reverse the order I have taken here—read Shepherd first and then rush to the other books for solace. •