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# OUTPOST



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Table of Contents		
Halachic High Noon	William Mehlman	Page 2
From the Editor		Page 3
A Watershed for America's Jews?	Rael Jean Isaac	Page 6
The Shame of the Jew (October 1993)	Herbert Zweibon	Page 9
What Iran is Permitted to Do Under the JCPOA	Yigal Carmon	Page 10
The Two State Solution is in Stalemate (part 1)	Evelyn Gordon	Page 11
The Famed Lion Hunter Who Became a Lion of Judea	Ruth King	Page 16

# Halachic High Noon

William Mehlman

Jewish conversion – the process and the product – has always been a bone of contention. Hillel, the revered Babylonian Jewish jurist and storied *nasi* (president) of the Sanhedrin, Israel's supreme court, welcomed converts to Judaism with open arms. Shamai, his austere juridical adversary, couldn't stand the sight of them. Hillel's view generally prevailed and was resoundingly seconded centuries later by a pair of Talmudic sages who averred that God's scattering of the Jews among the nations testified to His wish that they be joined by the converts.

The Israeli Chief Rabbinate begs to differ. From its Eastern (Sephardic) to its Western (Ashkenazic) extremities it has positioned itself on all matters relevant to Jewish conversion solidly in the Shamaist camp. Take that, Hillel! In simplest terms, the "Rabbinocracy," as one wag dubbed it, has made it clear that it wants as little to do with enhancement of Jewish conversion as it can get away with.

It has gotten away with plenty. Of the roughly 300,000 "non-Jews" (not born of a Jewish



mother) among the nearly one million citizens of the former Soviet Union who emigrated to Israel between 1983-2000, the Chief Rabbinate has managed to certify about 25,000 -- less than 1 in 10 -- as qualified for acceptance into the Jewish fold. More than 50 percent of those who initially set forth on the conversion path failed to pass an oral exam crafted to discourage their intention, while thousands more abandoned the effort before even getting that far. The "Nativ" program for converting young Russian IDF recruits fared somewhat better, but never really soared and is currently near its lowest ebb since inception. The Haredi rabbinic response to this

massive failure was paraphrased in a single sentence by David Weinberg in a recent *Jerusalem Post* column: "Since [we] had no part in bringing the Russian 'goyim' to Israel, [we] take no responsibility for solving the demographic problem that secular Zionism has brought on itself."

What the Chief Rabbinate's abjuration of a rational conversion process has wrought, however, goes well beyond the question of religious identity. It strikes at the very core of Jewish unity within the context of the Jewish nation-state Israel proclaims itself to be—and ultimately at its national security. The 300,000 in non-Jewish limbo have produced and will continue to produce thousands of Hebrew speaking children and grandchildren who get their education in Jewish schools, devote 2-3 years of their lives to service in a Jewish defense force, work side by side with Jewish colleagues and are intrinsically part of a national Jewish culture—except when they apply for a marriage license, at which time they are informed they are ineligible to marry a Jew, Israeli or foreign, anywhere in Israel. In the face of a crisis that is driving 5,000 couples a year to civil marital venues in Cyprus and points west, the 19<sup>th</sup> Knesset passed a law just prior to its 2014 exit that would have unclenched the Chief Rabbinate's fist around the conversion process by allowing more lenient municipal rabbis to establish their own conversion courts. The law was undone in July by the currently seated 20<sup>th</sup> Knesset, in payment for the 12 ultra-Orthodox votes Prime Minister Netanyahu needed to cement Likud's two-seat ruling majority.

To this parliamentary execution of its conversion reform law, the national religious Zionist bloc has responded with the creation of *Giur K'Halachah*, a new conversion court independent of the Chief Rabbinate under the leadership of Rabbis Nachum Rabinowitz, head of the Hesder Yeshiva (Talmudic study combined with IDF service) in Ma'ale Adumim, David Stav, Chief Rabbi of Shoham and chairman of the Tzohar Rabbinic Association and Shlomo Riskin, Chief Rabbi of Efrat. "Once we cannot marry each other, we are no longer one people," Riskin declared at the inauguration of the new conversion court.

Moreover, the one-time spiritual leader of Manhattan's Lincoln Square Synagogue vowed he would personally marry any *Giur K'Halachah* converts turned away by the Chief Rabbinate, even if it meant going to jail.

Rabbi Stav warned that without a drastic change in Israel's conversion system, in 10 or 15 years we will have two nations here, "one Jewish and one non-Jewish. It would be the destruction of the Jewish state." The Haredi weekly *Ba 'Kehilla* shot back with a front-page headline labeling Stav "a danger to the rabbinate, a danger to Torah. He threatens the walls of religion." After several threats to his life, Stav is walking around with police protection.

While the national Chief Rabbinate in Jerusalem insists it will invoke the law against any attempt to breach its assumed exclusive power to decide who is and who is not a Jew, there is actually no precedent in Jewish history for the kind of central conversion authority it has laid claim to. Conversion, as far back as the Babylonian exile, was largely invested in local rabbinic courts and any three ordained rabbis were capable of creating a conversion court. Indeed, if it is truly *Halachah*, the three millennial compendium of Jewish law and practice the Rabbinate is concerned with preserving and keeping relevant, they might give ear to the advice of one of their most respected peers: "It is time the rabbis realize that the very standing of Halachah is at stake," warns Rabbi Nathan Lopes Cardozo, dean of Jerusalem's Cardozo Academy and head of the Cardozo-Kagan Jewish Leadership Program. "If [*Halachah*] cannot find a realistic solution to the conversion problem, it will become less and less significant in the eyes of Jews the world over. In fact, it will prove that contemporary *Halachah* has run its course. Ultimately, it will lose influence with our young people..."

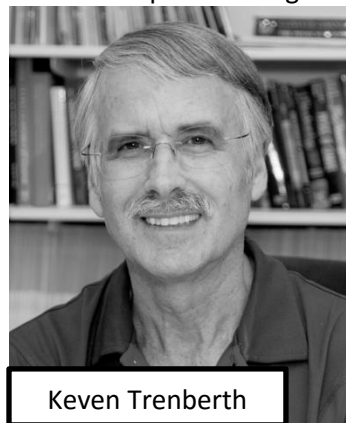
We rather think Hillel would agree.

*William Mehlman represents AFSI in Israel.*

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## From the Editor

### A New Use for RICO?



Kevin Trenberth

Despite winning such a high profile adherent as the Pope, the climate apocalyptics must really be worried. The latest ploy by twenty of them, including UN Intergovernmental Panel on Climate Change lead author Kevin Trenberth, is an open letter to President Obama urging him to employ RICO against those critical of the notion that manmade climate change is fast destroying the planet. RICO stands for Racketeer-Influenced and Corrupt Organization Act and was originally passed, as the name suggests, to go after the mafia. It has since been widely abused to drive out of business, for example, small farmers. Its great advantage is that it provides for triple damages against the targeted party. The open letter suggests bringing suits against "corporations and other organizations" (presumably they have in mind outfits like the Heartland Institute which brings together thousands of skeptical scientists) "who have knowingly deceived the American people about the risks of climate change." Disagreement equals knowing deception in this parlance.

The joke is that Trenberth was caught out in the hacker-released emails known as Climategate saying in 2009 "The fact is that we can't account for the lack of warming at the moment and it is a travesty that we can't." There hasn't been any warming in the seven years since he sent the email making it two decades of no-warming the alarmists can't account for. If you can't account for it, go for

second best, sue those who point out the “travesty” (plus everything else that’s wrong with the theory) for triple damages. If free speech is so important, it should be worth money, right?

Scientist Roger Pielke, a familiar target of the apocalypticists (even though he is actually a semi-believer) points out that Jagadeesh Shuklan, the top billed scientist who signed the letter, has a lot to lose. He and his wife were paid \$1.5 million in government climate grants from 2012 to 2014. That, says Pielke, is on top of Shuklan’s \$250,000 a year academic salary. There’s a lot at stake in making sure the emperor’s new clothes keep their fit.

### **Middle East Studies—an Anti-Israel Hornet’s Nest**

AMCHA, an organization that fights anti-Semitism at college campuses, has published a list of 218 Middle East studies professors who have called on their colleagues to join them “to boycott Israeli academic institutions,” “not to collaborate on projects and events involving Israeli academic institutions, not to teach at or to attend conferences and other events at such institutions, and not to publish in academic journals based in Israel.” AMCHA offers the list as a service to students so that they can avoid these professors, should they wish to keep away from naked anti-Israel bias in the classroom and possibly anti-Semitic rhetoric. It also makes the point that sixteen of the twenty universities receiving federal funding for Middle East Studies employ faculty who have signed the petition, violating both the letter and spirit of federal law.

The signatories range from professors at elite institutions including Yale, Harvard and Princeton to such outliers as West Chester University and St. Mary’s College of Maryland. What is striking is that the institutions with the largest number of signatories are those with high numbers of Jewish students. That includes Columbia with 11 signatories, Georgetown with 13, NYU with 9, the University of California at Berkeley with 9, the University of California at Los Angeles with 6, the University of Michigan at Ann Arbor with 6 and the City University Graduate Center with 5.

AMCHA has spoken up. Where are the protesting Jewish students?

### **Labour Elects Jeremy Corbyn**



Jeremy Corbyn

Some surprising candidates are taking the limelight on both sides of the Atlantic but none to equal Jeremy Corbyn, the left-wing extremist elected by a landslide as leader of Britain’s Labour Party.

Here is a paragraph focusing on Corbyn’s attitude toward Israel by writer Paul Bogdanor:

“He is an apologist for the dictatorship of the ayatollahs in Iran. He is a patron of Britain’s Palestine Solidarity Campaign and an advocate of the Palestinian ‘Right of Return’ to Israel. He is a longstanding associate of the anti-Semitic organization Deir Yassin Remembered, which is run by Holocaust deniers. He

described the genocidal criminals of Hamas and Hezbollah as ‘friends.’ He championed the Islamist cleric Ra-ed Salah, a proponent of blood libels.”

Corbyn is widely thought to be “unelectable.” England’s Jews better hope that’s right.

### **Brandeis--Again**

*Outpost* has repeatedly reported on the anti-Israel (and anti-American) shenanigans of graduates and faculty of Brandeis University. Established to provide a first class educational institution open to Jewish students (at a time when other universities were less open to them), it rapidly morphed

into an ultra-trendy bastion for Jews Against Themselves to use the title of Edward Alexander's most recent book.

The most recent unsurprising manifestation: the appointment of Pascal Menoret to the Renee and Lester Crown Chair in Modern Middle Eastern Studies. Without any distinguished academic record to warrant the appointment, Menoret does have the requisite anti-Israel credentials. He previously taught at New York University's Abu Dhabi campus where he signed on to an "NYU Out of Occupied Palestine" petition urging the university to "divest from all companies in its portfolio that contribute to or profit from the Israeli occupation." The petition goes on to decry Israel's supposed "denial of the most basic human and civil rights" of the Palestinians.

Winfred Myers in *Campus Watch* notes that when Brandeis opened the Crown Center in 2005, then president Jehuda Reinharz justified the need for it by saying "Too many of the centers [of Middle East studies] that currently exist are so infused with ideology, so obsessed with the Israeli-Arab conflict, they have become less interested in scholarship and more interested in scoring political points." No surprise, given it's Brandeis, the Crown Center is infused with the same spirit.

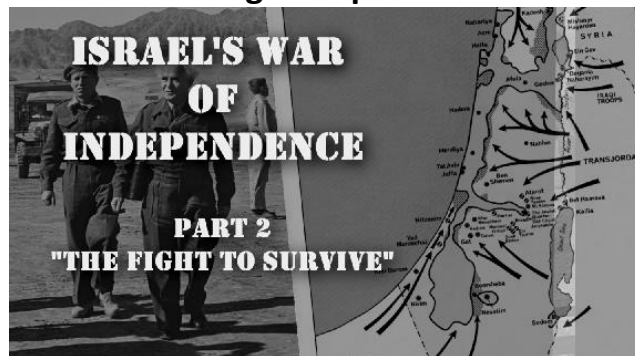
### **From Amazing Israel**

The FDA has granted fast track designation to the CF102 treatment from Israel's Can-Fite BioPharma for hepatocellular carcinoma (HCC), the most common form of liver cancer. A CF102 trial is about to start on 78 patients with Child-Pugh Class B cirrhosis, who failed the only FDA approved treatment on the market – Nexavar.

Israel ranks 6th in Healthy Life Expectancy. The World Health Organization (WHO) ranks Israel 6th in the world. Israeli men have the world's fourth longest total life expectancy of 80.2 years. For women, Israel is ranked tenth with a total life expectancy of 84 years

Training Europe's cyber defenders. CyberGym is the Israel Electric Company's cyber security training center and equips employees to thwart attacks on Israel's electricity infrastructure. The IEC is now to export CyberGym to the Czech Republic where it will be the center for cyber-security training throughout Europe.

**A new video has gone up at Zionism101.org:**



**"Israel's War of Independence Part 1: The Fight to Survive" depicts the desperate period following the declaration of independence on May 14, 1948 when five Arab armies invade the nascent Jewish State. Israel will fend off the attackers but at great cost. You can see it directly via the following link:**

**<http://zionism101.org/NewestVideoVimeo.aspx>**

## A Watershed for America's Jews?

Rael Jean Isaac

Are the years when the United States was a supremely comfortable place for American Jews coming to an end? Thanks to Obama's policies, the answer may be yes, although most American Jews are not only blind to the dangers but actively promoting those very policies.

Challenged by what Secretary of State Kerry calls Germany's "example to the world" in opening its borders to 800,000 (overwhelmingly Moslem) migrants this year, the Obama administration now proposes to boost the number of refugees it accepts to 100,000 annually, including 10,000 Syrians.


In practice this means a huge increase in Muslim immigrants, much larger than even that number suggests. Breitbart reports that in 2013 there were 280,276 immigrants from Moslem-majority countries. Of these just under 40,000 were refugees. The rest were divided almost equally into those given permanent resident status and those coming as temporary (in theory) migrants, including students and foreign workers. With Obama more than doubling the number of those admitted as refugees, there is little doubt there will be a substantial rise in the other categories—don't forget, family unification is a major source of legal immigrants.



There is no doubt that the American Jewish community is the one most threatened by this immigration. Unlike in Germany, a million more Muslim immigrants will not upend the religious demographics of the United States with its population of almost 319 million. But the radical growth in the Muslim population will have a dramatic effect on the small U.S. Jewish population. There are estimated to be five and a half million Jews in the United States. Even before the current Obama escalation, the Pew Research Center forecast the Muslim population would more than double by 2030 to 6.2 million, overmatching the number of Jews.


One cultural trait Muslims infallibly bring with them is hatred of Israel—and contempt for Jews--inculcated in them from a very early age. A reporter for the *Times of Israel* interviewed migrants at a reception center in Milan. A 21 year old Syrian refugee named Adman told her, "In Syria we have all races and religions living together, we are all brothers, but Israel, Israel is the ultimate enemy." Rima, a Syrian who has lived in Italy for years and now registers migrants, explains "For Syrians, Israel is Palestinian territory." When the reporter suggests a two state solution, Rima replies "I don't think Jews should have a state. They are a religion, not a people." The reporter encountered no contrary views among the refugees.


A major increase in the Muslim population means a shift in the electoral landscape. Muslims, like other ethnic communities, tend to cluster together and this will have an impact in electing anti-Israel Congressmen. Since attacks on Israel slide quickly into attacks on Jews, anti-Semitism is also bound to rise, including physical attacks on Jews by Muslims on the pattern of Europe. At first the major effect will presumably be on the Democratic Party, already showing signs of indifference or hostility to issues of Israel's survival, viz. the backing of Obama's Iran policy. (Not that this, so far, has had any effect on slavish Jewish devotion to the Democratic Party). Universities, where, as in Europe, Muslims already combine with the left to demonize Israel, will become even more unwelcoming places for Jewish students.



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## Ask the President to Take Bold Leadership for Syrian Refugees

Stories and photos documenting the unspeakably tragic plight of Syrian refugees have shocked the world this week.

We cannot stand by and watch the largest humanitarian crisis of our generation unfold. Our country and our Jewish community must step in with speed and diligence to provide protection and aid for Syrian refugees. With your help, we can ask the President to resettle 100,000 additional Syrian refugees into the United States, and to provide aid to the severely underfunded humanitarian efforts abroad.

Please sign and share our petition below, to raise the voice of American Jews in support of protections for Syrian refugees.

Dear President Obama,

Jews are emotionally captured by a parallel with the Holocaust when Jews seeking to escape Nazi Germany were denied a haven by an indifferent West. But the overwhelming number of Syrian refugees had already found a haven in Turkey, Jordan or Lebanon. It is not a comfortable haven, but their lives are not in danger. The only groups specifically targeted for death are Christians and Yazidis in parts of both Syria and Iraq. Ironically there are relatively few of these in the mass migration to Europe. Nina Shea of the Hudson Institute's Center for Religious Freedom explains why. Christians and Yazidis have found sanctuary in Kurdistan where they cluster in informal encampments, the Christians typically around churches. Robbed by Isis of everything they owned, they don't have the funds to pay traffickers and are fearful of the other migrants, mainly Sunni men. There is good reason for their fear. In April, Italy reported twelve Christian migrants en route to Europe were thrown overboard by Muslim migrants and drowned. England (like the U.S.) takes its refugees from UN camps, which both Christians and Yazidis avoid out of fear of the hostile Moslems who dominate them.

The majority of those currently overwhelming political borders in Europe are young men, vigorous and aggressive. They are economic migrants from a host of dysfunctional countries from Iraq to Afghanistan to Eritrea to Yemen to Libya to Nigeria to Pakistan to Bangladesh, seeking a better life. A Polish woman, encountering one group of such migrants at the border between Italy and Austria, blogged about her terrifying experience as they tried to topple the bus she was in, threw feces, spat on the glass. When a car with humanitarian aid came, they toppled it and grabbed the food and water. Her conclusion: “a giant pathology is approaching the EU, one which we have never seen before.”

Such objections as have been raised to admitting large numbers of Moslems into the U.S. are on grounds of security. But while there can be no doubt that ISIS will, as it has promised, infiltrate some members, the greater danger is that over time it will find large Islamic communities a fertile soil for new recruits, especially among young people disappointed that their new home does not offer them success that lives up to their high expectations.

As for Europe, the situation for Jews, already tenuous as a result of hate-filled Muslim minorities, will become intolerable. At the instigation of Germany and Sweden (the latter up to now had mainly demonstrated its pretensions to the status of “moral superpower” by harassing Israel), Europe is engaged in a giant potlatch. A potlatch is a gift-giving competition that was practiced by tribes in the

Pacific Northwest to give away or destroy wealth. (Who says civilizations abandon more primitive kinds of conduct?)

Thanks to this potlatch, the migrants experience not just the push of war and economic tribulation but the pull of major social benefits from the taxpayers of Europe's welfare states. Germany is the migrant's first choice because it holds out the most active welcome mat. Columnist Diana West nails the irony. "Merkel hints at the subtext informing her actions--more expiation for Hitler's crimes of destroying European Jewry. All the more gruesome, then,



to see Germany—Germany!—doing so by welcoming into Europe massive new colonies of the worst Jew haters in the world.”

But this potlatch goes beyond the traditional kind in that it is enforced. The EU is dragging along four furiously protesting members, Hungary, Slovakia, Romania and the Czech Republic, into the great European give-away. Hungary’s Orban accuses Germany of moral imperialism. In turn France’s Hollande slams Hungary, suggesting it might need to leave the EU: “Europe is a community of values. Those who don’t share those values and principles have to question their presence in the EU.” But what are those values? Imre Kertesz, the Auschwitz and Buchenwald survivor who won the Nobel Literature prize in 2002, calls them suicidal liberalism. In his diaries from 2001-2009 published as *The Last Refuge* he prophesied: “Europe will soon go under because of its previous liberalism which has proven childish and suicidal. Europe produced Hitler and after Hitler there stands a continent with no arguments. The doors are wide open for Islam; no longer does anyone dare talk about race and religion, while at the same time Islam only knows the language of hatred against all foreign races and religions.”

Perhaps English journalist Peter Hitchens says it best: “We can’t do what we like with this country. We inherited it from our parents and grandparents and we have a duty to hand it on to our children and grandchildren, preferably improved and certainly undamaged....We cannot just give it away to complete strangers on an impulse because it makes us feel good about ourselves...Our advantages depend very much on our shared past, our inherited traditions, habits and memories. Newcomers can learn them, but only if they come in small enough numbers. Mass immigration means we adapt to them, when they should be adapting to us...So now, on the basis of an emotional spasm, dressed up as civilization and generosity, are we going to say that we abandon this legacy and decline our obligation to pass it on, like the enfeebled, wastrel heirs of an ancient inheritance letting the great house and the estate go to ruin? I can see neither sense nor justice in allowing these things to become a pretext for an unstoppable demographic revolution in which Europe (including, alas, our islands) merges its culture and its economy with North Africa and the Middle East...If we let this happen, Europe would lose almost all the things that make others want to live there.”



Peter Hitchens



Jews are again the canary in the coalmine. They stand to lose the most in the shortest period of time, but European countries stand to lose their identities in the longer term. The EU has been squabbling over the distribution of 120,000 refugees, a small percentage of those already on Europe’s shores and a drop in the bucket compared to those in waiting, who are entering Europe at the rate of 6,000 a day. Should that current rate be sustained, over two million migrants a year would overwhelm Europe. In *The Weekly Standard* of Sept 28 Christopher Caldwell describes a queue of young men from rough, tough parts of the Muslim world that stretches east to Bangladesh and beyond and deep in to sub-Saharan Africa. It will take strong measures to stop this flood—the billions of euros the EU now proposes to subsidize Syrian refugee camps in Turkey, Jordan and Lebanon are not likely to have much impact. Although they have come up with no viable solutions, European leaders are beginning to wake up to the danger that existing policies will lead to a surge in right wing extremist parties. Of course, the ugly forces apt to come to the fore will be equally inhospitable to Jews.

The title of this article ends with a question mark: A watershed for America’s Jews? But if massive numbers of Muslim immigrants are allowed to enter, there is no question mark. The Golden Age of American Jewry will be at an end.



## The Shame of the Jews (October 1993)

Herbert Zweibon

*Editor's note: In the September Mosaic magazine Ruth Wisse commemorates the 22nd anniversary of the signing of Israel's signing of the Oslo Accords with Yasser Arafat on the White House lawn on September 13. She writes of her own disquiet at the time and of her confidence that no good could come of it. So universal then was Jewish enthusiasm that Richard Bernstein of the New York Times called her a second time before publishing her reaction (along with the euphoric responses of other American Jews) to make sure she hadn't changed her mind. Americans for a Safe Israel was the only pro-Israel organization to denounce the accords from the beginning. Here is then AFSI chairman Herbert Zweibon's editorial in the October 1993 issue of Outpost to mark our commemoration of this day of infamy and criminal stupidity on the part of the Israeli government.*

In the summer of 1883, in the wake of yet another malaria epidemic, Baron de Rothschild dispatched his agent, one Emile Meyerson, to the struggling Jewish settlement of Yesod Hama'ala, in the Huleh Valley. Meyerson explained to the settlers that while the baron was deeply committed to the cause of resettling the Holy Land, he now believed the health problems afflicting Yesod Hama'ala were too severe to overcome. The baron proposed that the settlers leave. "Some of you will be able to settle in other villages in this country," Meyerson assured them. "As for the rest, those who want compensation will receive it, and those who want to remain in farming will be sent at the expense of the Jewish Colonization Association to Argentina, where they will be given excellent conditions."

David Ben-Gurion, who related this episode in his memoirs, described the "deathly silence" that filled the room. The faces of the settlers were "as white as ghosts." Finally a settler named Fischel Salomon stepped forward. "My dear Mr. Meyerson, we came here before the baron, and did so in response to God's command," Salomon declared. "The baron has given us much assistance, and in so doing fulfilled his sacred duty to his people and his land. If he wants to continue, he should by all means do so. If he doesn't want to, so be it. But we will not be moved, not by the Jewish Colonization Association nor by the baron, but only by God Himself who brought us here. No human being will move us from this place."

The faith and determination of Fischel Salomon, so simple yet so moving, represented the essence of Zionism. The sacred goal of rebuilding the Land of Israel was being implemented in the Huleh Valley, and no earthly force could stop it--not malaria, not poverty, not Arab terrorism.

Fortunately for Fischel Salomon and his comrades, the one force that would have done the most effective job of undermining Yesod Hama'ala did not yet exist--that is, an Israeli government led by Yitzhak Rabin. For the past year, Rabin has quietly but efficiently implemented his policy of "drying up" Jewish settlements in Judea, Samaria, and Gaza. Now, with those communities weakened and desperate, Rabin has administered the next blow: he has given control of the region--Gaza and Jericho today, the rest in nine months--to Yasser Arafat, a man who symbolizes the Arab goal of obliterating Zionism, a man whose hands are drenched with the blood of thousands of innocent Jews.

Israel's leaders should be calling for Arafat's trial as a war criminal. Instead, unbelievably, sacrilegiously, they are investing him with legitimate authority over the Land of Israel, forfeiting the age-old rights of the Jewish people to the mass murderer of Jews. Elijah thundered to Ahab: "Has thou murdered and also inherited?" What would Elijah say to the present rulers of Israel who hand over the inheritance of the Jewish people to the world's master of murder?

Only a few have raised their voices against the mindless euphoria, and they have spoken of the strategic mistake Israel is making. But for Jews who care about their people the prime emotion must be shame. September 13, when Israel's leaders signed an agreement with Arafat, while American Jewish leaders eagerly danced attendance, is a date which will live in infamy. A great people prostrated itself before a bankrupt thug. A people priding itself on its moral sensitivity committed an act of ultimate

immorality, deliberately bestowing legitimacy on a mass murderer. As long as the Jewish people lives, this shame will adhere to them.

The nineteenth century residents of Yesod Hama'ala refused to budge. Only God Himself could force them out, they vowed. No one forced Yitzhak Rabin out. "Given to strong delusion, wholly believing a lie," he forfeits the patrimony of the Jewish people for an imaginary peace. Jeremiah said of those who say "'Peace, peace,' when there is no peace / They shall be put to shame because they have committed abomination."?

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## **What Iran Is Permitted To Do Under The JCPOA**

**Yigal Carmon**

*Editor's note: Proponents of the Obama administration's Iran deal focus on what Iran supposedly cannot do under terms of the agreement. This analysis focuses on what it **can** do--contrary to administration talking points. It is worth noting that the Obama administration sent to Congress a copy of the agreement with no signatures. At this writing it is not clear that the agreement has even been signed by Iran, in which case it is dubious that it has any force*

Here are a few examples of what Iran can do under the JCPOA (Joint Comprehensive Plan of Action). These actions--permitted under the JCPOA--clearly contradict statements and arguments raised recently by U.S. administration officials.

### **Iran Can Pursue the Development of a Nuclear Device and Key Nuclear Technologies**

Under the JCPOA, Iran can conduct activities "suitable for the development of a nuclear device" if the joint commission approves it as being "monitored and not for weapons purposes." If anything should have been totally and absolutely banned by this agreement, it is activity suitable for the development of a nuclear device. President Obama's declared rationale for the agreement is to distance Iran from a nuclear device. The JCPOA, under certain conditions, allows even that.

Also nowhere in the JCPOA does Iran promise to refrain from development of key technologies that would be necessary to develop a nuclear device. To the contrary, Ali Akbar Salehi, head of the Atomic Energy Organization of Iran, stated: "We are building nuclear fusion now that is the technology for the next 50 years."

### **Iran Can Prevent the Inspection Of Military Sites**

Under the JCPOA the IAEA cannot go wherever the evidence leads. The JCPOA allows Iran to reject a priori any request to visit a military facility. This exclusion was included in the JCPOA by introducing a limitation under which a request that "aims at interfering with military or other national security activities" is not admissible.

The ban on visits to military sites has been enunciated by all regime figures from Supreme Leader Khamenei downwards. Supreme Leader Khamenei specified: "[The foreigners] shouldn't be allowed at all to penetrate into the country's security and defensive boundaries under the pretext of inspection, and the country's military officials are not permitted at all to allow the foreigners to cross these boundaries or stop the country's defensive development under the pretext of supervision and inspection."

Iranian Foreign Minister Javad Zarif said that such visits crossed a red line and were successfully rejected by Iran during the negotiations. Supreme Leader Khamenei's top adviser for international

affairs, Ali Akbar Velayati, stated: "The access of inspectors from the IAEA or from any other body to Iran's military centers is forbidden."

Administration spokespersons persist in claiming that military facilities will also come under inspection, in total contradiction to the language of the JCPOA and the Iranian position.

### **There Will Be No Snapback of Sanctions**

Under the JCPOA, snapback is not automatic, but will be dependent on UN Security Council approval. Additionally, a declaration has been introduced into the JCPOA and thus became an integral part of the agreement that Iran "will treat such a re-introduction or reimposition of the sanctions specified in Annex II, or such an imposition of new nuclear-related sanctions, as grounds to cease performing its commitments under this JCPOA in whole or in part."

The inclusion of this clause in the agreement makes the re-imposition of sanctions, in the optimal case, the subject of litigation, when Iran can contend that the other side is in violation of the agreement.

### **Sanctions Regime's Duration Can Be Shortened To Less Than Eight or Ten Years**

Under the JCPOA the duration of the sanctions regime need not extend to eight or ten years but can be much shorter if the IAEA so determines. Upon a report from the director-general of the IAEA to the board of governors of the IAEA and in parallel to the UN Security Council stating that the IAEA has reached the broader conclusion that all nuclear material in Iran remains in peaceful activities *whichever is earlier* (emphasis added)"

### **Arak Will Remain A Heavy Water and Hence A Plutonium Capable Facility**

Despite the vague wording in the JCPOA, (i.e. Iran will "redesign" the reactor and it will be "modernized"), it will also continue to operate partially as a heavy water facility, a key element needed in plutonium production.

*Yigal Carmon is President and Founder of MEMRI (the Middle East Media and Research Institute). This is the MEMRI Daily Brief No.57 of September 17, 2015.*

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## **The Two-State Solution Is in Stalemate. What Can Israel Do to Prevail?**

### **Part 1**

**Evelyn Gordon**



*(Editor's note: Evelyn Gordon provides an alternative strategy to the delusionary two state solution. This article, which we have divided into two parts—the second installment will be in the next Outpost—is all the more timely and useful now that Prime Minister Netanyahu and Secretary of State Kerry seek to resume—yet again!—negotiations for an all-embracing agreement.)*

It's a longstanding truism of international relations that "everyone knows" the solution to the Israeli-Palestinian conflict. Yet today, after more than two decades of negotiations under several different Israeli, Palestinian, and American governments have repeatedly failed to produce the two-state agreement whose terms "everyone knows," it is past time to put this false idea to rest. In fact, what the talks have shown is that even when there's agreement on general principles, the remaining gaps are insurmountable—and often

there isn't even agreement on principles. What this means is that, for now and for the foreseeable future, a final peace is not achievable.

To most Israelis, this isn't news. Repeated polls have confirmed that while a stable majority still favors a two-state solution, an even larger majority doesn't believe an agreement can or will be signed anytime soon—or that the Palestinians are serious about reaching one.

And little wonder. After all, every proposal made by either Israel or international mediators in the past 20 years has met with summary rejection. Yasir Arafat turned down offers by Prime Minister Ehud Barak and U.S. President Bill Clinton in 2000-01; Mahmoud Abbas never even responded to Prime Minister Ehud Olmert's offer in 2008; and last year, according to a senior American official, Abbas first "rejected all of [Secretary of State John] Kerry's ideas" and then "refused" an American proposal personally presented by President Barack Obama.

No less telling, each territorial concession by Israel has produced not a decrease but a dramatic increase in Palestinian terrorism. In the two-and-a-half years following the Oslo Accords in 1993, when Israel withdrew from most of Gaza and parts of the West Bank, more Israelis were killed by Palestinians than in the entire preceding decade. The second intifada, which erupted in 2000, produced more Israeli casualties in four years than all the terror attacks of the previous 53 years combined. Since 2005, the year in which Israel evacuated every last soldier and settler from Gaza, Palestinians there have fired over 16,000 rockets and mortars at Israel's civilian population. People who are serious about making peace generally don't use every bit of territory ceded to them in order to attack their "peace partner."

Even the issue of the future borders between Israel and the Palestinian state, supposedly the easiest of all to negotiate, has proved intractable. Several Israeli premiers, including Benjamin Netanyahu, have reportedly accepted the "everyone knows" principle that these must be based on the 1967 lines with territorial swaps. But there's a reason why both Israeli and international proposals to this effect, from the Clinton parameters onward, have repeatedly failed to win Palestinian concurrence: they envision land swaps for about 6 percent of the West Bank to minimize the number of Israelis who would have to relocate, but the Palestinians insist on much smaller swaps that would require evicting hundreds of thousands of Israelis from their homes. In twenty years, the Palestinians haven't budged on this; kicking Israelis out of their homes is evidently more important to them than ending the hated "occupation."

The same irreconcilability is even more evident on the "hard" issues like Jerusalem and refugees. Both Barak and Olmert offered to cede the Temple Mount on condition that the agreement include some kind of recognition of Jewish religious and historical ties to the Mount. Arafat rejected Barak's proposal; Abbas rejected Olmert's.



This unwillingness even to acknowledge Jewish ties to Judaism's holiest site encapsulates the heart of the problem: the Palestinian refusal to accept that Jews have any right to any part of the land of Israel. Until that changes, the conflict will likely remain unresolvable.

Hence, after two decades in which it has sought fruitlessly to negotiate an end to the conflict, what Israel needs in order to emerge victorious from this war is a new, realistic strategy for coping with the situation as it actually exists.

What would such a strategy look like? Is there any model in political or diplomatic history that would suggest a feasible way forward?

It is tempting to answer no to that last question, given certain glaring differences between this conflict and almost all others. Most notably, the Palestinian-Israeli "problem" attracts international attention greater by several orders of magnitude than other conflicts of similar size—like, say, the one over Northern Ireland—or even of larger size. Many long-running international struggles drag on for

months or even years without generating a single international media report or peacemaking initiative. Even when particularly bloody flare-ups attract global attention, the outside world quickly loses interest.

By contrast, the Palestinian-Israel conflict is under a relentless global microscope. Even when no active fighting is occurring, scarcely a day goes by without some international outlet sensationalizing one or another aspect of the struggle or an international diplomat proclaiming the urgent necessity of resolving it once and for all. Indeed, world leaders routinely declare this conflict the most important issue on the planet—not the equally long-running conflict over Kashmir that pits India and Pakistan, two nuclear-armed powers, against each other; not the bloody Syrian civil war, which in four years has killed more than ten times as many people as the Palestinian-Israel conflict has in seven decades; and not the conflict in Ukraine, which raises the specter of a new cold war between Russia and the West.

Another difference is that despite being vastly superior to the Palestinians both militarily and economically, Israel faces constraints far more severe than those encountered by the stronger party in most conflicts worldwide. First, with a mere eight million people, Israel is minuscule compared with the surrounding Arab world, whose population numbers roughly 370 million. True, Israel has won all of its wars against Arab states; true, too, no Arab state in decades has tried to destroy Israel, and today, with many of those states collapsing, the possibility of a renewed attempt seems remote. But Israel is still widely loathed in the Arab world; the temptation to go to war always exists for Arab regimes eager to divert attention from their own failings; and, for Israel, war with an enemy so numerically superior and so fundamentally unpredictable remains an existential risk. For that reason alone, Israel has always sought to prevent its tactics vis-à-vis the Palestinians from provoking broader Arab engagement.

The more important constraint, however, is the global microscope. By trumpeting every Israeli flaw while ignoring far greater evils elsewhere, media and human-rights organizations have enabled anti-Israel activists to paint the Jewish state as uniquely evil and hence uniquely deserving of sanctions and delegitimization. Israel isn't North Korea; it's an advanced economy that depends on trade with the outside world. Localized boycotts like those promoted by the BDS movement have so far had limited impact, and most Western governments remain reluctant to impose truly threatening sanctions. But Israel must ensure that its actions are sufficiently defensible to allow these governments to continue disregarding the relentless pressure to punish the Jewish state.

What all this means is that while most local conflicts require only a local strategy, important parts of Israel's strategy must of necessity be global—and must be effective despite the constraints Israel faces in using its military and economic power. Still, despite these unique features of Israel's situation, history does have some lessons to offer. In what follows, I'll consider four key components—political, diplomatic, military, and economic—of what a viable strategy might look like. In the end, I'll point to one model in which such a strategy proved historically successful.

## **I. The Politics of Negotiation**

Given the futility of all Israel-Palestinian talks to date, one might ask why negotiations should have any role at all in a new Israeli strategy. The answer is that everything depends on the kind of negotiations being held.

Let's start with the wrong kind. Israel and the Palestinians have spent the past 20 years talking endlessly about issues on which agreement has repeatedly proved unachievable. Not only has this done nothing to lower tensions; it has actually increased them.

First, when it comes to "core issues" like Jerusalem or the Palestinian refugees, each side views the other's position as negating its own identity. On the refugees, for instance, Israel sees the Palestinian demand for a "right of return" as an attempt to destroy the Jewish state demographically by flooding it with millions of Palestinian Arabs. Meanwhile, for Palestinians, who for generations have taught their children that even pre-1967 Israel is stolen land to which they have a right to return, abrogating this demand means abandoning their foundational narrative. Thus, every time issues like

this are discussed, both sides' attention is directed to precisely what each finds most objectionable in the other, which in turn reinforces its view of the other as an irreconcilable enemy.

Second, failed peace talks always end with each side feeling it has already conceded something important without receiving anything commensurate in exchange. To take one example from the latest round of talks, Secretary of State John Kerry reportedly proposed letting Israel keep troops in the Jordan Valley for ten to fifteen years—a term far longer than the Palestinians deem tolerable but far shorter than Israel considers essential for its security. Both sides now fear that this proposal will serve as the starting point for additional concessions in the next round. With each party now feeling it is in a worse position than when the talks began, each has become even more resentful of the other.



Rockets from Gaza

spark.

What's the alternative? Instead of pleading for yet another round of final-status talks, as every recent Israeli government has done, Israel should instead seek to negotiate over smaller issues on which agreement is reachable. This won't resolve the underlying conflict, but it can reduce tensions and improve life—on both sides, and especially the Palestinian one—until such time as the conflict becomes more tractable.

Numerous areas present themselves: Palestinian economic development, sewage treatment and other environmental issues, even the resettlement of some Palestinian refugees. On all of these, progress would be beneficial no matter what resolution to the conflict one ultimately hopes to see, and none precludes such a resolution. Just as an independent Palestinian state would clearly benefit from having more gainfully employed citizens or suffering fewer environmental hazards, so would a Palestinian-Jordanian federation, a Palestinian-Israeli federation, a one-state solution, or any other conceivable outcome.

Moreover, many Palestinians would assuredly welcome such a shift in focus—not because they have given up their political aspirations but because they, too, recognize that the conflict isn't currently solvable and would like a better life in the meantime. After last summer's war, a Palestinian physician from Gaza summed up this attitude succinctly: "I wish Israel never existed. But as it does not seem to be going away, I would rather be working in Israel like I used to before the first intifada [in the late 1980s], not fighting it."

Of course, Israel can't shift the focus of negotiations on its own; it needs cooperation from at least one of the two other main players: the Palestinians and the major Western powers. The former would obviously be the better choice, but since the Palestinian Authority (PA) has thus far refused to discuss mundane issues like improving the daily lives of its people, the more plausible path would be to convince Western nations, the PA's main financial backers, to bring their client along.

Although most Western countries still publicly advocate an immediate final-status deal, privately many Western diplomats admit its unlikelihood and might be open to such an alternative approach if Israel made a persuasive case for it. Instead, Israel has done the opposite: every Israeli government—even the current one, which openly doubts a deal is achievable—has publicly called for

more final-status talks. As long as Israel continues on this path, it won't be able to persuade anyone else otherwise; you can't win an argument you don't even try to make.



Clifford May

Indeed, even some hardcore Israeli leftists now say, as one put it, that in today's circumstances the emphasis should shift to seeing "what can be done to improve the lives of people until there is a chance of making peace."

Most important, immediately after the next U.S. presidential election, Israel should strive to reach a consensus with Washington on the futility of peace negotiations and the desirability of an alternative strategy. A few prominent policy thinkers, like the former Bush-administration official Elliott Abrams and Clifford May of the Foundation for Defense of Democracies, are already promoting this idea. And as Giora Eiland, a former head of Israel's National Security Council, has noted, major American reassessments are usually possible only with a new president and secretary of state who aren't yet committed to pre-existing policies.

## II. Public Diplomacy

The fact that Israel needs international help even to shift the focus of negotiations with the Palestinians underscores why diplomacy, especially public diplomacy, is a vital part of a new strategy. It is also essential for preventing damage to Israel's economic ties with the West and ensuring a degree of Western support for military action against Palestinian terror.

Few would dispute that Israel is currently failing in this arena. For starters, according to a recent Foreign Ministry report, Israel spends less than half as much as the Palestinian Authority does on its foreign service, despite having a GDP per capita more than 20 times that of the PA. Moreover, Israel maintains an embassy in fewer than half of the countries with which it has diplomatic relations. Even most European nations spend a considerably greater percentage of their budget on foreign relations than does Israel, and those nations aren't engaged in a global diplomatic battle crucial to their future.

As for the public-diplomacy (or *hasbarah*) front, Israel makes very little effort to get its story out. Its public broadcasting authority has slashed English-language programming; Arabic-language programming remains limited; and in 2008, the authority was even poised to shut down broadcasts in Farsi, the language of Iran, before they were rescued by a last-minute government intervention. As I've noted elsewhere, the government hasn't even coughed up a measly \$12 million a year to bring 3,000 non-Jewish campus influentials to Israel, despite the proved effectiveness of letting people see the country for themselves.

Obviously, therefore, Israel needs to invest more. But no amount of money will help if it doesn't have a compelling narrative to sell. And as the dramatic decline in Israel's international standing clearly shows, the story the country has marketed for the last two decades is anything but compelling.

The main story Israel tells about itself is that it wants peace. This story did generate global enthusiasm at the time of the Oslo accords; peace, after all, is an attractive value. But two decades later, Israel still hasn't achieved peace. In other words, Israel has failed to deliver on the promise at the heart of its own narrative about itself—which suggests that, judged on its own terms, Israel is a failure. And there is nothing compelling about a failure; on the contrary, it is off-putting.

There are, however, numerous other stories Israel could tell that are no less attractive and inspiring, and on which it really has delivered: the Jewish people's rebirth from the ashes of the Holocaust, the return to Zion after 2,000 years and the dramatic ingathering of exiles, the only Mideast country that protects human rights and maintains a genuine democracy, the start-up nation, the West's front line against Islamic extremism, and so forth and so on. Each of these stories is potentially attractive to one or more diverse audiences.

Indeed, very few of Israel's friends support it primarily because it seeks peace; they admire it for its successes, not its failures. Americans, for instance, see it as the Middle East's only democracy and an ally against Islamic terror. Evangelical Christians support it because the Jews' return to Zion is biblical prophecy come true. Many Chinese and Indians admire its high-tech prowess. All of these qualities have far more to do with Israel's *raison d'être* than its failure to achieve peace does. Peace is obviously desirable, but Israel doesn't exist to achieve peace; it exists to create a thriving Jewish state in the Jewish people's historic homeland. By encouraging the world to judge it on its peacemaking credentials rather than on the myriad positive goods it provides, Israel has invited the perverse and false conclusion that the Jewish state has been a failure rather than a resounding success.

*Evelyn Gordon is an American-born journalist who immigrated to Israel in 1987. This appeared in Mosaic Magazine of September 2015. The second part will be published in the November Outpost.*

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## **The Famed Lion Hunter Who Became a Lion for Judea** **Lt. Col. John Henry Patterson**

Ruth King

On December 4th, 2014, 67 years after his death, the remains of British Lt.-Colonel John Henry Patterson (1867- 1947) and his wife Francie were buried in a modest ceremony in the cemetery of Moshav Avihai, near Netanya. The event was spurred by the wishes of his grandson Alan Patterson who stated his desire to rebury his grandfather's remains in Israel in the afterward of Denis Brian's *The Seven Lives of Col. Patterson*.

As the BBC reported in a (surprisingly) fair column: "The ashes of a swashbuckling hero of the British Empire are to be reburied in Israel after a service attended by the country's prime minister. John



Henry Patterson was a soldier, big-game hunter and writer, whose exploits inspired three Hollywood movies. The man who was to become a hero to Israelis and Britons was not Jewish, and was more Irish than British. Like many servants of the crown in the days of Empire he was an Irishman born in County Longford in 1867 to a Protestant father and Catholic mother."

The swashbuckling hero of Israel made his name early in Tsavo, Kenya, where two man-eating lions terrorized laborers building a bridge and killed 100 of them. To protect the locals and finish the bridge project, Patterson, who had hunted tigers during military service in India, killed both feline predators. The feat inspired three Hollywood movies--*Bwana Devil* (1952), *Killers of Kilimanjaro* (1959) and *The Ghost and the Darkness* (1996). In an irony of filmmaking, Michael Douglas played Patterson (converted into an American) in *The Ghost and the Darkness* while his father Kirk Douglas thirty years earlier had played the role of the American hero Mickey Marcus, who fought and died valiantly protecting Israel in the War of Independence.

In his military career Patterson served with a British cavalry regiment during the Boer War in South Africa, and won the Distinguished Service Order. When he was recalled during World War I, he was almost 50 years old.

On rejoining the service in 1914 Patterson was deployed to Egypt where he met Joseph Trumpeldor and Zeev Jabotinsky, who were struggling to create a Jewish military force to fight with the



British to conquer Palestine from the Turks. Patterson, a Christian Zionist and his two friends succeeded in creating the Zion Mule Corps. It was led by Patterson who said when swearing in volunteers:

“Pray with me that I should not only, as Moses, behold Canaan from afar, but be divinely permitted to lead you into the Promised Land.”

Patterson admired his men, telling *The Jewish Chronicle* on September 15, 1915:

“These brave lads who had never seen shellfire before most competently unloaded the boats and handled the mules whilst shells were bursting in close proximity to them ... nor were they in any way discouraged when they had to plod their way to Seddul Bahr, walking over dead bodies while the bullets flew around them...for two days and two nights we marched...thanks to the ZMC [Zion Mule Corps] the 29th Division did not meet with a sad fate, for the ZMC were the only Army Service Corps in that part of Gallipoli at that time.”

The Mule Corps was disbanded but in 1917 its men became the core of the Jewish Legion, which was recruited chiefly from Russian-born Jews in England, Palestinian Jews expelled by the Turks and American Jews. The Legion carried its own banner and wore badges with a menorah design.

In February of 1918, Patterson led soldiers of the 38th Fusiliers Battalion, one of the components of the Legion, in a parade in the Whitechapel Road before they were shipped off to Palestine. The Jews rejoiced as a British newspaper reported “a regiment consisting exclusively of Jews will have tramped the streets of England...history is being made in these days.”

Patterson described Jabotinsky with a Jewish banner at the head of the Battalion. Jabotinsky himself said of the event: “...tens of thousands lined the streets...blue and white flags over every shop door..... Patterson on his horse laughing and bowing and wearing a rose which a girl had thrown him from a balcony... and those boys! Those tailors! Shoulder to shoulder, their bayonets dead level, each step like a single clap of thunder, clean, proud, drunk with the National Anthem, with the noise of the crowds and all the sense of a holy mission.”

An editorial in the British *Jewish Chronicle* asked the prescient question: “What now will become of the equally inveterate fables that the Jew can never become an agriculturalist, can never build a State, can never govern his own land?” In this historic and emotional moment Hatikvah was sung, followed by God save the King.

Alas, the good feeling did not last. Although the Legion performed very well in Palestine, it was shockingly mistreated by the British military after the war. Indeed the men were so harassed that Patterson resigned in protest--his resignation was not accepted. Jabotinsky had wanted the Legion to serve after the war as a garrison to maintain order in Palestine but the British swiftly demobilized it. The British would go on to betray Zionism in successive White Papers culminating in the closing of the gates of Palestine to desperate Jews in World War II.

Until his death John Patterson worked tirelessly to promote support for the Jewish state.

Would he, who created and led the first armed Jewish fighters for Palestine in 2000 years, not marvel today at the state-of-the-art military in Israel, a superb Navy with submarines, an air-force considered one of the best in the world and a citizen army pledged to protect and defend the Jewish state?

As Prime Minister Netanyahu said at the reburial:

“Patterson had absolute confidence that the Jews would make remarkable soldiers--not adequate soldiers, but remarkable soldiers. And I think he had a lot to do with that. He began the reconstitution of the ability of the Jews to defend ourselves.”

*For more on Patterson and the Jewish Legion, including historic footage of the man and the Legion, go to [www.Zionism101.org](http://www.Zionism101.org). Register (if you are not already registered) and click on Course 11, Military Stirrings and then on The Jewish Legion.*

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