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SELECTIONS FROM THE PRESS

This section includes articles and news items, mainly from Israeli but also from international press sources, that provide insightful or illuminating perspectives on events, developments, or trends in Israel and the occupied territories not readily available in the mainstream U.S. media.

RICHARD FALK, “GOLDSTONE WALKS ALONE ON A BRIDGE TO NOWHERE,” *AL JAZEERA ENGLISH*, 3 NOVEMBER 2011 (EXCERPTS).

Surely the *New York Times* would not dare turn down a piece from the new Richard Goldstone. He had already recast himself as the self-appointed guardian of Israel’s world reputation. This, despite the fact that he had earlier been anointed as the distinguished jurist who admirably put aside his ethnic identity and personal affiliations when it came to carrying out his professional work as a specialist in international criminal law.

Goldstone was even seemingly willing to confront the Zionist furies of Israel when criticised by one of their own adherents in chairing the UN panel appointed to consider allegations of Israeli war crimes during the Gaza War of 2008–09. A few months ago Goldstone took the unseemly step of unilaterally retracting a central conclusion of the “Goldstone Report” during those attacks on Gaza. . . .

Now, on the eve of the third session of the Russell Tribunal on Palestine, scheduled to be held in Cape Town between November 4–6, Goldstone has again come to the defence of Israel in a highly partisan manner. His stance abandons any pretense of judicious respect for either the legal duties of those with power or the legal rights of those in vulnerable circumstances.

Tribunal Long Overdue

Recourse to a quality tribunal of the people, in this instance constituted by and participated in by those with the highest moral authority and specialised knowledge, is a constructive response to the failure of governments and international institutions to implement international criminal law. Persons of good will should welcome these laudable efforts by

the Russell Tribunal as overdue, rather than angrily dismiss them—as Goldstone does—because of their supposed interference with non-existent and long-futile negotiations between the parties. Those who will sit as jurors to assess these charges of apartheid against Israel are world-class moral authorities, whose response to the apartheid charge will be assisted by the testimony of jurists and experts on the conflict.

It should embarrass Goldstone to write derisively of such iconic South African personalities as Archbishop Emeritus Desmond Tutu and Ronnie Kasrils, or others, such as novelist Alice Walker and 93-year-old Holocaust survivor and French ambassador Stephane Hessel. A further imprimatur of respectability is given to the Russell Tribunal by the participation of Goldstone’s once-close colleague, John Dugard, who is regarded as South Africa’s most trusted voice on comparisons between apartheid as practiced in South Africa and alleged in occupied Palestine. Professor Dugard will play a leading role in the Russell proceedings by offering expert testimony in support of the legal argument for charging Israel with the crime of apartheid. Professor Dugard is an international lawyer and UN civil servant who reported truthfully on occupied Palestine’s situation while acting as Special Rapporteur for the Human Rights Council. Despite his cautious legal temperament, Dugard alleged the apartheid character of the occupation in his formal reports submitted to the United Nations several years ago.

Goldstone condemns the venture before it even begins, without mentioning the names of such distinguished participants, scorning this inquiry into the injustice of Israeli discriminatory practices associated with its prolonged occupation of Palestine, by contending that it is intended as an “assault” on Israel

with the “aim to isolate, demonise and delegitimise” the country.

Goldstone demonises these unnamed Russell jurors as biased individuals who hold “harsh views of Israel.” The new Goldstone adopts the standard Israel practice of denigrating the auspices and by condemning any critical voices, however qualified and honest they may be, without bothering to take a serious look at the plausibility of the apartheid allegations. The fact that those familiar with the Israeli policies are sharp critics does not invalidate their observations. Instead, it raises substantive challenges that can only be met by producing convincing countervailing evidence. Unbalanced realities can only be accurately portrayed by a one-sided assessment, if truthfulness is to be the guide. If the message contains unpleasant news, then it deserves respect: precisely because it is delivered by a trustworthy messenger. It should be reflected upon with respect rather than summarily dismissed, because this particular messenger has the credibility associated with an impeccable professional reputation, and strengthened in the context of the Russell Tribunal by a wealth of prior experience that predisposed and prepared him to compose a message with a particular slant.

The central Goldstone contention is that to charge Israel with the crime of apartheid is a form of “slander” that, in his words, is not only “false and malicious” but also “precludes, rather than promotes, peace and harmony.”

Of course, it is necessary to await the deliberations of the Russell Tribunal to determine whether allegations of apartheid are irresponsible accusations by hostile critics or are grounded, as I firmly believe, in the reality of a systematic legal regime of discriminatory separation of privileged Israelis and Palestinians indigenous to the land occupied by Israel. The Rome Statute of the International Criminal Court treats apartheid as one among several types of crimes against humanity, and associates its commission with systematic and severe discrimination.

What Is Apartheid?

Although the crime derives its name from the South African experience that

ended in 1994, it has now been generalised to refer to any condition that imposes any oppressive regime based on group identity and designed for the benefit of a dominating collectivity that imposes its will on a subjugated collectivity. Although “race” is the usual understanding of the collectivity involved, the legal definition is clear beyond reasonable doubt that the practice of apartheid can be properly associated with any form of group antagonism that is translated into a legal regime incorporating inequality as its core feature, including those that base a human classification of belonging to a group by reference to national and ethnic identity.

The overwhelming evidence of systematic discrimination is impossible to overlook in any objective description of the Israeli occupation of the West Bank, and to a lesser degree East Jerusalem. The pattern of establishing settlements for Israelis throughout the West Bank not only violates the prohibition in international humanitarian law against transferring members of the occupying population to an occupied territory. It also creates the operational justifications for the establishment of a legal regime of separation and subjugation.

From this settlement phenomenon follows an Israeli community protected by Israeli security forces, provided at great expense with a network of settler-only roads, enjoying Israeli constitutional protection, and given direct unregulated access to Israel. What also follows is a Palestinian community subject to often abusive military administration without the protection of effective rights, living with great daily difficulty due to many burdensome restrictions on mobility, and subject to an array of humiliating and dangerous conditions that include frequent Israeli use of arbitrary and excessive force, house demolitions, nighttime arrests and detentions that subject Palestinians as a whole to a lifetime of acute human insecurity.

The contrast of these two sets of conditions, translated into operative legal regimes, for two peoples living side-by-side makes the allegations of apartheid seem persuasive, and if a slander is present then it is attributed to those who, like Goldstone, seek to defame and discredit the Russell Tribunal’s

heroic attempt to challenge the scandal of silence that has allowed Israel to perpetrate injustice without accountability.

Goldstone's preemptive strike against the Russell Tribunal is hard to take seriously. It is formulated in such a way as to mislead and confuse a generally uninformed public. For instance, he devotes much space in the column to paint a generally rosy (and false) picture of recent conditions of life experienced by the Palestinian minority in Israel, without even taking note of their historic experience of expulsion, the nakba. He dramatically understates the deplorable status of Palestinian Israelis who live as a discriminated minority, despite enjoying some of the prerogatives of Israeli citizenship.

His main diversionary contention is that apartheid cannot be credibly alleged in such a constitutional setting where Palestinians are currently accorded citizenship rights, and he never dares to raise the question of what it means to ask Palestinian Muslims and Christians to pledge allegiance to "a Jewish state," by its nature as a fracturing of community-based on racially-based inequality. Few would argue that this pattern of unacceptable inequality adds up to an apartheid structure within Israel, and the Russell Tribunal allegation does not so argue. It is likely to forego making the apartheid charge associated with the events surrounding the founding of Israel in the late 1940s, because from an international law perspective they took place before apartheid was criminalised in the mid-1970s.

The Russell Tribunal is focussing its attention on the situation existing in the West Bank that has been occupied since 1967. John Dugard has issued a statement to clear the air, indicating that his testimony will be devoted exclusively to the existence of conditions of apartheid obtaining in the occupied territories. That Dugard had to issue such a statement is a kind of backhanded tribute to the success of the Goldstone hasbara effort to divert and distort. For Goldstone to refute the apartheid contention by turning to the situation within Israel itself, while at the same time virtually ignoring the allegation principally concerned with the occupation, is a stunning display of bad faith. He knows better.

With shameless abandon, Goldstone's diatribe relies on another debater's trick by insisting that apartheid is a narrowly circumscribed racial crime of the exact sort that existed in South Africa is certainly disingenuous. Goldstone takes no account of the explicit legal intent, as embodied in the authoritative Rome Statute and in the International Convention on the Crime of Apartheid, to understand race in a much broader sense that applies to the Israeli/Palestine interaction if its systematic and legally encoded discriminatory character can be convincingly established, as I believe is the case.

Fall From Grace

The sad saga of Richard Goldstone's descent from pinnacles of respect and trust to this shabby role as legal gladiator recklessly jousting on behalf of Israel is as unbecoming as it is unpersuasive. It is undoubtedly a process more complex than caving in to Zionist pressures, which were even more nasty and overt than usual, as well as being clearly defamatory, but what exactly has led to his radical shift in position remains a mystery. As yet, there is neither an autobiographical account nor a convincing third-party interpretation. Goldstone himself has been silent, seeming to want us to believe that he is now as much a man of the law as ever, but only persisting in his impartial and lifelong attempt to allow the chips to fall where they may. The polemical manipulation of the facts and arguments makes us doubt any such self-serving explanation based on the alleged continuities of professionalism. It is my judgment that enough is known to acknowledge Goldstone's justifiable fall from grace.

The Palestinians' long ordeal is sufficiently grounded in reality that the defection of such an influential witness amounts to a further assault not only on Palestinian wellbeing but also on the wider struggle to achieve justice, peace, and security for both peoples. Contrary to Goldstone's protestations that the Russell Tribunal will hinder a resolution to the conflict, it is the Goldstones of this world that are producing the smokescreens behind which the very possibility of a two-state solution has been deliberately destroyed by

Israel's tactics of delay and programmes of expansion.

In the end, if there is ever to emerge a just and sustainable peace, it will be thanks to many forms of Palestinian resistance and a related campaign of global solidarity, of which the Russell Tribunal promises to make a notable contribution. We should all remember that it is hard to render the truth until we see the truth—ugly as it may be!

ILANA HAMMERMAN, "ILLEGAL IN THEIR OWN COUNTRY," *HA'ARETZ*, 9 SEPTEMBER 2011 (EXCERPTS).

...
A Strange Enclave

Ala' Jaouni, 35, has no legal status anywhere in the world. He was born in Jerusalem, in a house built by his grandfather on the outskirts of Sheikh Jarrah, which today remains stuck along with two other old but well-kept buildings, surrounded by gardens, in a strange type of small enclave on a nameless street on the outskirts of the crowded housing projects of Ma'alot Dafna. Ma'alot Dafna is one of four neighborhoods built after the Six-Day War and called "hinge neighborhoods." They were meant to ensure Jewish contiguity between West Jerusalem and Mount Scopus. This contiguous Jewish settlement swallowed up the three Arab houses, which nobody noticed.

But Ala's parents are still living in their old house, forced to shy away behind a bolted private iron gate, which estranges them even further from the cage-like neighborhood that surrounds them. At least it gives them some privacy in a city where few residents know exactly where the borders are: in the south it touches on Bethlehem and Beit Sahur; in the north, Ramallah.

This city, beyond being reunited after 1967, is spreading: hinge after hinge, ring after ring, patch after patch. From here, from Sheikh Jarrah/Ma'alot Dafna, Ala' left for the United States at the age of 19 to study mechanical engineering. He received a bachelor's and a master's degree, and between the two he worked for a while in order to pay for his studies, which prolonged his stay abroad. Just like me, in my youth, when I went to study in Germany and for various

reasons remained there for a longer period. But unlike me—who, when I wished to do so, returned back into the country of my birth and the city that I chose to live in, Jerusalem—he was not allowed to return, because during his absence, and without his knowledge, the Interior Minister revoked his residency status in the country and city of his birth.

He discovered this when he wanted to return and live here. Now, for about two years, he has been living with his family in Kafr Aqab and is not being expelled thanks to a visitor's permit.

A long and exhausting legal proceeding is being conducted that is postponing his expulsion for the time being. . . there is no way of knowing for certain which Jerusalemites are permitted to cross [Qalandia] and which are not. . .

In the case of Ala', it actually is possible to learn the rules that determine whether people are permitted or forbidden to enter Israel, to return there and to remain there, and by dint of which he, and thousands of other Palestinians who were born there, as were their parents and their grandparents, have already been denied the right to live in Jerusalem. Because there are laws and regulations and procedures, some of which existed before 1967 and some of which were interpreted and even invented especially for the purpose of expelling those Palestinians, and the process is still going strong.

Almost certainly, there are not many Israelis who are required to make an effort to learn those laws and regulations and procedures. I, for example, whose parents and grandparents were born in Poland, didn't have to research a thing when I wanted to return here; neither I nor my partner, Jurgen Nieraad, who came to live with me here. On the contrary, Jurgen—although he, his parents and grandparents, who are Catholic, were born in Germany—because of his marriage to me immediately received an immigrant's certificate and the status of a permanent resident in Israel by dint of the Law of Return, and received all the benefits offered at the time to new immigrants: from the option of purchasing a car tax-free to the option of receiving three months' salary from the Jewish Agency, which made it much easier

for him to find work. Another few years passed and the Interior Ministry, without even being asked, informed him in an official letter than he could take advantage of his right to acquire full Israeli citizenship.

Ala' Jaouni, on the other hand, has for several years been trying to learn the ostensible legal basis for the Interior Ministry's revocation of his permission to live in his city. And so he discovered that residents of East Jerusalem, which was annexed to Israel, are subject to the instructions of Article 1 (b) of the Entry into Israel Law, which states that "The residency in Israel of a person who is not a citizen of Israel or a holder of an *oleh* visa or an *oleh* certificate shall be by a residency permit under this law."

As Though They Were Tourists

In other words, these people, who have lived here for generations and did not enter Israel at all but were annexed to it after Israel entered their territory in 1967, find themselves living in it by dint of a permit that is liable to be confiscated from them as though they were tourists, immigrants or foreign workers. How are they liable to lose them? By dint of a group of regulations called Regulations of Entry into Israel, in which Article 11 rules that a permanent residency permit will expire if the holder of the permit has left Israel and settled in a country outside Israel. It also rules that a person is considered as having settled in a country outside Israel if one of the following conditions is met: 1. Remaining outside the borders of Israel for a period exceeding at least seven years. 2. Obtaining a permanent residency permit in another country. 3. Obtaining the citizenship of another country through naturalization.

Well, nobody confiscated my partner Jurgen's permanent residency permit in Israel, although he held the citizenship of another country and a permanent residency permit for that country. Ala', on the other hand, who really did remain abroad for over seven years, and in spite of that does not have citizenship or even a permanent residency permit in any country in the world, had his permit confiscated, when in the first place it is strange that he even received

it; since when does a person need a residency permit when he and his family were born and have lived in their country for generations?

Did I ever receive a permit to live in my country? After all, I was born with that permit. But Ala' required the expensive services of a lawyer in order to try to get back the permit that was given to him when the State of Israel annexed the neighborhood where he was born and lived, and which was confiscated after he stayed abroad for a while.

He had to produce a long series of documents in order to prove everything that happened to him during the years he lived abroad: grades and certificates and permits of all types, and another long series of documents in order to prove his connection to his city.

To date his request has been rejected twice. The appeal to the court in his case, which is being handled by Judge Yigal Mersel, includes 32 densely written pages. The exchange of letters with the authorities and the minutes of proceedings and "hearings" on his case probably take up dozens of additional pages.

Recently the Population and Immigration Registry of the Interior Ministry sent his attorney another refusal, worded as follows: "I hereby have the honor of informing you that your client's request for a permanent residency permit has been examined and it was decided to refuse the request. . .

"In order for us to be able to examine the request, your client must be living in Israel for at least two years. Your client has been living in Israel since October 21, 2009, in other words, less than two years. That is why your request does not meet the criteria."

. . . But aside from the fact that Ala' was born and grew up here, and his entire family lives here, the authorities have piled up obstacles in recent years in order to prevent his entry into the country and his stay here, which is now being posited as a condition for receiving a residency permit. This young man faces an absurd situation that threatens to wear him down until he takes everything he has and leaves his country. . . [or is expelled]—he and his young children and their mother, his wife.

No-Man's-Land

...
 Moazaz Husseini Jaouni, according to her full name, was born in Gaza City in 1980. She completed her law studies and later, in 2002, married Ala' the Jerusalemite and joined him where he was living at the time in the United States. Their three children were born there. In regard to that, the Interior Ministry wrote to Jaouni's attorney: "Although it was claimed that your client made attempts to return to live in Israel, your client continues to have center of life abroad, worked and studied in the United States, started a family and his three children were even born there."

... Ala' and Mimi and their children had already been living in Jerusalem for over half a year, in a rented apartment in Kafr Aqab that Mimi, because of the risk of immediate expulsion hanging over her, rarely leaves. When Ala' travels abroad for work, the children stay home, because there is nobody to take them to school. Or they leave their mother and sleep at the home of their grandparents, who still have their "residency permits" and can therefore move around freely and drive their grandchildren to school.

Even if the endless attempts by Ala' to receive a residence permit in Jerusalem eventually succeed, Mimi's status will remain unchanged. . . . No Palestinian goes anywhere in his country or changes his address legally without [the] consent [of the State of Israel, which controls the Palestinian Population Registry], and Israel has ruled that the residents of Gaza are not permitted to transfer their place of residence to the West Bank, not to mention Jerusalem.

A special government decision of June 2008, which extended the validity of the 2003 Citizenship and Entry into Israel Law (a temporary law)—which denies Israeli citizenship or residency to Palestinian partners of residents of the West Bank and the Gaza Strip—also ruled that since the Gaza Strip "is an area where there is activity that is liable to endanger the security of the State of Israel and its citizens". . . . the granting of licenses or permits for staying in Israel [are to be denied] anyone listed in the Population Registry as a resident of the Gaza Strip.

Mimi and Ala' are therefore absolutely forbidden to live with their children under the same roof in Jerusalem. And not in Ramallah or Nablus either. So meanwhile they are partly stuck and partly hiding in a rented apartment in Kafr Aqab. Why in Kafr Aqab, a place they don't like at all? Once this place really was a village amid a marvelous hilly landscape, near Ramallah. . . . In 1967, when the municipal area of Jerusalem was arbitrarily almost tripled in size, part of the agricultural land of Kafr Aqab was annexed to the city's area of jurisdiction, and this area was gradually built up with high density, without any orderly planning or suitable infrastructure.

Now Kafr Aqab is supposedly a neighborhood of Jerusalem, a mish-mash of tall and low buildings, ugly and beautiful, along steep alleys and one main street, among mounds of construction trash and piles of garbage. . . . The thousands of residents of this undefined urban area pay property tax to the Jerusalem municipality and receive the finger in return.

... There is no regular supply of clean water and electricity, no place to stroll or play with the children, and not even personal security, because the Israel Police won't come to this place even when they are needed. . . .

The truth is that this is exactly why the two live with their children in this miserable suburb which isn't welcoming to anyone. They hope that here, in a kind of no-man's-land whose occupiers apparently don't want it any more, they won't hunt her. . . . Here Ala' can say that he lives in Jerusalem. . . . and his children study there—a significant issue in the appeal against revoking his status in the city—and also hope they won't pay attention to his wife and won't expel her.

The Real Objective

But even if they never pay attention to her, how long will Mimi Jaouni want to be imprisoned within her four walls, not free to wander around and live in other places and landscapes, and unable to go out to work, although she has a law degree? That's why perhaps in the end, the State of Israel will some day succeed in causing this couple to be fed

up with this life, and they'll take their children and get up and leave. . .

. . . Every intelligent Israeli will understand that there is no connection between the expulsion of Mimi and Ala' and their children and the security of the State of Israel. They are candidates for expulsion from here as part of a policy meant to reduce the number of Arab residents of Jerusalem to a minimum, which at some point was dubbed "the quiet transfer." Transfer according to law. Expulsion of people from their country by law.

. . .

"HOW ISRAEL TAKES ITS REVENGE ON BOYS WHO THROW STONES," *INDEPENDENT*, 26 AUGUST 2011.

The boy, small and frail, is struggling to stay awake. His head lolls to the side, at one point slumping on to his chest. "Lift up your head! Lift it up!" shouts one of his interrogators, slapping him. But the boy by now is past caring, for he has been awake for at least 12 hours since he was separated at gunpoint from his parents at two that morning. "I wish you'd let me go," the boy whimpers, "just so I can get some sleep."

During the nearly six-hour video, 14-year-old Palestinian Islam Tamimi, exhausted and scared, is steadily broken to the point where he starts to incriminate men from his village and weave fantastic tales that he believes his tormentors want to hear.

This rarely seen footage seen by *The Independent* offers a glimpse into an Israeli interrogation, almost a rite of passage that hundreds of Palestinian children accused of throwing stones undergo every year.

Israel has robustly defended its record, arguing that the treatment of minors has vastly improved with the creation of a military juvenile court two years ago. But the children who have faced the rough justice of the occupation tell a very different story.

"The problems start long before the child is brought to court, it starts with their arrest," says Naomi Lalo, an activist with No Legal Frontiers, an Israeli group that monitors the military courts. It is during their interrogation where their "fate is doomed," she says.

Sameer Shilu, 12, was asleep when the soldiers smashed in the front door of his house one night. He and his older brother emerged bleary-eyed from their bedroom to find six masked soldiers in their living room.

Checking the boy's name on his father's identity card, the officer looked "shocked" when he saw he had to arrest a boy, says Sameer's father, Saher. "I said, 'He's too young; why do you want him?' 'I don't know,' he said." Blindfolded, and his hands tied painfully behind his back with plastic cords, Sameer was bundled into a Jeep, his father calling out to him not to be afraid. "We cried, all of us," his father says. "I know my sons; they don't throw stones."

In the hours before his interrogation, Sameer was kept blindfolded and handcuffed, and prevented from sleeping. Eventually taken for interrogation without a lawyer or parent present, a man accused him of being in a demonstration, and showed him footage of a boy throwing stones, claiming it was him.

"He said, 'This is you,' and I said it wasn't me. Then he asked me, 'Who are they?' And I said that I didn't know," Sameer says. "At one point, the man started shouting at me, and grabbed me by the collar, and said, 'I'll throw you out of the window and beat you with a stick if you don't confess.'"

Sameer, who protested his innocence, was fortunate; he was released a few hours later. But most children are frightened into signing a confession, cowed by threats of physical violence, or threats against their families, such as the withdrawal of work permits.

When a confession is signed, lawyers usually advise children to accept a plea bargain and serve a fixed jail sentence even if not guilty. Pleading innocent is to invite lengthy court proceedings, during which the child is almost always remanded in prison. Acquittals are rare. "In a military court, you have to know that you're not looking for justice," says Gabi Lasky, an Israeli lawyer who has represented many children.

There are many Palestinian children in the West Bank villages in the shadow of Israel's separation wall and Jewish settlements on Palestinian lands. Where largely non-violent protests have sprung up as a form of resistance, there are

children who throw stones, and raids by Israel are common. But lawyers and human rights groups have decried Israel's arrest policy of targeting children in villages that resist the occupation.

In most cases, children as young as 12 are hauled from their beds at night, handcuffed and blindfolded, deprived of sleep and food, subjected to lengthy interrogations, then forced to sign a confession in Hebrew, a language few of them read.

Israeli rights group B'Tselem concluded that, "the rights of minors are severely violated, that the law almost completely fails to protect their rights, and that the few rights granted by the law are not implemented."

Israel claims to treat Palestinian minors in the spirit of its own law for juveniles but, in practice, it is rarely the case. For instance, children should not be arrested at night, lawyers and parents should be present during interrogations, and the children must be read their rights. But these are treated as guidelines, rather than a legal requirement, and are frequently flouted. And Israel regards Israeli youngsters as children until 18, while Palestinians are viewed as adults from 16.

Lawyers and activists say more than 200 Palestinian children are in Israeli jails. "You want to arrest these kids, you want to try them," Ms. Lalo says. "Fine, but do it according to Israeli law. Give them their rights."

In the case of Islam, the boy in the video, his lawyer, Ms. Lasky, believes the video provides the first hard proof of serious irregularities in interrogation.

In particular, the interrogator failed to inform Islam of his right to remain silent, even as his lawyer begged to no avail to see him. Instead, the interrogator urged Islam to tell him and his colleagues everything, hinting that if he did so, he would be released. One interrogator suggestively smacked a balled fist into the palm of his hand.

By the end of the interrogation Islam, breaking down in sobs, has succumbed to his interrogators, appearing to give them what they want to hear. Shown a page of photographs, his hand moves dully over it, identifying men from his village, all of whom will be arrested for protesting.

Ms. Lasky hopes this footage will change the way children are treated in the occupied territories, in particular, getting them to incriminate others, which lawyers claim is the primary aim of interrogations. The video helped gain Islam's release from jail into house arrest, and may even lead to a full acquittal of charges of throwing stones. But right now, a hunched and silent Islam doesn't feel lucky. Yards from his house in Nabi Saleh is the home of his cousin, whose husband is in jail awaiting trial along with a dozen others on the strength of Islam's confession.

The cousin is magnanimous. "He is a victim, he is just a child," says Nariman Tamimi, 35, whose husband, Bassem, 45, is in jail. "We shouldn't blame him for what happened. He was under enormous pressure."

Israel's policy has been successful in one sense, sowing fear among children and deterring them from future demonstrations. But the children are left traumatised, prone to nightmares and bed-wetting. Most have to miss a year of school, or even drop out.

Israel's critics say its policy is creating a generation of new activists with hearts filled with hatred against Israel. Others say it is staining the country's character. "Israel has no business arresting these children, trying them, oppressing them," Ms. Lalo says, her eyes glistening. "They're not our children. My country is doing so many wrongs and justifying them. We should be an example, but we have become an oppressive state."

Child Detention Figures

7,000 The estimated number of Palestinian children detained and prosecuted in Israeli military courts since 2000, shows a report by Defence for Children International Palestine (DCIP).

87 The percentage of children subjected to some form of physical violence while in custody. About 91 per cent are also believed to be blindfolded at some point during their detention.

12 The minimum age of criminal responsibility, as stipulated in the Military Order 1651.

62 The percentage of children arrested between 12am and 5am.

NORMAN FINKELSTEIN AND JOHN MEARSHEIMER, "GREATER ISRAEL—OR PEACE?" *AMERICAN CONSERVATIVE*, 19 OCTOBER 2011 (EXCERPTS).

Shortly before Palestinian Authority President Mahmoud Abbas arrived in New York to seek United Nations recognition of a Palestinian state, *TAC*'s Scott McConnell sat down with Norman Finkelstein and John Mearsheimer to discuss the deeper currents shaping the Israeli-Palestinian conflict. Since then, President Obama has given a speech shocking in its deference to Benjamin Netanyahu and Israel's right-wing coalition, and there is no immediate prospect for renewed Israeli-Palestinian negotiations—the "peace process" begun with discussions in Oslo, Norway in 1991. Israel has announced fresh plans to move settlers into Palestinian areas of Jerusalem it conquered in 1967.

...

Scott McConnell: Have we come to the end of the Oslo process? Is a two state solution still a viable possibility?

Norman Finkelstein: The problem is the definition of terms. The Oslo process, contrary to what's widely understood, was largely a success. It's true now that it may be at an impasse, but as it was originally conceived, it was largely a success. The Israeli leadership was very clear about what it intended from the Oslo process.

Mainly, Rabin said—the former prime minister, Yitzhak Rabin—that if we can get the Palestinians to do the dirty work in the Occupied Territories, there's going to be less pressure from human rights organizations. They wouldn't cause as many problems if the Palestinians were doing the policing. And there was a military reason: namely, a large number of Israeli troops was bogged down in the Occupied Territories. That meant time taken away from military training. . . .

John Mearsheimer: The Israelis—and this was especially true of Rabin when the Oslo peace process got started—had no interest in giving the Palestinians a viable state. What they wanted was to restrict the Palestinians to a handful of

Bantustans that were located inside of Greater Israel, and it could be called a Palestinian state. In a very important way, Oslo has been successful in that it has allowed the Israelis, working with the Palestinian Authority, to create a situation where the Palestinians have some autonomy in these Bantustans.

McConnell: You say this about Rabin too? He's considered the most peace-oriented Israeli.

Finkelstein: He was the most rigid. Even Rabin's wife, afterwards, during the Camp David negotiations, said that her husband would never have agreed to the concessions that [Prime Minister Ehud] Barak made. Now remember, Barak barely made any concessions. But she said her husband would have never agreed to that. I think she's probably right. In Rabin's last speech to the Knesset before he was assassinated, he said, "I don't support a Palestinian state." He said, "Something less than it."

Mearsheimer: It's also important to understand the American position since the Oslo process began has reflected very clearly the Israeli position. It was considered politically unacceptable in the United States to use the words "Palestinian state" until Bill Clinton's last month in office.

The first time Bill Clinton uttered the words "Palestinian state" was in January of 2001. If you remember, in 1998 Hillary Clinton, who was then the first lady, said that she thought it would be very good for peace in the region if Palestinians had a state of their own. All hell broke loose. The president had to dissociate himself from his wife because it was so controversial. This was 1998, five years after the Oslo peace accords had been signed.

As unusual as this may sound, or as paradoxical as this may sound, it was actually George W. Bush who was the first president who really put the issue of a Palestinian state on the table. But even he realized that with Ariel Sharon as his counterpart in Israel there was no way he could push in any meaningful manner for the Palestinians to get a viable state of their own. And again, that's the key to having a deal.

McConnell: Do you think there is a framework for a possible deal in the kind of negotiations that went on late in Barak's term before Sharon's election, at the 2001 Taba summit and things like that?

Finkelstein: What you can say with a fair amount of generality is that if you look at the Taba map, and you look at the map that [Prime Minister Ehud] Olmert presented in 2006, they look the same. They all call for keeping about 9 percent of the West Bank, and they all call for keeping the large settlement blocs, what's called Ariel in the north and Maale Adumim in the center. It is impossible to construct a Palestinian state with those maps.

Mearsheimer: Ariel reaches far out into the West Bank and actually sits on top of the largest aquifer in the West Bank, and it was put there for a purpose. Maale Adumim is designed to give Israel control well out into the heart of the West Bank. And the people who built those settlements understood full well that it would be almost impossible for any Israeli political leader to abandon them and turn them over to the Palestinians.

The reason that the Oslo peace process is dead and that you're not going to get a two state solution is that the political center of gravity in Israel has moved far enough to the right over time that it's, in my opinion, unthinkable that the Israelis would number one, give up the Jordan River valley; number two, abandon Ariel and Maale Adumim; and number three, allow for a capital in East Jerusalem.

So given all those factors, I think that we're rapidly reaching the point—in fact, I think we've reached that point—where we're going to have a Greater Israel which runs from the Jordan River valley to the Mediterranean.

Finkelstein: I don't agree with that. There are many reasons to be pessimistic. But there are also some grounds for a reasonable amount of optimism. Things are changing in the region, and things are changing in the world. Like you say, the Israeli political establishment has moved to the right. The Israeli

population has moved to the right, it has a siege mentality. But those are political factors.

And then the question is trying to change the calculus of power. Here things are changing. There are changes in American public opinion, which are quite significant when you look at the polls. There are changes in Jewish public opinion. There are major regional changes—what's happening now between Israel and Turkey that's part of an Arab Spring.

Mearsheimer: I think there's no question that the international environment that Israel operates in is changing in profound ways, and developments in Turkey and Egypt are probably the best two examples of that. As a result of all this, Israel has a growing sense that it's isolated, that it really only has one friend in the world, which is the United States.

Now the \$64,000 question is whether that's likely to lead Israel to be more flexible in the short to medium term, or is it likely to cause them to hunker down and be much less flexible and even more bellicose than they have been. And I would bet that the latter would be the case.

McConnell: What difference does it make that Turkey and Egypt are no longer de facto allies of Israel?

Finkelstein: I think a lot of it is psychological . . . Israel has the sense that this is its region. And it's very disorienting for them to feel as if they're losing control in that part of the world, that the natives are getting restless.

Mearsheimer: If you read the Israeli press, you'll see there are all sorts of concerns about de-legitimization. And if you listen to people in the American Jewish community talk about what's happening to Israel, they're deeply concerned about de-legitimization. What's happening here with Turkey and with Egypt is that as those countries become more democratized and more critical of Israel, they're adding fuel to that de-legitimization fire.

There's no question that most European governments will support Israel

at the UN, and there's certainly no question that the United States will. But the support in Europe, and even the support in the United States, is not terribly deep. It's wide, right, but not deep.

...

McConnell: Let's try to tease this out, I mean, the number of Americans who consider themselves pro-Israeli as opposed to pro-Palestinian has been kind of constant, like a 60 to 10 ratio, and hasn't changed very much over a generation.

Finkelstein: Except—if you put it “pro-Israel versus pro-Palestinian,” that's correct—if you look at it in terms of, “Do you have a positive or negative opinion of Israel?” for the first time in the last two or three years it's come down to 50/50. It has changed.

Mearsheimer: I think that's very important, but I think there's an even more important indicator of how weak the support is. And that is that if you ask Americans if the United States should support Israel or the Palestinians in their conflict, roughly 70 percent, sometimes up to 75 percent, say we should favor neither side.

It's really quite remarkable. We have this special relationship where we favor Israel axiomatically over Palestinians at every critical juncture. But here you have a situation where the American people, three-fourths of them, are saying that the United States should favor neither side. . . .

I think that over the past ten years how Americans think about Israel has changed in significant ways. More and more people are aware of what the Israelis are doing to the Palestinians. They understand that this is bad for the United States from a strategic point of view, and it's morally bankrupt behavior.

There has been a significant change in the discourse as well over the past ten years. And that's largely a result of the Internet. It's very difficult for pro-Israel forces to shape the discourse on the Internet the way they exercise great influence with the *New York Times* or CBS or even NPR.

So the discourse has really changed, especially when you get away from the mainstream media, which is increasingly less important. But what's depressing is that U.S. policy has hardly changed at all. . . .

McConnell: Norman, you've been on this subject a long time, a whole career. I wonder if you could talk a little bit about the beginning of your involvement and whether you've sensed a change in response to what you say compared to the way it was 20 or 30 years ago, or 10 or 15 years ago?

Finkelstein: I'm sort of second generation. I think the Edward Said, Noam Chomsky generation was first—that was the generation of the '70s, where it was really virtually impossible to say anything on the topic without being ostracized. I came in right after the Lebanon War of June 1982. And the Lebanon War was Israel's first public relations disaster in the United States, at least after the '67 War. They took a big blow back then. It's forgotten, but it was a PR disaster. Immediately afterwards they tried to recoup from it.

...

The next big change occurs with the 1987 Palestinian Intifada, which I think had a very substantial impact, though it was temporary, on public opinion in the United States. I was already teaching by '88. And I remember in my class—I was at Brooklyn College at the time—a student who was not particularly political, he was what you'd call a typical white ethnic . . . he said in class, “Stone vs. Uzi, that doesn't sound fair.” And that was the image that was being projected then.

The next big turning point probably came with the Second Intifada, which had a very negative impact because of the suicide bombings. But it also had a positive impact because the Israeli repression was so terrible; again, it alienated significant numbers of people.

...

Mearsheimer: But here's the question. Do you, Norman Finkelstein, think it's a good thing there's a Jewish state?

Finkelstein: No. But I don't think it's a good thing to have Christian states,

Muslim states, or any kind of ethnic states. . . . The UN said, “We want to create a Jewish state and an Arab state in Palestine.” . . .

But then the UN went on to say, and it was very explicit in the recommendation, “There cannot be any discrimination whatsoever in the Jewish state against an Arab minority.” Now, you may ask the reasonable question, “Well, if there can’t be any discrimination whatsoever, what do they mean by a Jewish state?” They never answer that.

. . .

Politics is about what is realistically possible in terms of your long term values, your philosophical perspective. What is really possible now in my opinion are two states, basically what people call the international consensus. It doesn’t mean it’s my philosophical preference. If you asked me, I’d say I would like to see a world without states.

. . .

Mearsheimer: The reason that people continue to talk about a two state solution even though I think it’s no longer realizable is that many Palestinians don’t see a viable alternative; they don’t think that a one state solution will work.

And in the case of many Israelis and their American supporters, they’re basically sticking their heads in the sand because they don’t want to talk about a one state solution, because they understand that a one state solution is basically an apartheid state.

Finkelstein: . . . It’s going to be hard to get [the Israeli people] to budge, but the problem is, to put it simply, it’s never been tried. The only time it really was tried to get them to budge was the First Intifada, and you know, the First Intifada was very sobering for Israel.

. . .

Once there is a real mass action and summoning of will, you may see things shift in Israel. It’s just not been tried. All that’s been tried is this thing called a “peace process.” Nothing happens because there was no pressure on them; the Israelis treat the whole thing like a joke.

. . .

Mearsheimer: Your point that pressure has not been brought to bear on

the Israelis up to now is correct. But the reason that pressure has not been brought to bear is because the United States protects Israel at every turn. If the United States were willing to put serious sanctions on Israel, there’s no question that we could get Israel to move to a two state settlement very quickly.

And by the way, that would be good for Israel, good for the Palestinians, and good for us. And the fact that we don’t do it is really quite shocking because it’s a win win win situation. . . .

But then the question is, who’s going to put pressure on Israel?

Finkelstein: That’s why I said there are new factors. It is true that the U.S. is the key factor, but now with the Arab Spring there are regional factors. . . .

The challenge is translating the changes in public opinion into some sort of political force. There is raw material; it still requires work. It’s a hard job, but our possibilities now are greater than ever.

Mearsheimer: Yeah. I hope that you’re right, but I think that you’re wrong. The reason has to do with how American politics works. The way this political system of ours was set up in the beginning gave huge amounts of influence to interest groups, interest groups of all sorts.

. . .

When it comes to foreign policy, we, of course, have interest groups—like the Cuban lobby, the Israel lobby, the Armenian lobby—that can wield lots of influence. In this day and age, where money really matters, and where the Israel lobby has lots of money to throw at political candidates, it is very easy for it to get its way. And foolishly, in my opinion, the lobby tends to support the hard-line policies of Israel, which I don’t think are in Israel’s interests.

The end result is that virtually nobody on Capitol Hill will stand up to Benjamin Netanyahu. And the president won’t either.

Finkelstein: . . . The only addition to what you said is, I haven’t seen any real attempt to challenge the lobby. There’s never been a serious opposition in

Washington. They've never had to contend with anybody.

...

It's work that we have to do. And then, once we have done our part and nothing budges, I'll see your side. But it's the same thing with the Palestinians. I saw what happened during the First Intifada. The Israelis were in a complete panic. They didn't know what to do. They didn't know if they were coming or going. The people had real power.

McConnell: My fear is that Israel, if they were faced with a third Intifada as a result of, say, the dead end of the Palestinian UN thing, would welcome it.

Mearsheimer: It's very clear that when the Palestinians turn to terrorism it works to Israel's advantage. It makes much more sense for the Palestinians to pursue a Gandhi like policy. The other reason that the Palestinians do not want to turn to terrorism or to a third Intifada is the threat of further expulsion. I believe that there are lots of Israelis who would welcome an opportunity to drive the Palestinians . . . out of Greater Israel and solve the demographic problem that way. . .

...

Finkelstein: I remember during the Second Intifada, I had a several hour conversation with Rantissi, who was the head of Hamas—he was subsequently assassinated by Israel. And I said to him, "You know, these suicide bombings, they just give Israel the pretext to commit massacres." And he said to me, "Israel does what it wants. It doesn't need pretext." I said to him, "If Israel did what it wanted to do, none of you would be here."

Israel has real constraints and limits imposed on it by international public opinion. People are very naïve about that. Even the Gaza massacre, the Israeli invasion of 2008 to 2009, okay, it was terrible. No question about it. Killed 1,400 people. Lebanon 2006, July, August, it killed 1,200 people, 1,000 civilians. It was horrible. But it was really small potatoes next to Lebanon 1982. Lebanon '82, the estimates are they killed between 15,000 and 20,000

people. That's a big difference because the limits have increased on them.

Mearsheimer: And what has increased the limits?

Finkelstein: Well, public opinion has put real constraints on what Israel can do, even though what it did in Gaza was terrible, I'll be the first one to say. It's still much less than they were once able to get away with. Every time there's a war, they have been hoping to do a mass expulsion: during that attack on Iraq in 2003; they were hoping to do it in 1990–91. If you read the Israeli newspapers, they're always talking about the transfer. They can't do it because public opinion puts real constraints on them.

I think sometimes we underestimate just how vulnerable Israel is on the public-relations front. That's why they spend so much money on propaganda. And that's why they panic every time they feel like they're losing the propaganda war. Because they realize just how vulnerable they are and how big the constraints on them are. Otherwise it makes no sense why they invest so much in that image of theirs.

Mearsheimer: . . . Israel's greatest advantage in the world today is in terms of its material resources. It's a rich country that has one of the most formidable militaries on the planet. And of course, it's joined at the hip with the United States, which has the most formidable military in the world. But where Israel is particularly weak and is threatened is in the realm of ideas. I like to think about this in Gramscian terms. Gramsci used to talk about wars of ideas. What's happened here is that as the material balance of power has moved in Israel's favor, the balance of ideas has moved against Israel. . . .

...

The truth is sometimes ideas don't matter very much, and sometimes they really do. This is a case where ideas do matter. What the Israelis are doing to the Palestinians has become an important part of our discourse about the Middle East. It simply does not work to Israel's advantage. My argument is that this situation is only going to get worse over time. Israel is going to be more

isolated, and the United States, which of course backs Israel at every turn, is going to be increasingly isolated as well.

Finkelstein: On the strictly military plane, it is true Israel is very powerful. But we should also bear in mind that it's become a very modern country. One of the consequences of becoming a modern country is people don't want to die. Israel has a very effective, automated military. But when it comes to actual battlefield engagement, the Israeli soldiers don't want to fight.

McConnell: What happened in Lebanon in 2006?

Finkelstein: It's very clear Israel did not launch a major ground offensive for one reason: it did not want to take a large number of casualties. Lebanon proved to be for them a complete disaster. Now they make claims—there's a tiny bit of truth to it—their claim was that because they were bogged down during the Second Intifada in policing action in the West Bank, there had been no time for rehearsals for ground/air coordination and that's why things went so badly in Lebanon.

There's a little bit of truth to it, but a bigger truth is Hezbollah people, they're ready to die. They're not afraid to go out there and get killed. The Israelis don't want to get killed. The same thing happened in Gaza. Gaza was a—there was no war. As one person put it, it was like a child with a magnifying glass burning ants. It was all a high tech war.

Once a friend of mine . . . said why did I call Israel a modern day Sparta? She says, "You don't know Israelis. They're not Sparta. They like the Beatles. They like this, they like that." I said, "You misunderstood what I said. I said a high tech Sparta." Because it's true, they are not Spartans. They like cafés. They like the good life.

. . .

Mearsheimer: But I think there's a more important point at play here. . . . As Israel becomes a modern economy, and you have more and more people who are secular, wealthy, and like to lead the good life, what begins to happen is that they begin to think about the exit option. They think about leaving

Israel. Because they don't want to live in Sparta. They'd much prefer to live in Europe or in the United States.

McConnell: Are you guys surprised by how quickly Obama seemed to have climbed down from making a solution to the conflict a top priority? By all indications he was someone who understood the moral and political case for a Palestinian state.

. . .

Finkelstein: Even if Obama prevailed over Netanyahu, the settlement he was calling for was roughly that map where Israel would keep about 10 percent—9 or 10 percent—of the West Bank, including all the major settlement blocs.

If you include the settlement blocs, like Maale Adumim, there's no state because the way that settlement bloc is constructed, it separates Jerusalem from the whole West Bank. So you have this little island of Jerusalem. Metropolitan Jerusalem is about 30 to 40 percent of the Palestinian economy. If you separate Jerusalem, there's no state. Even if Obama prevailed and you got the 10 percent map, it still has no relationship to what a viable Palestinian state would look like.

. . .

Mearsheimer: Then I wonder why you're so optimistic that we can solve this one?

Finkelstein: Oh, because as I said, I totally agree with you on Congress. I totally agree with you on the executive. On those points there's no disagreement at all. What I said is there is a changed political configuration now. There are changes in public opinion. There are changes in Jewish opinion. There's a lot of work to be done. But there are reasons to be optimistic.

McConnell: Can you elaborate on the changes in Jewish opinion?

Finkelstein: Trying to understand Jewish relationships with Israel, there are three factors. There is the ethnic factor, which is the one people tend to home in on—Israel, Jewish State, of course Jews love Israel. . . .

There is a second factor. That's the citizenship factor, namely American Jews are American citizens, and they have a good life here, and they are very wary of being hit with the dual-loyalty charge. So wherever it looks like there are tensions between the U.S. and Israel, or tensions might be brewing, Americans Jews are very cautious and very wary.

That was very noticeable between '48 and '67, when American Jews had no interest whatsoever in Israel. It's easily documented. Even those people who subsequently became Israel's supporters, like Norman Podhoretz—if you look at *Commentary* magazine, as I have, between 1960 and 1967, there's virtually nothing on Israel.

And then there's the third factor. It's the ideological factor. American Jews are liberal. They are liberal Democrats ever since Roosevelt in '32. Last presidential election, 80 percent of Jews voted for Obama. More Jews voted for Obama than Latinos voted for Obama. . . . Now for a long time on this ideological level, they were able to reconcile being liberal with being supportive of Israel, because Israel was the light

unto the nations, bringing Western civilization to the barbaric East . . . [the] only democracy in the Middle East, and all the rest. Well, in the last ten or 15 years, it's wearing thin, and American Jews are having a lot of trouble as liberals—especially young American Jews on college campuses, which tend to be more liberal than American society in general—they're having a lot of trouble reconciling their liberal beliefs with the way Israel carries on, and Israeli conduct and Israeli society in general.

And therefore you can see in a lot of polls—the best pollster in the American Jewish community, by a far margin, is Stephen Cohen. And Cohen says, "Support for Israel is dying." He claims it's dying because of intermarriage; you know, the ethnic factor. Jews are now intermarrying at a rate of about 60 percent. He says that it's obvious that among the intermarried Jews, interest in Israel tends to plummet. And again, there's a lot of statistical evidence. The intermarriage factor is significant. But I think as big a factor now is the liberalism factor. They just can't do it anymore.

. . .



Thousands take part in a rally in the northern Israeli Palestinian town of Sakhnin on 1 October 2011 to mark the 11th anniversary of the October 2000 clashes in which Israeli police killed 13 Israeli Palestinians protesting against government violence directed at Palestinian in Israel and the occupied territories at the outbreak of the al-Aqsa intifada. (Ahmad Gharabali /AFP/Getty Images)