

## COURTING CONTROVERSY

Inside Israel's intense  
debates over proposed  
judicial reforms

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## EDITOR'S NOTE

February's *AIR* cover story focuses upon the intense debate in Israel over a program of judicial reforms proposed by the newly-installed Government.

Amotz Asa-El looks broadly at the arguments from both sides, the reasons for the intensity of feeling on the issue and the legal and political history that led to the current political stoush. Shmuel Rosner explains why compromise on the reform proposals appears difficult. Plus, we offer contrasting arguments for and against the proposed reforms – from columnist and think tanker David Weinberg, and legal academic Yedidia Stern, respectively.

Also featured this month is a look at the new Israeli Government's security and defence priorities from top Israeli security analyst Jacob Nagel. In addition, David Makovsky of the Washington Institute for Near East Policy examines the complexities of the new Government's policies towards the Palestinians.

Finally, don't miss out on an encounter with France's Imam of Peace, Sheikh Hassen Chalghoumi; Ran Porat's latest foray into the world of far-right conspiracy theories in Australia; and top Australian intellectual Paul Monk's review of a new book on the complex history of the US relationship with Zionism by noted American scholar Walter Russell Mead.

As always, we invite your feedback on any aspect of this edition at [editorial@aijac.org.au](mailto:editorial@aijac.org.au).

Tzvi Fleischer

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A statement made by Israel's Justice Minister Yariv Levin declaring his intention to reform and limit the power of the Israeli Supreme Court led thousands of people to demonstrate against the new Netanyahu Government in Tel Aviv on January 21, 2023. (Image: AAP/ Abir Sultan)



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Print Post Approved – 100007869****[www.aijac.org.au](http://www.aijac.org.au)****FROM THE  
EDITORIAL CHAIRMAN****COLIN RUBENSTEIN**

# ISRAEL'S NEW GOVERNMENT AND THE "NETANYAHU DOCTRINE"

**T**he formation of Israeli Prime Minister Binyamin Netanyahu's new Government in the final days of 2022 seems to have brought, at least for now, an end to the political instability that resulted in five Israeli elections since 2019.

Unlike the Bennett/Lapid unity Government that preceded it, the new coalition has a solid Knesset majority and consists of parties with broadly compatible policy priorities and few incentives to bring down the ruling coalition.

It consists of Likud, the two ultra-Orthodox parties Shas and United Torah Judaism, and three right-wing factions from the national religious camp – Religious Zionism, Otzma Yehudit ("Jewish Power") and Noam. Ministries and deputy ministries have been given to a number of controversial politicians with radical agendas. However, Netanyahu has vowed to block any policies he considers to be extreme, has already acted to do so on some key issues, and can justifiably point to a track record of governing mostly towards the centre in his previous governments.

Nonetheless, this coalition has already led to difficult debates inside Israel, and some major controversies. This is very evident from the aftermath of Justice Minister Yariv Levin's announcement that he will move rapidly forward with a program of reforms that would dramatically revise the balance of power between Israel's judicial and legislative/executive branches. (See pp. 12-18 for more insights into the intense debates inside Israel on this matter.) We hope and expect that, despite all the current protests, anger, anxiety, and even hysteria, Israel's vibrant 75-year-old democracy can ultimately handle such difficult issues and differences in a way that respects everyone's core interests and democratic rights.

Meanwhile, regardless of domestic controversies, Netanyahu returns to the premiership with a number of publicly articulated foreign policy and security priorities. Among them are: Seeking to expand the number of countries signed on to the landmark Abraham Accords, with a focus especially on Saudi Arabia; looking for ways to strengthen relations with the Biden Administration and coordination with the Pentagon; and developing strategies and options to counter the Iranian nuclear threat, along with the conventional and unconventional military threats from Iran's proxies in Lebanon, Syria and Gaza.

Maintenance of Israel's alliance with the US and other Western countries remains crucial for advancing these key Israeli foreign policy and security objectives – providing a strong motivation for Netanyahu to hold extreme coalition partners in check.

On the Iran front, the international community has, fortunately, already been rapidly moving closer to Israel's more realistic and tougher line. In the face of runaway Iranian nuclear violations, exports of drones to Russia, human rights abuses, hostage-taking, and jailing and executions of political enemies, there is a major rethink going on in Washington, Europe and elsewhere.

Since October 2022, and for the first time since US President Joe Biden took office in Jan. 2021, the US, Europe and Canada have all been repeatedly adding new rounds of sanctions on Iran related to both its human rights abuses and its military support for Russia's war against Ukraine.

Further, US Secretary of State Antony Blinken has publicly conceded that the US's wrong-headed efforts to persuade Iran to agree to a partial return to the 2015 JCPOA



nuclear deal in exchange for sanctions relief is no longer “on the agenda as a practical matter.”

This is welcome news, given that Teheran had exploited US reluctance to risk angering Teheran during negotiations as an opportunity to stockpile enough enriched uranium, as of now, to build an estimated four bombs (with some minimal additional processing).

Meanwhile, an initiative to emulate the US decision in 2019 to proscribe Iran’s Islamic Revolutionary Guard Corps (IRGC) as a terrorist organisation is snowballing through Europe.

The justification and necessity for such a designation is clear. As Kasra Aarabi of the Tony Blair Institute for Global Change recently put it:

“[The] IRGC is a violent, Islamist-extremist organisation that operates no differently to... Islamic State (ISIS), al-Qaeda and Hizbullah. This is apparent from its formal programme of indoctrination designed to radicalise members to adopt its hardline Islamist-extremist ideology as well as its use of terrorism, militancy, hostage-taking and hijacking as a modus operandi.”

On Jan. 10, German Foreign Minister Annalena Baerbock said Germany was working to clear legal hurdles to having the IRGC placed on its terror list. On Jan. 12, the UK’s House of Commons passed a unanimous motion urging the Government to proscribe the group. On Jan. 18, the European Parliament voted overwhelmingly for a resolution to do the same. The EU is also planning a new tranche of sanctions specifically targeting the IRGC.

**“The return of Netanyahu as Israel’s leader reinforces the Jewish state’s ‘Netanyahu doctrine’ on Iran... This doctrine states that Israel will never allow Iran to build nuclear weapons”**


Here at home, the Albanese Government has not remained silent on Iran. Australia commendably imposed targeted sanctions on six Iranians and two Iranian entities over human rights abuses on Dec. 10, and has since repeatedly and emphatically condemned the execution of Iranian protesters and other rights abuses. However, Canberra can do much more. We now risk lagging behind our allies on

proscribing the IRGC, something many Australian politicians outside the Government are now urging. We should also be sidelining our commitment to the obsolete JCPOA, while increasing coordination with our

allies as they step up the pressure on the Iranian regime over its extremely dangerous rogue behaviours.

With Teheran closer to building a bomb than ever, the need has never been more urgent.

At the same time, the return of Netanyahu as Israel’s leader reinforces the Jewish state’s “Netanyahu doctrine” on Iran – a policy actually supported across the political spectrum. This doctrine states that Israel will never allow Iran to build nuclear weapons, and will consider every defence option necessary to prevent this – implicitly including military force.

That path of last resort, which once seemed so remote, edges closer with every step Iran takes towards nuclear weapons capabilities. Given this, Israel needs to be cultivating understanding and support from abroad on Iran for the day when this last resort option might become necessary – a requisite that is doubtless well understood by Netanyahu and other policymakers in the new Israeli Government. 

## “” WORD FOR WORD

“The reform will be launched, and like we were not deterred in the past by the attacks from the Left and the media, we will not be deterred this time.”

**Israeli Prime Minister Binyamin Netanyahu on his Government’s proposed judicial reforms (Jerusalem Post, Jan. 16).**

“They stuttered every time they were asked about it during the campaign. They did not tell their voters that Israel will cease to be a democracy. They did not tell their voters that they will trample the High Court irreparably.”

**Israeli Opposition Leader and former PM Yair Lapid on the Government’s proposed judicial reforms (Jerusalem Post, Jan. 16).**

“We are in the grips of a profound disagreement that is tearing our nation apart... I am now focused on... two critical roles that I believe I bear as president at this hour: averting a historic constitutional crisis and stopping the continued rift within our nation.”

**Israeli President Isaac Herzog on the judicial reforms (Reuters, Jan. 16).**

“The Iranians killed the prospect for a swift return to compliance with the JCPOA. A return to compliance with the JCPOA isn’t on the agenda... because the Iranians turned their back on it.”

**US State Department spokesperson Ned Price (State.gov, Jan. 9).**

“We are looking indeed at a new round of sanctions [on Iran] and I would support also listing the Revolutionary Guards. I have heard several ministers asking for that and I think they are right.”

**European Commission President Ursula von der Leyen (Reuters, Jan. 18).**

“If by breakout you mean having the amount of [nuclear] material you would need if you decided to ... have a nuclear device, that line has been passed.”

**International Atomic Energy Agency head Rafael Grossi explaining that Iran’s “nuclear breakout time” is now zero (Gzero media, Jan. 16).**

“Israel is the motherland and a lot of people have an understanding in that. The way they do things in Israel with business is very outstanding.”

**Papua New Guinea (PNG) Foreign Minister Justin Tkatchenko on the establishment of a PNG embassy in Jerusalem (PNG Bulletin, Jan. 18).**



# SCRIBBLINGS

Tzvi Fleischer

## THE NUMBERS GAME ON PALESTINIAN CASUALTIES

Both the UN and the media have made much of the fact that 2022 saw more West Bank Palestinians killed in clashes with Israeli forces than any year since 2004 – approximately 150. The UN put out several press releases and statements on this fact – including one on December 15 citing three UN “experts” denouncing “the rampant Israeli settler violence and excessive use of force” that led to the deaths.

There were major international news stories based on the UN claims, including a widely circulated *AP* story. Australian media stories about Israeli-Palestinian clashes have also repeatedly cited this casualty figure as part of the background provided.

And the figure appears to be largely factually correct, as far as it goes. Around 150 West Bank Palestinians were killed, and this is higher than in previous years. (However, when the ABC’s Allyson Horn said on *ABC TV* on Nov. 24, that “reports are that this has been the deadliest year for Palestinians in the occupied West Bank,” without qualifying this by saying “since 2004”, that was definitely not factually correct.)

However, the media has done a terrible job of looking further into the statistics and asking who exactly has been getting killed in what circumstances, and what this tells us about the actual reasons for this spike in Palestinian deaths. Fortunately, a number of other researchers have done this work for them.

One is a serving IDF soldier and history writer named Adin Haykin, who, throughout 2022, maintained a Twitter thread under his account @AdinHaykin1, in which he progressively documented almost every reported Palestinian death and the circumstances. In many cases, he was able to post pictures of the deceased individual posing with a weapon while surrounded by the symbols of a terrorist group.

At the end of the year, he compiled all the cases and found that no less than 142 out of the 153 Palestinians killed were either engaged in armed attacks, active members of a terrorist group, or participating in a violent riot. That’s 93%.

The pro-Israel advocacy group Honest Reporting also did a breakdown of Palestinians killed in the West Bank in 2022, coming up with similar numbers. They found that fully 60% of the Palestinians killed died as they were carrying out violent attacks on Israeli civilians or soldiers. Most of these, more than 50 cases, were actively shooting at Israelis with guns when they were killed. Smaller numbers were killed while carrying out Molotov cocktail, IED, car-

ramming, or stone-throwing attacks. Another 29% were individuals killed while taking part in violent riots. Only a very few cases involved innocent individuals caught in crossfire, while a couple of other cases were heart attack deaths caused by stress.

Now you may be thinking Haykin and Honest Reporting are both pro-Israel advocates, so maybe their figures are fudged? However, a source with a very different perspective has come up with similar numbers.

That source is B’tselem, a far-left wing Israeli human rights group which is very harshly critical of both Israel’s occupation of the West Bank, and the behaviour of Israeli troops. A B’tselem report published on Jan. 8 came to conclusions about the circumstances of most of the deaths consistent with the Haykin and Honest Reporting numbers – even while insisting that many of the killings were “unlawful” because deadly force should have been avoided in response to the violent actions of Palestinians killed.

Of the 146 cases it examined, B’tselem found 42 cases involved armed attackers, and 41 other cases were lawful for unspecified reasons, but presumably because those killed were acting as combatants. The group also admits 14 others were killed following attacks (while claiming they could have been stopped via non-lethal force, or were shot after the immediate danger had passed), and lists 21 cases in which Palestinians were killed in incidents where they were throwing stones at soldiers or cars. Finally, three were armed Palestinian Islamic Jihad terrorists killed in a car and four were illegal infiltrators into Israel. So even while calling many of the killings unlawful on dubious grounds, B’tselem agrees that 125 out of 146 cases involve Palestinians killed while involved in terror, armed violence or violent unrest. That is, 85%, broadly similar to the totals offered by Haykin and Honest Reporting.

What conclusions can we draw from these numbers? Very simply, the increase in Palestinians getting killed last year was a direct reflection of a huge uptick in Palestinians engaging in armed violence, terrorism or violent rioting.

Palestinians who shoot at Israeli civilians or troops tend to wind up dead in a firefight. Armed groups planning terror attacks necessitate Israeli raids into Palestinian towns to try to arrest the organisers, which often turns into firefights in which the target, and also other gunmen firing at Israeli troops, end up getting killed, thanks to superior IDF military technology and training.

Thus, more Palestinian terror attack attempts obviously means more Palestinians get killed.

And indeed, IDF statistics show a sharp uptick in violent attacks in and from the West Bank. There were 7,589 rock throwing incidents, up from 5,532 in 2021, and 1,268 Molotov cocktail incidents, up from 1,022 in 2021. Most importantly, there was an exponential increase in shooting attacks, with 285 shooting incidents in 2022, compared to only 61 in 2021.



Attacks mostly emanating from the West Bank also claimed many more Israeli lives – 31 killed in 2022, compared to four in 2021.

So these widely cited numbers about Palestinian deaths told a story about increasing Palestinian terrorist violence and predictable and legitimate IDF responses to that violence – not “rampant Israeli settler violence and excessive use of force” – if journalists were only prepared to look.

AIR

## DECONSTRUCTION ZONE

Cliff May

### THE OUTRAGEOUSNESS OF TEMPLE MOUNT “OUTRAGE”

Imagine if Pope Francis said: “Only Christians are permitted in the Vatican! No Muslims and no Jews!” The “international community” would be outraged. But the pontiff would never say that. Muslims and Jews are welcome in the Vatican.

Imagine if Israelis said: “Only Jews are permitted on Jerusalem’s Temple Mount! No Muslims and no Christians!” The “international community” would be outraged. But Israelis would never say that. Christians and Muslims are welcomed on the Temple Mount, Judaism’s most sacred site, the place where two great Jewish temples were built and then destroyed by foreign empires.

Imagine if Palestinians, Jordanians and others said, “Only Muslims are permitted on Haram al-Sharif, from which Muhammad ascended to Heaven and the third holiest site for Muslims!” In fact, that is what many Palestinians, Jordanians and others are saying, and the “international community” is outraged – but at Israelis for not accepting rules intended only for Jews.

Do you understand why the Temple Mount and Haram al-Sharif occupy the same small hilltop? It’s because, in antiquity, imperialist conquerors – not just Muslims – commonly built atop the holy sites of those they conquered.

Today, however, the “international community” claims to value tolerance, diversity and inclusion. Does it? And the Biden Administration presents itself as a champion of those values. Is it?

“We are deeply concerned by the visit of the Israeli minister at the Temple Mount/Haram al-Sharif,” declared US State Department spokesperson Ned Price. “This visit has the potential of exacerbating tensions and leading to violence.” Whose tensions may be exacerbated and why that might lead to violence, he didn’t say.

The Israeli minister to whom he was referring is Itamar Ben-Gvir, whose Otzma Yehudit (“Jewish Power”) party is a member of the coalition that restored Binyamin Netan-

yahu to the prime ministership. Mr. Ben-Gvir is on the far right of the Israeli political spectrum, but that’s irrelevant here.

He’s a Jew, and an official in a democratically elected government that has sovereignty over the Temple Mount/Haram al-Sharif.

At 7am Jan. 3, he entered the compound, walked around for 13 minutes, and then quietly departed. He did not approach – much less enter – the al-Aqsa Mosque on the south end of the plaza.

Afterward, he said that in his official capacity as the National Security Minister, he will ensure that Muslims and Christians as well as Jews are free to visit the site.

Nevertheless, UN Assistant Secretary-General Mohamed Khaled Khari called Mr. Ben-Gvir’s visit “particularly inflammatory.”

Hamas, the Palestinian Authority and the Kingdom of Jordan issued statements declaring that if blood spills, Israelis will be to blame.

The Jordanian statement condemned “in the severest of terms the storming” of the Haram al-Sharif and the violation of the “sanctity” of the al-Aqsa Mosque.

When walking becomes “storming” based solely on the nationality, race, ethnicity or religion of the individual putting one foot in front of another, shouldn’t there be objections from members of the “international community” who say they oppose discrimination?

Instead, however, the United Arab Emirates, in alliance with China, demanded the UN Security Council hold an “emergency” meeting to discuss the presence of a Jew at Judaism’s holiest site.

If you’ve been reading about this brouhaha in most media, you’ve probably seen appeals to “preserve the historic status quo” with little or no explanation of what that means. I’ll tell you.

After the flag of the British Empire in Jerusalem was lowered for the last time in 1948, Israelis declared their independence. They were immediately attacked by surrounding Arab nations.

Jordanian forces conquered and occupied east Jerusalem, from which they expelled all Jews. And they forbade Jews of any nationality from worshipping on the holy hilltop. And they destroyed or desecrated Jewish religious sites.

In the defensive Six-Day War of 1967, Israelis drove Jordanians out of east Jerusalem. But as a conciliatory gesture, Israeli leaders agreed that a *waqf* [religious endowment], a Jordanian-controlled entity, would have religious authority over the compound while Israelis would maintain security, keeping the holy sites open to all – though only Muslims would be allowed to pray there.


This status quo remains, but there is debate among Israelis about the prohibition on prayer by non-Muslims. In free countries, debate is not unusual.

Antisemites cast Jews as pariahs. Today, they also cast



the only surviving and thriving Jewish community in the Middle East as a pariah state.

Antisemitism is a mutating virus. Most Israelis have concluded that the modern variant cannot be treated – much less cured – by making further concessions to those who despise them, along with those in the “international community” who aid and abet such hatred.

If you’re looking for a succinct explanation of why Israelis elected a right-wing coalition, there you have it. 

*Clifford D. May is founder and President of the Foundation for Defense of Democracies (FDD) and a columnist for the Washington Times. © FDD, reprinted by permission, all rights reserved.*

## ASIA WATCH

Michael Shannon

### WAITING GAMES

Indonesian presidential elections occur at five-year intervals, leaving ample time for intrigue as the aspirants jockey for allies and endorsements. With the 2024 national poll still more than a year away, the political manoeuvring is part of the daily fare.

Although incumbent President Joko Widodo (AKA Jokowi) is constitutionally barred from seeking a third term – and he is not even the leader of his party – the political capital accrued over the past nine years has made his endorsement a talking point.

Until now, Jokowi has clearly favoured the polling front-runner, Central Java Governor Ganjar Pranowo, telling a stadium rally in November to vote in 2024 for a “white-haired” leader – a clear reference to his friend and fellow Indonesian Democratic Party of Struggle (PDI-P) politician.

Yet, Jokowi appears to enjoy feeding speculation. Last November, he also appeared to endorse his former opponent, Defence Minister Prabowo Subianto, in an off-the-cuff comment. “I won the election twice. My apologies, Pak [Mr.] Prabowo. But it seems that after this, it will be Pak Prabowo’s turn,” he said. Then as recently as January 11, Jokowi told a gathering of Star and Crescent Party (PBB) politicians that he may support party Chairman and former minister Yusril Ihza Mahendra, with the caveat that PBB would have to win 20% of the vote (an unlikely prospect) in parliamentary elections, the legal requirement for a party or group of parties to nominate a presidential candidate.

The 20% threshold means that all but the largest parties have to cobble together a sizeable coalition to mount a serious candidacy, so all eyes are upon the largest of them all – the PDI-P – and its still powerful chairwoman, Megawati Sukarnoputri.

The former president kept the question in the balance and was none-too-subtle in reminding all of her ‘king-maker’ power during the PDI-P’s 50th birthday celebrations held in January. “People are waiting for [the PDI-P candidate] but there is none now, it’s my business,” Megawati told the gathering in Jakarta. With President Widodo in attendance, she added that without the nomination from PDI-P, Jokowi wouldn’t have been elected president and that he should stick to his presidential duties. She didn’t even acknowledge Ganjar, a longtime PDI-P member, who was also present.

Observers believe Megawati is hesitating to nominate the popular and capable Ganjar because she fears losing family clout within the party, which has its roots in the party of her father, the nation’s founding President Sukarno. Efforts over several months to boost the prospects of her daughter, the 49-year-old parliamentary Speaker Puan Maharani, have yielded little in public polling.

Moderates and the business community have pushed hard for Ganjar, consistently regarded as the most electable politician, fearing that further hesitation will open the door to Anies Baswedan. The former Jakarta governor is the already-declared candidate of the Sharia-based Justice and Prosperity Party (PKS), the sole opposition party in the national parliament, along with ex-president Susilo Bambang Yudhoyono’s centrist Democrat Party (DP) and media magnate Surya Paloh’s National Democrat Party (Nasdem).

A former academic and minister from a prominent, moderate Arab-Indonesian family, Anies was elected Jakarta governor in 2017 by positioning himself to benefit from a successful campaign by Islamists to falsely smear the previous governor, ethnic Chinese Christian Basuki Tjahaja “Ahok” Purnama (a Jokowi ally), as having blasphemed against the Koran. Despite the flimsy evidence, Basuki was sentenced to two years in prison.

Since that time, Anies’ efforts to reposition himself as a moderate Muslim leader committed to secular-nationalist principles have not erased the doubts and suspicion held among Indonesia’s political and business elites.

And yet, Anies has received backing from mainstream Muslim leaders. Din Syamsuddin, former Chairman of the moderate Muslim organisation Muhammadiyah, has lauded the Governor for his “high integrity, capability and religious devoutness,” while Said Aqil Siradj, former Chairman of Nahdlatul Ulama, the country’s largest Muslim organisation, has praised Anies as “an intellectual with a good vision and mission and (is) also a devout Muslim.”

Rounding out the current field is the ever-present Prabowo, a former Suharto-era strongman and two-time presidential candidate. Currently serving as Defence Minister at the invitation of his nemesis Jokowi, the 71-year-old Chairman of the Great Indonesia Movement Party (Gerindra) has the form of an authoritarian populist. His prior campaigns revolved around the idea that he alone could fix



problems, and presented him as an almost God-like figure – he rode into one rally on a horse. He has been linked to groups involved in attacking religious minorities, and has spread false rumours of Jokowi being a Chinese Christian and alleged election fraud that sparked deadly riots.

After leading in most polls up until the middle of 2022, Prabowo has fallen away to a distant third – his style of politics is said to resonate less with voters under 40, who make up 54% of the electorate.

AIR



Alex Benjamin

## EUROPE'S "TYRANNY OF DISTANCE" ON IRAN

As I write this, the European Parliament is considering a resolution to designate Iran's Islamic Revolutionary Guard Corps (IRGC) as a terrorist organisation.

Welcome news if the resolution passes, as expected. [*It did. Ed.*] Still, I can't help ask: what took you so long?

As I was thinking about this question, Lenin's dictum "Probe with bayonets, if you find mush proceed, if you find steel withdraw" came to mind.

Most of the EU countries involved in negotiations with Iran have the twin benefits of distance and no real existential skin in the game. It is therefore much easier to offer mush – or make deals and hope for the best – when Iran is thousands of miles away from your borders.

Israel does not have this luxury. A nuclear strike on the Jewish state would take a matter of minutes.

Much of the EU's probing or negotiating is done from this semi-detached position, with no real-time repercussions for your population, yet there is constant European consternation or frustration with Israel for its supposed obduracy towards Iran.

This frustration seems to me akin to a class captain at a school trying to reason with and rehabilitate the school bully over a long period, whilst the kid being bullied faces being harassed day-in-day-out. Ask that bullied kid how he feels as you try to negotiate a long-term solution, when his daily life is under constant assault.

Iran is directly involved in nearly every aspect of Israel's daily foreign policy challenges. Nuclear threat from Iranian enrichment? Check. Missile and incursion threats on the northern border from Hezbollah? Check. Threats to Israel's emerging energy security via its gas fields? Check. Regular random rocket attacks on the main Israeli population centres from Gaza by Iran-supported terror groups that openly seek to kill and maim? Check. Terror attacks in Israeli towns emanating from the West Bank groups funded and encouraged by Iranian proxies? Check.

Israeli Prime Ministers – from Peres to Sharon, Netanyahu to Bennett to Lapid, and back to Netanyahu again – have all been remarkably consistent. You won't find a cigarette paper width of difference between them when it comes to Iran. And they have repeatedly made this case to European capitals.

During his premiership, Lapid, eminently mild-mannered with a seasoned journalistic temperament, stood in front of Israel's stealth bombers and warned, "If Iran continues to test us, it will discover Israel's long arm and capabilities."

Sharon, a former war hero turned statesman, who disengaged from Gaza and took unprecedented steps for peace, was likewise unequivocal about the threat from Iran. Netanyahu we all know as a great showman on the international stage, using his flipcharts and red pen to present the case against Iran at the UN.

That reminds me – harking back to my initial point about Europeans feeling Iran is too distant to be a serious problem for them – Peres used to ask his counterparts in whatever capital he was visiting to calculate the missile distance from Teheran to there. I wish I could say the tactic worked. But the distances involved were perhaps a leap of imagination too far for some – and sometimes they apparently just didn't care.

Ironically, it is the Ukraine War that has brought the Iran threat into immediate focus in Europe. Iranian drones and other weapons supplied to Russian forces are wreaking havoc on the battlefield and are targeting, and in many cases destroying, Ukrainian infrastructure. Iran is now engaged in a proxy war on European soil. Of course, the protests in Iran have also galvanised public opinion.

Israel, in the meantime, is engaged in a very delicate balancing act. It stands with Ukraine, but it cannot afford to alienate Moscow – whose "blind eye" towards Israel and its occasional strikes within Syria is crucial, as Jerusalem seeks to counter Iran's hateful and deadly intent to militarily encircle the Jewish State.

There are some capitals and countries which find such a tough, active, sometimes covert, military stance unbefitting a democratic state. But like that kid in the playground, Israel does not have the luxury of taking a rarefied philosophical approach as it fights a daily struggle for existence and basic physical security.

To go back to Lenin, in Israel there is no mush in terms of security policy – only steel. For the foreseeable future, there can be no other way, and no new, old, or conceivable government in Israel will ever tell you otherwise.

Will Europe finally listen? Or will it tokenistically designate the IRGC, but avoid serious sanctions and forget the protests and Iranian drones when the opportunity to do much more presents itself? Let's just say I won't be rushing down to the bookies anytime soon to place a bet on the former.



AIR

9

# BEHIND THE NEWS

## ROCKET AND TERROR REPORT

A rocket that was aimed at Israel but fell inside Gaza was detected on Jan. 3.

Late December and early January saw multiple instances of shootings at both IDF and civilian vehicles and targets, including a bus, reported in the West Bank, resulting in no Israeli casualties. Three policemen were wounded in an attack on Dec. 23, while the attacker was killed.

Israeli security forces announced on Dec. 14 they'd thwarted a terrorist network in the West Bank planning bombing attacks inside Israel.

Months-long sweeping Israeli counterterrorism raids throughout the West Bank continue, resulting in dozens of Palestinians detained or killed, almost all of them terrorist operatives or those attacking security forces.

A Hezbollah drone that crossed into Israel from Lebanon was downed on Dec. 19.

The IDF released statistics showing there were 285 shooting attacks and 14 stabbing attacks in the West Bank in 2022, and more than 1,162 rockets were launched from Gaza.

Meanwhile, data from Israeli insurance companies revealed that in December alone, between 1,200 and 1,300 cars were stolen in Israel, double the numbers in December 2021 – with 95% of those cars ending up in areas under the Palestinian Authority. An insurance executive stated, “This is a kind of economic intifada... an organised industry.”

## UN SENDS ISRAEL TO ICJ

On Dec. 30, the United Nations General Assembly passed a resolution to refer Israel to the International Court of Justice (ICJ) with 87 in favour, 26 against, and 53 abstentions.

The referral asks the ICJ to examine Israel's presence in the West Bank, Gaza and east Jerusalem and give an advisory opinion on the legal consequences of Israel's “occupation, settlement and annexation ... including measures aimed at altering the demographic composition, character and status of the Holy City of Jerusalem.”

Israel's UN Ambassador Gilad Erdan said, “No international body can decide that the Jewish people are ‘occupiers’ in their own homeland.”

On Jan. 5, the UN Security Council held an emergency session to discuss a 13-minute visit by Israeli National Security Minister Itamar Ben-Gvir to the Temple Mount on Jan. 3. All 15 member countries expressed concern about the visit and called for the retention of the status quo on the holy site, but Erdan said the visit was within the status quo and called the meeting an “insult to our intelligence.”

## ISRAEL SANCTIONS THE PA

On Jan. 6, the Israeli Government introduced sanctions against the Palestinian Authority (PA) as a consequence of the Palestinian push to have Israel reviewed before the International Court of Justice.

The sanctions include the transfer of NIS 139 million (AUD\$58.74 million) in tax fees Israel collects on behalf of the PA to victims of Palestinian terrorism, offsetting the payments made by the PA to terrorists and their families in 2022; placing a moratorium on Palestinian construction plans in Area C of the West Bank; and denying benefits to Palestinian VIPs who are involved in leading the political and legal war against Israel.

## IRANIAN EXECUTIONS AND OTHER KILLINGS CONTINUE



Mohammad Mehdi Karami (Image: Twitter)

The Iranian regime has continued to use executions of detained protesters as a means to suppress ongoing anti-regime protests. On Jan. 7, Mohammad Mehdi Karami and Sayed Mohammad Hosseini were hanged in Karaj, bringing the total executions to four since December. There are reportedly at least 109 additional protesters at risk of execution. Regime security forces have also gunned down at least 500 Iranian citizens and arrested more than 14,000.

On Jan. 11, Iran announced it had hanged British-Iranian citizen and former Iranian Deputy Minister of Defence Alireza Akbari on charges of espionage and “corruption on earth”. He was accused of working for British intelligence.

In December, Iranian illustrator and author Mehdi Bahman was reportedly sentenced to death for espionage after giving an interview to Israel's *Channel 13* last April in which he called for normalisation of relations.

## ISIS-LINKED WMD PLOT IN EUROPE

On Jan. 8, German authorities arrested two Iranian brothers suspected of plotting to use the deadly gases cyanide and ricin in an Islamist-motivated terror attack in a public area. Israeli sources confirmed that Mossad,



Israel's intelligence organisation, provided the Germans with the information that resulted in the arrests.

## IRAN TO GET ADVANCED RUSSIAN FIGHTER JETS

According to a statement from a senior Iranian MP, Moscow is expected to deliver SU-35 fighter jets to Teheran within the upcoming Iranian year, which starts on March 21. The Sukhoi SU-35 is considered one of the most advanced fighters in the world today, and would be a dramatic improvement to Iran's air force compared to its current very obsolete jet fleet.

The new airplanes are part of several arms deals between the two countries that reportedly also include the supply of sophisticated Russian air defence batteries, missiles and helicopters to Iran.

## NEGEV SUMMIT PREPARATORY MEETING

On Jan. 9, Israeli officials met in Abu Dhabi with their counterparts from Morocco, Bahrain, the UAE, Egypt and the US, to prepare for the as yet unscheduled summit of the Negev Forum foreign ministers in Morocco in the next few months.

In addition, the Forum's Working Groups in the areas of regional security, clean energy, food and water security, health, tourism and education and coexistence held their first official meetings. Their goal is to identify joint initiatives that will benefit their populations and the wider region.

The Forum's inaugural meeting was held in March 2022 in Sde Boker in Israel's Negev region, and was an initiative of the US and Israel's then Foreign Minister Yair Lapid.

In further diplomatic progress for Israel, Papua New Guinea (PNG) Foreign Minister Justin Tkatchenko announced in mid-January that his country would be opening a new embassy in Jerusalem within the next three years. PNG currently only has a consulate in Tel Aviv.

## UAE TO TEACH HOLOCAUST

The UAE will add Holocaust education to its school curriculum for primary and secondary students, the UAE Embassy in Washington confirmed on Jan. 5. The UAE's Culture and Youth Ministry is developing the education materials with assistance from Yad Vashem and the Institute for Monitoring Peace and Cultural Tolerance in School Education (IMPACT-se).

On Twitter, the international Combat Antisemitism Movement called the announcement "a major step in combating the regional culture of Holocaust denial."

On Jan. 10, a Hamas spokesman issued a statement condemning the move. Placing the term Holocaust in quotes, he slammed such education as "support for the Zionist narrative and a form of cultural normalisation."

Meanwhile, a January IMPACT-se report into Indonesia's school curriculum found it was largely tolerant, promoting peace and coexistence. The report found most references to Jews in Islamic education textbooks are neutral or positive, and while Israel is termed a "colonising country", the indigenous status of Jews is recognised.

## ISRAEL RECORDS RARE BUDGET SURPLUS

Israel's government revenue exceeded spending last year, according to the country's Ministry of Finance Accountant General. The budget surplus of NIS 9.8 billion (A\$ 4.1 billion), representing 0.6% of GDP, was the country's first since 1987.

The combined value of Israel's exports was also expected to reach a new record of at least US\$160 billion (AUD\$229 billion) in 2022 – up more than 10% from 2021.



## STRANGER THAN FICTION

### ANIMAL CRACKERS

The Palestinian Authority and its publications have a rich history of ludicrous accusations and conspiracy theories against Israel. Many of these have involved animals, including birds, rats, dogs and sharks, all allegedly trained by Israel to attack or spy on Palestinians.

Now we can add cows to this malignant menagerie.

Reported as fact in the official Palestinian Authority (PA) daily *Al-Hayat Al-Jadida* on Dec. 27, Khirbet Yanun village elder Rushd Morrar claimed that the nearby settlers let their cattle loose against the village, where they eat everything, ruining the crops. However, there's more. These aren't just any cattle, the paper reported. "These are recruited and trained cattle, as on the neck of each cow they hang a medallion with an eavesdropping and recording device on it, and sometimes cameras, in order to monitor every detail in Khirbet Yanun."

Morrar also claimed "the settlers release herds of wild boars in the direction of the agricultural territories," as part of a laundry list of crimes including murder. However, unlike their bovine colleagues, the boars don't seem to have been trained in espionage (translation by Palestinian Media Watch).

Morrar was far from the first to accuse Israel of weaponising boars against the Palestinians. PA President Mahmoud Abbas did so in November 2014, and more recently, on Nov. 15, 2022, the ironically named Institute for Middle East Understanding claimed, "Israel is using wild boars to strengthen its colonial hold on Palestinian land," with "Israeli settlers hav[ing] been found to release wild boars onto Palestinian farmland as a form of abuse."

In fact, wild boars are a protected species, and problems with damaging behaviour from them are common inside Israel as well.

As with so many other Palestinian accusations against Israel, these claims of spy cows and colonialist boars are utter nonsense.

## COVER STORY

# COURTING CONTROVERSY

## ISRAEL'S INTENSE DEBATE OVER JUDICIAL REFORMS

Amotz Asa-El

**H**uddling under a sea of umbrellas while braving January's rain and chill, 80,000 protesters packed Tel Aviv's Habima Square, the piazza outside Israel's national theatre, on the evening of Jan. 14. By sheer coincidence, this was just at the time the actors inside that theatre were staging "Bull", Mike Bartlett's play about employees waiting to get fired.

As the protesters and the rest of the new Israeli Government's opposition see things, what now faces dismissal is not this or that individual, but the country's entire judiciary as Israel has known it for 75 years.

At stake is a sweeping constitutional reform blueprint introduced by Justice Minister Yariv Levin in a dramatic, televised press conference on Jan. 4. The Levin Reform, as it has come to be labelled, would change the selection process for judges, redefine relations between the judiciary and the legislature, restrict the grounds for Supreme Court decisions, and reconfigure the positions of both Israel's attorney-general and the legal advisors that play a key role in every government ministry.

The package is a juridical, political, and public bombshell that is unsettling and dividing Israeli society in a way that nothing has since the controversies surrounding the First Lebanon War 40 years ago.

The 53-year-old Levin, a corporate lawyer, former speaker of the Knesset, and the son of a Hebrew University linguist, says he has prepared this reform for two decades, and is motivated by a thorough acquaintance with and deep anxiety over the Supreme Court's power and direction.

Opponents of the Levin Reform dismiss as a lie his stated aim "to restore the balance between the branches" of government. They claim that his real aim is to disempower the Supreme Court's judges and impose the control of politicians over them, and that he is driven by Prime Min-

ister Binyamin Netanyahu's personal legal situation.

One of the most ambitious of the blueprint's reforms would recast the forum that appoints Israel's judges.

Currently, the Judicial Selection Committee includes three Supreme Court justices, including the Court's president; two ministers, including the justice minister; two lawmakers elected by the Knesset; and two lawyers elected by the Bar Association. The proposed reforms would delete the lawyers, add two more politicians – one Knesset member and one minister – and insert two "public representatives" selected by the justice minister.

As for the lawmakers on the Committee, who in the current system are elected by their peers in a secret ballot, the reform would eliminate that election and instead automatically assign the chairpersons of the Knesset Law Committee and State Control Committee – both of whom are always members of the ruling coalition – and the House Committee chair, who belongs to the opposition.

Overall, these changes would shift the Committee's majority from the judges and lawyers to the politicians, and effectively give the ruling coalition – which would control seven of the 11 members of the reformed Committee – complete power over the selection of judges. Additionally, the reform stipulates that every Supreme Court candidate will be subject to a public hearing in the Knesset.

Concerning the power of the judiciary, the reform proposes that, should the Supreme Court invalidate a Knesset law as unconstitutional, the Knesset would be able to override the law's cancellation by a simple majority vote of 61 of Israel's 120 lawmakers.

Moreover, even before such a showdown reaches the legislature, the Court would be required to agree on its constitutional challenge to a law with a majority consisting



of 12 of its 15 justices, as opposed to the current requirement of a simple majority.

However, the reform proposal says that if all 15 Supreme Court judges vote to invalidate a law, the Knesset cannot override that finding during the same Knesset term.



Netanyahu and Deri (right and centre), both of whom face legal troubles, sit alongside Justice Minister Yariv Levin (left), the author of controversial proposed judicial reforms, at a cabinet meeting (Image: GPO/Flickr)

As for the Court's scrutiny of government actions, it would be deprived of its current ability to overrule an executive or administrative measure as "unreasonable", and must rule only on whether such a measure is legal or illegal.

Lastly, the position of attorney-general, which currently includes the role of the government's chief legal advisor and head of the office of public prosecutions, would be split. The proposal is that one person would be the legal advisor, who judges the legality of government plans and actions, and another person would be in charge of public prosecutions.

Additionally, the rest of the government's legal advisors would no longer be tenured public servants, but redefined as "trust appointments" like any ministry's director-general, meaning that ministers would be able to hire and fire them. Furthermore, the advice of such advisors would be explicitly defined as nonbinding.

The Knesset Law Committee had begun discussing the blueprint when, on Jan. 18, the Supreme Court – responding to an appeal heard before Levin unveiled his plan – voted ten to one to overturn Netanyahu's appointment of Shas party leader Arye Deri as Minister of the Interior and Minister of Health. Referring to his conviction last year on tax evasion charges following a plea bargain which led to a suspended sentence, the Court ruled that Deri had violated his commitment under that plea bargain to retire from politics. Following the court's ruling, Deri was fired from his ministerial positions on Jan. 22.

The published explanation of some of the Supreme Court judges, calling Deri's appointment "extremely unreasonable" (others cited different grounds for disallow-

ing the appointment), is an ironic emblem of where Israel's constitutional crisis has arrived, and what it is all about.

Responses to the Levin Reform have ranged from enthusiasm across the right-wing coalition and its voters, to lamentation among its political opponents and revulsion among jurists.

The parliamentary opposition, caught unprepared by the reform's range and the speed with which it arrived, failed to speak with one voice.

Opposition Leader Yair Lapid, the former Prime Minister and head of the *Yesh Atid* (There is a Future) party, said Levin's bill is "a criminal attempt to bully the justices," and vowed not to discuss its terms with the Government. However, former Defence Minister Benny Gantz, head of the National Union party, called on Netanyahu to conduct a dialogue over the plan with the opposition.

Lapid's militancy was bolstered by Supreme Court President Esther Hayut's public claim, in an extraordinary statement for a sitting judge, that the bill constitutes "a plan to shatter the legal system" and "to change the state's democratic identity."

The Chief Justice was joined by a battery of former Supreme Court justices and attorneys-general, including two A-Gs who were appointed by Netanyahu. Where, then, does Israel's constitutional crisis come from and where is it likely to lead?

Israel's constitutional crisis really began three years ago, when sitting PM Binyamin Netanyahu was charged with bribery, fraud and breach of trust in three different cases.

Netanyahu refused to step aside while facing trial, and accused the judiciary, media and police of conspiring to unseat him. Centrist parties and even some right-leaning parties refused to sit in government with him as long as he was under indictment, and so Israel went to four early elections that produced no real decision and little prospect of a stable governing coalition. A fifth poll, on Nov. 1 last year, saw Netanyahu and his right wing allies emerge with a slim, but clear, majority.

While these were the immediate circumstances leading up to the Levin Reform, there is a much longer history and deeper context, harking back to legislation passed in 1992. Israel's "Basic Law: Human Dignity and Liberty," passed that year, guaranteed human dignity, human freedom, privacy and property as constitutional rights in Israel. A subsequent 1994 Basic Law guaranteed freedom of occupation.

Israel's Supreme Court, under the presidency of liberal justice Aharon Barak, used this legal infrastructure to repeatedly interfere in executive action and parliamentary legislation in ways that earned him, and the school of judicial thought he founded, steadily growing opposition.

Some of the Court's controversial rulings included a re-routing of the anti-terror fence along the boundary of the West Bank and invalidating a law that would have left West

Bank settlement real estate in Israeli hands, if Palestinian land ownership was not established before construction (the original owners were to be compensated instead of getting the land returned).

The legacy of judicial activism inspired three strands of opposition to it inside the current ruling coalition: settler leaders see in the Court an obstacle to the settlement growth and eventual annexation they openly seek; ultra-Orthodox leaders want to exempt yeshiva students from military service through laws which the Court repeatedly invalidated as violating the principle of equality before the law; and Likud leaders like Levin feel that the Court has become an unelected regime that impedes the elected government's ability to rule.

However, Levin's opponents say his bill is really designed to put an end to Netanyahu's legal ordeal. If Netanyahu now appoints a new attorney-general, they say – as the reforms would allow – the new appointee will be in a position to tell the Court that after studying the evidence in Netanyahu's trial, he or she is withdrawing the indictments against his boss. In such a case, the trial would be cancelled. Similarly, judges appointed by Netanyahu will rule his way should his cases reach the Supreme Court, the critics say.

Critics of the Supreme Court's expanded role post-1992 transcend Israel's right-left divide. Over the years, they have included former Supreme Court President Moshe Landau (1912-2011) and former Vice President Menachem Elon (1923-2013); the former Tel Aviv University Law School Deans Menachem Mautner and Daniel Friedman; the world's foremost expert on Israel's constitutional law, Prof. Amnon Rubinstein; as well as Israel's leading political scientist, Hebrew University's Shlomo Avineri.

However, in its political unilateralism and legislative sweep, the Levin Reform made no effort to harness such supporters from beyond the political right – instead provoking strong opposition from the entire legal establishment, along with academics, business circles and leaders of the hi-tech sector. As they see things, Netanyahu is set to lead Israel down the path to "illiberal democracy" charted by Hungarian leader Viktor Orban.

The legislative process is still in its early stages, so the bills proposed by Levin are likely to change before they become law. However, as things currently stand, there is little indication that Netanyahu and Levin will retreat from the battlefield they have entered.

President Isaac Herzog is trying to quietly mediate between the sides, so that at least some of the plan's components would be negotiated and incorporate some input from the centre and left. One suggested compromise is to accept the idea of a parliamentary override clause, but to raise its proposed 61-vote majority to a higher figure.

However, the reform's opponents appear to be in no mood to compromise.

That demonstration outside the national theatre is reportedly set to recur every week in multiple locations across the country, with thousands vowing to defend the judiciary and demanding the Levin Reform be abandoned. "This is a governmental coup in the service of a bribery defendant," charged former Prime Minister Ehud Barak. "Yes, some things need to be fixed – but not this way." AIR

## CAN'T THEY JUST COMPROMISE?

Shmuel Rosner

In the early Nineties, a controversial plan was passed by a small majority in Israel's Knesset, over the objection of half the Israeli population. It was a dramatic shift for Israel that the Government decided to implement using political trickery, without much regard for the sensibilities of the opposition.

It was also an irreversible decision: Israel committed itself internationally to the Oslo Accords with the PLO. And for many right-wing Israelis, this is proof that the current opposition is dishonest as it cries foul over the initiative to implement a radical reform of the justice system, strengthening the parliament and weakening the courts and the legal advisors.

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There are similarities between then and now. In both cases, the proposed change is dramatic. In both cases, Israel is deeply divided. In both cases, the opposition took to the streets. There are also differences: the Oslo Accords came as a surprise, the broad concept of the legal reforms was put before the voters prior to election day. The Oslo Accords were in many ways unalterable. The legal reform can be reversed when a new government is elected. But there's also another important difference: the Oslo Accords were a political decision, a change of policy. The legal reforms are a change of the rules of the political game itself.

That's why the opposition seems so angry and desperate, and that's why it feels as if this change is more profound than previous governmental alterations of policies. A country divided over its vision for the future can stick together if the rules of how decisions are made are clear and legitimate. But when one camp feels that it is about to be cheated out of the game – losing its ability to function in a free society – it immediately radicalises.



One of several protests against the proposed judicial reforms in Jerusalem (Image: Eyal Warshavsky/Sipa USA/Alamy Live News)

This is what we see in Israel today: the radicalisation of a perplexed opposition. For many Israelis, what's about to happen is not a change – for good or bad – in policy. It is a change in how Israel functions as a society. It is a change in Israel's identity as a liberal democracy.

On January 14, 80,000 protestors took to the streets in the pouring rain. And that was just the beginning, the opening salvo of a long battle. But there are two problems: first, the coalition has a majority to pass the reform; second, the opposition is not always clear on what it wants.

Some opposition leaders believe that all proposed changes are damaging and even reprehensible. They want the majority to forget its pre-election promises and forgo all plans for reform. But that's not a realistic expectation, nor a fair one. The coalition has an agenda. It was elected to implement its agenda. That the opposition who lost the election opposes this agenda has little relevance today. Elections are held for coalitions to win and make changes.

Other opposition leaders understand that a change must take place, both for political reasons, and (some recognise) because the legal system is not perfect and cannot

be immune to all demands for alterations. They believe, with good reason, that the Government is engaged in overreach, so they propose to have a discussion and try to mutually agree on the changes that could be acceptable to both sides.

But such negotiations have not yet materialised. The ruling coalition suspects, not without reason, that all proposals for consultation are merely a delaying tactic aimed at torpedoing all reforms. Also, it has a majority and feels little pressure to compromise. The opposition is divided and incoherent, and it's not clear that anyone could speak for it with an authoritative voice.

So, what's going to happen? It is likely to get worse before it gets better. The Knesset has begun its legislative process. The opposition is geared toward more protest, and possibly other measures. And everybody is shouting – that is to say: currently it seems impossible to have a calm conversation.

AIR

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## THE CASE FOR THE JUDICIAL REFORMS

David M. Weinberg

**T**he reform of Israel's legal system – proposed by Justice Minister Yariv Levin – does not only not threaten democracy, but is reasonable and necessary as it will restore the balance of power between the judiciary, legislature and government.

What made this reform necessary was the politicised Supreme Court, imperious office of attorney-general, and a legal clique in every government ministry that have policymaking in a chokehold at the expense of lawmakers in Knesset and government.

These legal beagles have fashioned a system whereby they self-replicate with impunity and occupy every central intersection of policymaking. They even pretentiously call themselves “*shomrei hasaf*,” the guardians of the gates of democracy.

Except that these much-too-powerful actors have upset Israeli democracy by usurping powers they were never intended by Israel's founders or parliamentarians to have;





powers that extend far beyond those held by the legal system in any other democracy.

Furthermore, they skew decision-making to the utmost progressive side of any issue, making it impossible for the right and centre-right – which is where most Israelis are – to govern effectively.

It is the judicial system that threatens Israeli democracy, not Levin's reforms.

As such, it is sensible to change the way justices are selected, and to circumscribe their ability to strike down Knesset legislation as they idiosyncratically see fit.



Former Supreme Court President Aharon Barak (Image: Wikimedia Commons)

As per the example set by former Supreme Court mega-President Aharon Barak – and as perpetuated ever since through his hand-picked successors – every matter in Israel today is subject to the personal prejudices and individual inclinations of the enlightened members of the highest bench. They often rule according to their own slippery scale of propriety.

And, as Barak unilaterally decided, any person has standing before the Court on any subject, and everything is “justiciable”, meaning that everything from tax to defence policy is subject to the reproach of the Supreme Court.

The Court has developed a series of pliant concepts with which to carry out its self-declared “judicial revolution”. Take the term “reasonableness,” which runs like a computer virus through the Supreme Court’s decisions over the past two decades.

“Reasonableness” is authoritarian jargon which allows Court justices to elastically apply their own sensibilities and socially re-engineer Israeli society in their “enlightened” image.

“Substantive democracy” is another newfangled term that Barak concocted. This means that the Court takes on itself a made-up responsibility to set “substantive norms and standards of decency” for public life, and to apply “broad interpretations” of the law to fit its own perceptions of “values”, “balance”, and “equality” – even if the law books don’t contain any such terms or prescriptions.

Given the current makeup of the Court, decisions that employ such infinitely flexible principles invariably are skewed toward the progressive side of the political spectrum, as mentioned above.

And thus, the Court has ruled in recent years with a liberal fist on allocation of Jewish National Fund land, Palestinian residency rights in Israel, the operation of the Palestinian Authority headquarters in Jerusalem, rights of foreign converts to citizenship, ultra-Orthodox draft deferments and stipends to yeshiva students, commerce on

Shabbat, and so much more.

There was little hard-core law involved in these cases. You could guess the Court’s decision in advance simply by looking at the composition of the panel of justices. The more progressive the panel, the more drawn-out-of-thin-air sermonising there was likely to be in the decision. Essentially, the Court made political decisions, “values” decisions, camouflaged as law.

For example, the Supreme Court ruled it “unreasonable” to compromise and close Bar-Ilan Street in Jerusalem for several hours on Shabbat, even though a public committee of prominent religious and secular Jews – which was far more representative of Israeli society than the Court – had found otherwise.

The Court also struck down Knesset legislation relating to the illegal immigration of migrant African workers, and it did this three times even though the Knesset each time passed revised laws with a large majority. The Court simply decided that it knew better than parliamentarians what was “reasonable”.

**W**hat’s next? Would a decision by the government to extend Israeli law to all settlements in Judea and Samaria be a “reasonable” decision? How about the opposite decision – to dismantle all settlements? Or a cabinet decision to cut off relations with the United States or to bomb Iran? Which of these decisions would be “reasonable” and which not? The imperious justices will decide, not the electorate – unless something changes.

And it is not just the Supreme Court. The office of the attorney-general and its army of legal commanders in every government ministry have also fallen into the habit of overriding value judgements passed into law by the democratically elected representatives of the Israeli public and of replacing them with their own so-much-finer feelings.

Case in point, regarding terrorists: In 2018, the Knesset passed a law allowing the interior minister to revoke the citizenship or permanent residency status of convicted terrorists, and their social benefits too. But the Attorney-General decided to gut the law of its intent by forcing the interior minister to grant Arab murderers an alternative “temporary resident” status, which gives the terrorists full benefits, such as unemployment insurance, child support, disability insurance, and social security payments when they get out of prison. Of course, this is the exact opposite of what the Knesset intended.

Levin’s level-headed legislation will place limits on such interventionism by judges and attorneys-general. It will allow the Supreme Court to overrule Knesset legislation only when sitting with a full bench and with a large majority of justices. It will dissuade the Court from swatting away legislation with the amorphous argument of “unreasonableness”.

It will appropriately redefine the role of the attorney-general and its many associates as advisors to the govern-

ment, not as judges-juries-and-executioners all rolled into one.

And most importantly, Levin's proposal will give back to Israel's elected representatives majority control of the committee that selects Supreme Court justices, and force open confirmation hearings in the Knesset – just like in the US.

This is not “the end of democracy,” but rather a long-overdue fix to Israeli democracy. It behoves opposition parliamentarians to relate to Levin's proposals with the serious attention they deserve. Instead of climbing up the ramparts with ominous threats and intemperate sloganeering, lawmakers should debate and negotiate the terms of the legal reform. AIR

*David M. Weinberg is a senior fellow at The Kohélet Forum and Habithonistim: Israel's Defence and Security Forum. © Israel Hayom (www.israelhayom.com), reprinted by permission, all rights reserved.*

## YES TO REFORM, BUT NOT THIS ONE

**Yedidia Stern**

**P**ublic attitudes toward the reform proposed by Justice Minister Yariv Levin correspond to political affiliation. A large majority of right-wing, ultra-Orthodox, and religious Israelis support it, and a large majority of centrist, left-wing, and Arab Israelis oppose it.

Half the nation, drunk with political power, wants to wield it to the fullest extent.

The other half, anxious and depressed, opposes any change and sees it not just as the end of democracy, but as a slippery slope that threatens the very existence of the state.

In fact, however, the relationship between politics and law is not a matter of belonging to political camps or

taking sides in the Israeli culture war. The positions being heard today are the result of Israel's current constellation – a right-wing and religious majority in the Knesset, and a liberal majority in the Supreme Court – but this is a momentary reality that may change, if not tomorrow, then later. We must not base our constitutional regime on a short-term feasibility analysis, on shifting sands.

The task of striking the proper balance between the government authorities – the legislative and executive branches on the one hand, and the judicial branch on the other – ought to be discussed in a serious way, i.e., “behind a veil of ignorance.” There, behind the veil, we don't know who holds a majority in the Knesset or the ideological and cultural orientations of the Supreme Court justices. Only there can we conduct a careful and impartial examination of benefits and risks to the public for each of the specific proposals included in the reform package.

The reform aims to achieve two overarching goals: one is to change the genetic code of the judiciary by politicising it – and this must be firmly and unequivocally opposed; the other is to modify the powers of the Israeli courts – and here there is room for a professional discussion that could result in altering the existing situation.

### POLITICISATION OF THE JUDICIAL SYSTEM

The intended reform seeks to politicise the system on several levels: changing the composition of the Judicial Selection Committee, with a majority accorded to politicians; holding hearings for Supreme Court nominees in the Knesset's Constitution, Law and Justice Committee, and making ministry legal advisers fiduciaries of the ministers. These proposals are extremely dangerous because they undermine the legal system's independence, essentially decapitating it, thus stripping it of its ability to function for the common good.

Israel is a “state of all its minorities.” No Israeli is guaranteed long-term status as part of the majority group. We are all threatened minorities: women, gays and lesbians, Arabs, ultra-Orthodox, settlers, the disadvantaged, the



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wealthy, and others. We all need an independent court to protect us when the majority abuses us on the basis of interests or ideology.

But if the judicial system is politicised, the system itself will become a political actor. If the appointment of judges depends on “flavour of the day” politics, it will be impossible to trust the Court to stand up for us in times of need, against the will of the majority.

There is no need to touch the Judicial Selection Committee’s composition. Then Likud lawmaker Gideon Sa’ar already introduced the necessary amendments in 2008

– the requirement that a majority of seven of the nine committee members is required to make appointments to the Supreme Court – and

later Justice Minister Ayelet Shaked already made use of it in appointing hundreds of conservative judges across the judicial system, including several Supreme Court justices.

The veto power granted to “law” and to “politics” in the present committee configuration ensures that it will see to a balanced composition of the Court, and that is what has been happening in recent years.

Those who want to ensure that the executive branch will exercise its authority according to the law, for the benefit of the public, must institute a legal advisory system that will not submit to the dictates of those in power – the ministers. The “client” of a legal adviser in a government office is not the appointed minister, but the entire public.

In this way they differ from a private citizen’s legal adviser, who must act in the interest of the individual who hired their services. Legal advisers who know they serve at the pleasure of the minister, to “just let them govern” to put it euphemistically, are problematic.

But aside from the requirement to fully preserve the legal system’s independence from politicisation, one must be open to new ideas regarding the proper set of powers granted to it.

## POWERS OF THE COURTS

The courts exercise judicial review of the reasonableness of executive action through a series of grounds: weighing extraneous considerations, exceeding authority, improper procedure, and discrimination, among others. Over the past generation, yet another ground for judicial review has emerged: “extreme unreasonableness.” This is what the court case over the appointment of Minister Deri was about.

Although the law did not prohibit the appointment, the Court examined whether, under the circumstances of the case – repeat convictions, a promise that he would not return to public life, and more – the decision to hand Deri a ministerial portfolio is so misguided in the eyes of a “reasonable person” that it must be annulled.

Opposition to the extreme unreasonableness criterion stems from its ambiguity, and because, as noted by the retired chief justice Asher Grunis, the Court does not have greater expertise than any citizen in determining what is reasonable and what is not. Such opposition is supported, in various ways, by many past justices. There appears to be room for professional debate on this question, focused on better defining the criterion itself and determining the scope of its applicability. The extreme positions – all or nothing – are not justified.

The reform item most widely discussed is the override clause. Who will have the last word on disputed questions – the Knesset or the Supreme Court? It has been proposed that the Knesset

be able to reinstate laws invalidated by the Court with a 61-member majority. This proposal amounts to a complete loss of protection for the rights of citizens and minorities in Israel. The outcry against it is justified.

But even here there is a range of options, such as granting the Knesset override authority only with a larger majority (70, say, or a majority that includes MKs from the opposition), or denying the Knesset override authority if the invalidity of a law was agreed upon by a significant court majority (say eight of the 11 justices).

Another idea that merits serious consideration is the application of the override clause in a qualified manner, depending on the issue. For example, issues whose focus is the character of the Israeli public sphere ought to be decided by the Knesset, as they are essentially political. By contrast, issues that centre around human and minority rights would not be subject to override, as in these cases the Knesset majority is the threat that must be defended against.

Israel has no constitution and no basic law to regulate the relationship between the political and the legal. It would be a tragic mistake for these sensitive professional issues to be decided on the basis of a momentary political dispute between a right-wing government and the other half of the nation.

Those who oppose the reform as a whole and demonise the change seekers are wrong. Those who support the reform as a whole out of a sense that one had better “rush to the spoils” are also wrong.

Enough with the automatic fortification around the status quo, and enough with the voices calling for revolution. In Israel’s 75th year, the state must adopt a basic law that will serve Israelis when the veil of ignorance has been lifted.

AIR

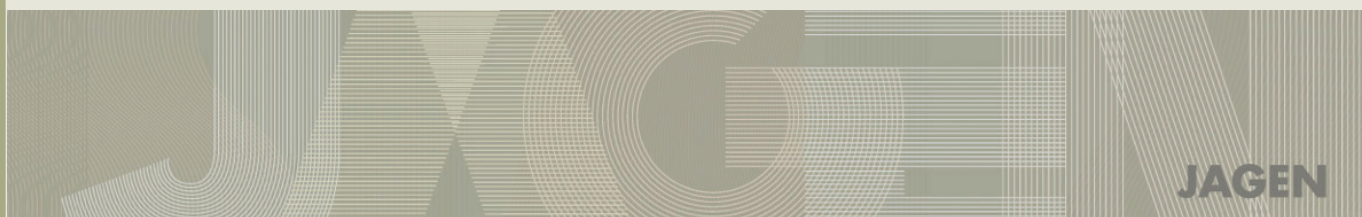
*Yedidia Stern is President of the Jewish People Policy Institute and professor emeritus in the Faculty of Law at Bar-Ilan University. © Jerusalem Post (jpost.com), reprinted by permission, all rights reserved.*





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# Matters of Security

## The challenges of the new Israeli Government

Jacob Nagel

**T**he State of Israel is not required by law to adopt a national security strategy. But the need for such a document has often been raised, and several efforts have been made to write one.

In October 1953, then Prime Minister David Ben-Gurion presented a long disquisition on Israel's security needs to the Cabinet, which he wrote alone – it was not coordinated with the security agencies nor adopted by the Security Cabinet.

In 2018, Prime Minister Binyamin Netanyahu wrote a draft of a national security strategy, with the help of a small circle from the National Security Staff, his military attaché, and personal assistant. Although parts of this document are classified, declassified elements have been approved for publication. Netanyahu started to implement some of his strategy before leaving office in June 2021; now he will be fully empowered to implement this vision, or at least parts of it, bearing in mind the important changes introduced since it was first written.

With Netanyahu's return to office, he faces challenges with which he is intimately familiar, although some have taken new forms during his 18-month absence from the role of prime minister.

### ISRAEL'S MAIN CHALLENGES

The three main issues on the Prime Minister's agenda will be Iran (mainly the nuclear project but also its development of precision-guided weapons and its support for Hezbollah, Hamas, and Palestinian Islamic Jihad); broadening the scope of the Abraham Accords and adding Saudi Arabia; and dealing with several internal social problems and economic challenges.

On the external security front, second only to Iran's nuclear program, is this threat of precision-guided weapons primarily from Hezbollah in the north. Third in the hierarchy of threats is the possibility of trouble in the south and east, due to the potential deterioration of security in the areas controlled by the Palestinian Authority in the West Bank and by Hamas in Gaza.

### IRAN

Israel would be happy to see a comprehensive agreement that would fully halt Iran's ability to ever get the bomb, but this is unlikely to happen.

Israel sees the American approach, joined by most European states, as surrendering to Iranian demands rather than penalising it for the ongoing breaches it has committed, and for its aggressive role in supporting terrorists worldwide. The lifting of the sanctions, envisioned as part of the return to the Joint Comprehensive Plan of Action (JCPOA) nuclear deal, would have seen billions of dollars going to Iran, reviving its economy, and sustaining its support for terror. It would send a message to the markets that business with this regime is acceptable and profitable.

The planned Iranian concessions would have verged on the absurd and the ridiculous; with all past transgressions whitewashed, Iran was supposed to put on hold the last stage of its march toward becoming a threshold military nuclear power – with the option, left open under the terms of the proposed deal, to complete it at any point in the future. The Iranian approach was based on four assumptions, some of which may turn out to have been misguided:

1. The US has no intention of acting kinetically against the nuclear project, whatever happens.
2. Israel does perceive the American lack of resolve but is unable to attack the Iranian project's infrastructure on its own.
3. The Iranian economy will withstand all pressures applied against it, over time.
4. There is no real credible threat, American or Israeli, to the regime and to its leaders.

Luckily for Israel and for the entire world, the conclusion of a renewed JCPOA, which was extremely close, did not happen, mainly because of Iranian decisions.

Since then, two new developments have made the prospects for a new agreement even more remote: the Russian–Iranian alignment, with Iranian support for Russia's attacks on civilian targets in Ukraine; and the continued protests and unrest in Iran.

The disturbances in Iran seem to be a war of the granddaughters against their grandfathers. The world, and specifically the US, may have become indifferent to further proof of Iran's blatant nuclear transgressions, but they are not indifferent to the killing of girls and women. When the impact of these images is combined with Iran's support for Russia's killing of women and children in Ukraine (through the supply of attack drones and likely also missiles to Russia), the hypocrisy of the world, above all that of the US, toward the Iranians and their nuclear program may finally come to an end.

Nevertheless, Israel must prepare for a broad and comprehensive campaign against Iran in the next few years. This is what the research and development programs and acquisition efforts of the Israel Defence Forces and the Mossad are most likely being directed to achieve. The new Government must do all it can to ensure that Israel will

not stand alone in such a confrontation, but it must also prepare for this eventuality.

In parallel, Israel can and should persist with the effort to weaken the Iranian regime. This should include active support for the protests, which may be the first serious opportunity, since the fall of the Shah, to bring down the regime. Such activities must include all forms of support for the struggle.



Netanyahu (centre) with Defence Minister Yoav Galant (second from right), other officials, and top IDF brass (Image: GPO/Flickr)

Economically, Israel can fan the distrust of citizens in the economic and banking system, by pointing to official corruption, encouraging withdrawals from the banks, and hastening the ongoing collapse of the rate of the Iranian Rial.

In intelligence terms, Israel can release personal information about the senior Islamic Revolutionary Guard Corps (IRGC) commanders and the Basij (IRGC's militia) operatives who are fighting and killing the protesters, and about anticipated movements of regime forces.

Operationally, Israel can disrupt some of the state-sponsored capacities of key Iranian industries, encouraging walkouts, as well as cyberattacks affecting daily activities.

Even President Biden has been overheard recently saying bluntly that Iran should be “liberated” and that the JCPOA is “dead”.

## SYRIA AND LEBANON

Israel has historically defined three red lines to which it would respond if breached: the transfer of “tie-breaking” weaponry from Iran to Hezbollah via Syria (particularly precision-guided weapons, or the technologies to produce them), the establishment of Iranian permanent bases (including Iranian-backed militias) in Syria, and preparations for the creation of a terror infrastructure on the country's northern border. Despite the intense Israeli activity, which, according to foreign sources (Israel provides no details), has picked up recently, the threat remains real and serious.

Hassan Nasrallah (Hezbollah's leader) will ultimately have to acknowledge that his “precision project” is also

a huge threat to the collapsing state of Lebanon. If the production of precision missiles and the conversion of non-precision ones continues on Lebanese soil – including the expected use of civilian aircraft and of Beirut's international airport to transport the necessary parts from Iran to sustain this industry – Israel will have no choice but to strike and destroy the relevant infrastructure. This scenario could well deteriorate into war and lead to Lebanon's collapse.

Lebanon's condition could also cause Nasrallah to pause before he joins the fray in an Israeli-Iranian confrontation – even though this is the sole purpose for Iran's investment in Hezbollah over the years. But Israel cannot count on that and must prepare for the worst.

## GAZA AND THE WEST BANK

In Gaza, the question is not **whether**, but **when** the next major clash will occur. Hamas and Palestinian Islamic Jihad, largely funded and controlled by Iran, continue their extensive build-up and the construction of underground infrastructure for attack and defence in the future. They have no interest in bringing quiet to the area, which is bound to undermine their rule in Gaza.

The main goal of both the Israeli Government and the military is to do all that is possible to preserve the peace and quiet for the communities living next to the Gaza Strip and to prepare for the next round of battle. This will require tools to deliver a heavy blow to Hamas, its leaders, and its infrastructure, which would reduce Hamas' appetite for the (inevitable) next round of battle for a long period of time.

Israel must also exhaust all possible means (and apparently not everything has been done so far) to bring an end to the sad story of both the two bodies of IDF soldiers and the two living civilians being held by Hamas for years – without surrendering to the terrorists' demands. By doing so, Israel will make a clear message of its moral

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duty toward all IDF soldiers that their country will never abandon them.

*Vis-à-vis* the Palestinian Authority in the West Bank, Israel must prepare for the day after Mahmoud Abbas. Who will replace him is far from certain. Abbas himself, who rarely “missed an opportunity to miss an opportunity,” is neither likely to generate any change nor lead any new

**“In Gaza, the question is not whether, but when the next major clash will occur. Hamas and Palestinian Islamic Jihad, largely funded and controlled by Iran, continue their extensive build-up”**

initiatives. Moreover, it is questionable if he will be replaced by a leader who can bring about the necessary change.

The PA chose to confront Israel by internationalising the conflict and transforming it into international legal procedures in institutions that in practice are dedicated to neither peace nor justice. Israel must exact a price from the PA leadership for choosing this false course of action, while, at the same time, security cooperation must continue as it is beneficial for both sides.

Warnings about a “third intifada” are premature, although the danger is still acute and could materialise. Despite the existence of the PA and the difficulties in the field, Israel enjoys broad freedom of action for enforcing security and neutralising terror. Despite the recent rise in the number of terror attacks and the broadening of its infrastructure, economic interests could prevail, and intelligent conflict management could lead to a “controlled calm”. Mistakes in managing the situation, however, could lead to a deterioration that neither side wants.

AIR

*Jacob Nagel served as Prime Minister Netanyahu’s acting national security advisor from 2015 to 2017. He is currently a fellow at the Foundation for Defense of Democracies and a visiting professor at the Technion. © Jerusalem Strategic Tribune (www.jstribune.com), reprinted by permission, all rights reserved.*

## NETANYAHU’S COALITION AND THE PALESTINIAN ISSUE

David Makovsky

Prime Minister Binyamin Netanyahu launched his sixth term in office on December 29 with a solid 64-seat majority in the 120-member Knesset. Yet managing the new coalition Government may be his greatest challenge since his first premiership in 1996. While Netanyahu insists he has “two hands firmly on the steering wheel,” the far-right Religious Zionist Party (RZP), led by Bezalel Smotrich and Itamar Ben-Gvir, is wielding power like never before. Despite holding just 14 seats compared to the 32 won by Netanyahu’s Likud Party, RZP extracted major concessions in negotiations to form the coalition. Its leverage has only been enhanced by Netanyahu’s legal woes, since the party likely holds the key to extricating him from his ongoing corruption trial.

A key question is whether the Prime Minister can manage RZP’s desired policy shifts on the Palestinian portfolio while pursuing his own imperatives: namely, winning US support for a more confrontational stance toward Iran and easing Washington’s tensions with Saudi Arabia, which could in turn facilitate an Israeli breakthrough with the kingdom.

US officials hint that there are trade-offs between these arenas; if so, both governments will have opportunities to discuss them right away. US National Security Advisor Jake Sullivan visited Israel during January, and US officials suggest that the goal of the trip was to avert misunderstandings on key issues. There are also indications that Netanyahu will dispatch his confidant and newly minted Strategic Affairs Minister Ron Dermer to lay the groundwork for the Prime Minister’s own visit to the White House. Both such trips must be carefully prepared.

### AL-HARAM AL-SHARIF/TEMPLE MOUNT

In one of his first acts after being named Minister of National Security, Ben-Gvir visited this highly sensitive Jerusalem site that is holy to Muslims and Jews alike, reigniting an issue that has long vexed the US. Back in October 2015, Netanyahu publicly committed to Washington and Jordan – the site’s official custodian – that he would uphold the status quo there, declaring, “Israel will continue to enforce its longstanding policy: Muslims pray on the Temple Mount; non-Muslims visit the Temple Mount.”

In theory, Ben-Gvir’s short visit did not alter that commitment; it may just have been a symbolic move stemming from his campaign pledges. Yet many suspect that it could

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herald an escalatory policy at the site, especially given his newly won control over Israeli police forces.

Whatever its intent, Ben-Gvir's move was immediately condemned by Arab governments, with the United Arab Emirates endorsing Jordanian and Palestinian calls for an emergency UN Security Council discussion on the matter. Jordan's condemnation was to be expected given its role as custodian of al-Haram al-Sharif; Amman has long signalled that it links stability inside the kingdom with quiet at the Jerusalem holy site.

Yet Emirati condemnation is significant as well given the country's deepening ties with Israel. Afterward, Abu Dhabi postponed Netanyahu's planned visit to the UAE; officials publicly blamed logistical issues for the delay, but observers have speculated that the decision was spurred by Ben-Gvir's actions.



National Security Minister Itamar Ben-Gvir and Finance Minister Bezalel Smotrich: Both represent parties that ultimately seek to annex the whole West Bank (Image: Amir Cohen/ Alamy Live News)

## WEST BANK ISSUES

RZP wants Netanyahu to annex the entire West Bank, and the party's coalition agreement with Likud uses charged (albeit ambiguous) language on the matter (e.g., "the Jewish people have an exclusive and inalienable right to all parts of the Land of Israel"). For his part, Netanyahu understands that unilateral annexation is unacceptable to the Biden Administration and the international community. This includes Israel's Arab partners in the Abraham Accords – Emirati officials say they signed the 2020 normalisation agreement based primarily on the understanding that it would forestall annexation for at least four years.

**Legalisation of outposts.** The coalition agreement commits to legalise an estimated 70 outposts outside the West Bank security barrier – namely, communities that are prohibited under Israeli law but which the settler movement euphemises as "young settlements". This number does not include the 78 settlements outside the barrier that have been authorised by the cabinet and are home to around 110,000 Israelis.

Many of the outposts lie deep within large Palestinian populated areas, so legalising them would effectively nullify any plan to create a contiguous Palestinian state or otherwise separate Israelis and Palestinians. US President Biden mentioned this risk upon welcoming the formation of Netanyahu's new Government, noting that "the United States will continue to support the two-state solution and to oppose policies that endanger its viability or contradict mutual interests and values." In light of such warnings, Netanyahu may forgo full legalisation and instead seek to connect the outposts to Israel's electricity grid.

The Biden Administration is also keen on discussing the new Government's criteria for expansion of legal settlements. Remarks made on Jan. 4 by State Department spokesman Ned Price suggest that Washington will focus more on outlying settlements adjacent to densely populated Palestinian areas than on "bloc" settlements near the pre-1967 Green Line: "Our call to refrain from unilateral steps certainly includes any decision to create a new settlement, to legalise outposts, or allowing building of any kind deep in the West Bank adjacent to Palestinian communities or on private Palestinian land."

**Homesh.** RZP wants to rebuild the northern West Bank settlement of Homesh, one of four communities demolished under the 2005 Gaza disengagement agreement. Those demolitions helped Israel secure a favourable commitment from the George W. Bush Administration regarding Palestinian refugee issues, so Netanyahu would likely incur serious risk by reneging on that agreement today.

**Palestinian construction in Area C.** Under the West Bank territorial classifications created by the Oslo II Accord in 1995, the Palestinian Authority fully controls Area A and has civil authority in Area B, which together constitute roughly 40% of West Bank land and are home to around 90% of the Palestinian population. The status of the rest of the territory – Area C – is to be determined via negotiations, but it is under full Israeli control in the meantime.

Smotrich aims to influence these determinations sooner rather than later. To do so, he insisted on being given a senior position within the Defence Ministry in addition to becoming the new Finance Minister. Before formally entering politics, he founded the Regavim activist group, which insists that there are 78,000 unauthorised Palestinian structures in Area C. Israeli security officials dispute Regavim's claim, noting that approximately 73,000 of these structures represent spillover from cities and towns in Area B, not separate communities.

Previously, the government has not regarded such urban growth as a strategic threat, focusing instead on the estimated 5,000 structures located along main highways, adjacent to Israeli settlements, or near military firing ranges. Smotrich will press for a more expansive definition of objectionable structures as well as more demolitions.

The coalition agreement also gives him significant con-

trol over the two Israel Defence Forces (IDF) bodies with authority over civil affairs in Area C: the Coordination of Government Activities in the Territories (COGAT) and the Civil Administration. COGAT has long been Israel's global interface for Palestinian civil affairs, including international donations to the PA. IDF control of civil affairs reinforces Israel's argument that its occupation of the West Bank remains temporary and military – a crucial distinction as it fights claims of annexation and apartheid at the International Court of Justice and International Criminal Court.

**Settler violence and police control.** US and European officials have repeatedly expressed concern about the sharp rise in settler violence against Palestinians over the past year – a concern underscored by the increased influence of settlers in the new Government. The IDF has often insisted that it is up to the Israeli police to curb such attacks, which are perpetrated by a small minority of settlers.

Under the coalition agreement, Ben-Gvir will be given authority over the Border Police. In the West Bank, this force is currently under the command of the IDF and carries out many critical functions there, including counterterrorism operations, joint patrols alongside IDF units, and demolition of outposts. Maj. Gen. Yehuda Fuchs, the IDF's West Bank chief, recently tightened the local rules of engagement for all Israeli forces in an effort to reduce Palestinian casualties and lower tensions. Yet Ben-Gvir has made clear that he wants to loosen the Border Police's rules of engagement to allow them to open fire earlier during confrontations.

In response, IDF officials have noted that the Border Police cannot be permitted to operate independently in the West Bank with separate rules of engagement, citing the imperative need to preserve unity of command. If this potential dispute does in fact materialise, the IDF has reportedly indicated it would deploy reservists alongside regular forces rather than the Border Police. Yet this would compel the military to call up additional reserve battalions

in order to make up for the loss of police manpower and maintain operational capacity.

Previously, outgoing IDF Chief of Staff Lt. Gen. Aviv Kochavi won a commitment from Netanyahu not to make changes that affect the military without prior consultation. The general also made clear that the IDF reports only to the defence minister, in accordance with the law.

## CONCLUSION

Many of the policy shifts outlined in Israel's coalition agreement would dramatically alter the Palestinian status quo if implemented.

Accordingly, the Biden Administration has many questions for Netanyahu and will likely aim to get precise answers from him directly, both to avoid bilateral tension and to prevent escalation on the ground. Biden's approach to any disputes with Israel is to resolve them behind closed doors whenever possible – a prefer-

ence that is shared by Israel and based on the two countries' many common interests and values. Yet it is unclear if Netanyahu will agree to detailed understandings with Washington given the political implications of blunting his coalition partners' ambitions, particularly with the opposition ready to pounce on any sign of discord in his Government. Hence, the risk of public clashes with the White House over the Palestinian issue may persist.

AIR

*David Makovsky is the Ziegler Distinguished Fellow at the Washington Institute for Near East Policy, and director of its Koret Project on Arab-Israel Relations. ©Washington Institute (washingtoninstitute.org), reprinted by permission, all rights reserved.*

## THE MISSION OF GEN. HERZL HALEVI

**Foundation for Defense of Democracies**

**M**aj. Gen. Herzi Halevi assumed command of the Israel Defence Forces (IDF) on Monday, Jan. 16, bringing both command experience and an intelligence analyst's caution to a role likely to be tested on multiple fronts against both the regime in Iran and those trying to thrust the IDF into domestic politics.

Halevi, 55, succeeds Lt.-Gen. Aviv Kochavi, who as top general had championed investment in military technologies and a high-lethality operational doctrine meant to win

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Preparing to confront Iran and keeping the IDF out of politics will be key tasks for new IDF Chief of Staff Gen. Herzl Halevi (centre), shown here being sworn in (Image: IGPO/Flickr)

wars in short order.

### Halevi's Background in Special Forces and Intelligence

A former commander of the General Staff Reconnaissance Unit (*Sayeret Matkal*) – Israel's counterpart to the US Army's Delta Force and Britain's Special Air Service – Halevi led the IDF Paratroopers Brigade into the Gaza Strip during Operation Cast Lead of 2008-2009.

He went on to serve as chief of the Military Intelligence Directorate and to head the IDF's Southern Command. Halevi was a proponent of Israel's use of live fire against Hamas-orchestrated Gaza border riots, which he described as a last resort given the impracticality of non-lethal methods in the face of possible armed incursions. Halevi also oversaw Operation Black Belt, which eliminated part of the Palestinian Islamic Jihad leadership in the enclave.

### Insulating the IDF From Domestic Politics

Lanky and laconic, Halevi was born in Jerusalem to a storied religious-nationalist family. He does not wear a skullcap in public – a choice some Israeli commentators see as designed to remove himself, and the conscript forces he now leads, from the synagogue-versus-state debates that are roiling Israeli society.

A graduate of the National Defense University in Washington, Halevi also holds degrees in philosophy and business administration and has described the former discipline as more practical. "Philosophers that spoke about how to balance, how to prioritize principles in a right way ... (t) his is something that I find very helpful," Halevi told *The New York Times* in 2013, when he was a division commander on the Lebanese border.

### Experts Weigh in on Halevi's Key Challenges

"Halevi is ready for a looming showdown with Teheran. He has vast experience in the Iranian arena, battling Iranian proxies like Hezbollah and Palestinian Islamic Jihad, and drafting Israel's strategic forecasts as intelligence

chief. He will need to ensure that the IDF is capable of both delivering a decisive strike to neutralise Iranian nuclear facilities and of countering unprecedented missile barrages from Hezbollah and Hamas – possibly simultaneously. That Halevi has no obvious political leanings and, to judge from public statements, has already earned the trust of Prime Minister Benjamin Netanyahu, suggests that the Israeli chain of command is solid." **Mark Dubowitz, FDD Chief Executive**

"Newly appointed Israeli Defense Minister Yoav Galant recently declared that he would 'ensure outside pressures – political, legal and others – stop with me and do not reach the gates of the IDF.' Halevi must do the same. The IDF chief of staff has always been an apolitical figure in Israel. Halevi understands this well. His neutrality and singular focus on the national defense will be crucial against the backdrop of an increasingly complex political landscape in Israel." **Jonathan Schanzer, FDD Senior Vice President for Research**

AIR

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## 19TH YEAR OF A FOUR-YEAR TERM

### Bassem Eid

The year 2023, another year, an astonishing 19th year, of Mahmoud Abbas' endless four-year presidential term, which began on January 9, 2005. Under his kleptocratic rule, the governance of my native West Bank has devolved into what democracy monitor Freedom House describes as: "no functioning legislature... [the Palestinian Authority (PA)] governs in an authoritarian manner, ... engaging in acts of repression against journalists and activists who present critical views on its rule."

For an idea of intellectual and press freedom under Abbas' reign, consider the Electronic Crimes Law (ECL) issued by Abbas in 2013, "prescribing heavy fines and lengthy prison terms for a range of vaguely defined offenses, including the publication or dissemination of material that is critical of the state, disturbs public order or national unity, or harms family and religious values." How did millions of Palestinians fall under the control of this tyrant – and how can we regain our freedom?

In 1993, the peace-seeking Israeli Government handed governance of the Palestinian residents in Gaza and the West Bank to the Palestinian Liberation Organisation (PLO), a notorious terrorist organisation that was known to be responsible for the murder of Israeli Olympic ath-



Mahmoud Abbas' rule has led not only to oppression and corruption for Palestinians, but also prevented progress toward peace, Eid argues (Image: Shutterstock)

letes and of schoolchildren, and the hijacking of cruise ships and planes.

To those well-meaning but delusional Israelis Yitzhak Rabin and Shimon Peres, who shared the 1994 Nobel Peace Prize with the PLO's terror mastermind Yasser Arafat, may be repeated the rebuke of Winston Churchill to Neville Chamberlain: "You were given the choice between war and dishonour. You chose dishonour, and you will have war."

In 2000 and again in 2001, the Israeli Government made generous permanent peace offers that would have created an independent Palestinian state in Gaza, the West Bank and east Jerusalem. Instead, Arafat opted for war.

For five horrific years, terrorists armed by the major factions of PA society, including the Fatah (meaning "Conquest") faction founded by Arafat, slaughtered more than a thousand Israeli civilians and wounded thousands more in a campaign of suicide bombings. After those bloody years, the world largely breathed a sigh of relief when Arafat slipped this mortal coil and left power in the hands of long-time deputy Mahmoud Abbas, also referred to as Abu Mazen.

**R**elief didn't last long. Although Abbas was elected to a full term which began in 2005, and legislative elections were held in 2006, no further elections for any branch of government have been held since that time. In 2018, Abbas formally dismantled the Palestinian Legislature, and in 2019 he abandoned the PA constitution, replacing it with the constitution of the PLO terrorist organisation, which remains under his complete control. In 2021, he pre-emptively cancelled mooted elections, and in 2022, he adopted a "resolution ordering the PLO's

Executive Committee, which Abbas heads, to restructure the PA's institutions." What's left of the PA's civil rule in the West Bank is an absolute dictatorship under the sole control of the 87-year-old Abbas.

During these long 18-plus years, peace has eluded the region primarily through Abbas' personal obstinance. In 2008, Abbas walked away from a third Israeli peace offer that would have relinquished Israeli control over Jerusalem's Old City, location of the holiest site in the Jewish faith, the Temple Mount. Under his rule, Palestinian public education and news media fully normalised antisemitism, often featuring explicit calls for violence against Jews. Abbas' public statements and speeches place all of the onus for peace on Israel, as

the Anti-Defamation League's Jonathan Greenblatt succinctly wrote: "The Abbas approach should be rejected by the international community, not merely because of its bias against Israel, but also because it recycled the same-old ideas that have pushed Palestinians down the pointless loop of delegitimising Israel rather than the hard climb of reaching compromise."

Over two million Palestinians live under the tyrannical power of Abbas' PA in the West Bank, including me and many of the people I care most about. Abbas is the real occupier of our cities and our homeland, not our future partner Israel, which has consistently had a majority in favour of peace; and not Benjamin Netanyahu, a leader who has explicitly supported the idea of a Palestinian state so long as Israel maintains the necessary security controls.

Abbas has offered us neither democracy nor independence, but we remain a free people. It is time for the Palestinian nation to reach a new agreement with Israel and the international community, abolishing the dictatorial rule of Abbas and the PLO and instead granting our people what we truly deserve: peace with dignity alongside our neighbour, the Jewish State of Israel.

AIR

*Bassem Eid is a Palestinian living in Israel who has had an extensive career as a Palestinian human rights activist. His initial focus was on human rights violations committed by Israeli armed forces, but for many years he has broadened his research to include human rights violations committed by the PA, and the Palestinian armed forces against their own people. He now works as a political analyst for Israeli TV and radio. © Times of Israel ([www.timesofisrael.com](http://www.timesofisrael.com)), reprinted by permission, all rights reserved.*



# SOMETHING VERY AMISS AT MAXWELL HOUSE

Ran Porat

As exposed previously in *AIR*, the Australian website *Gumshoe News* is a one-stop-shop for everything conspiratorial, extremist and antisemitic, including large doses of anti-Israel hatred and Holocaust denial.

US-born Adelaide resident Mary W. Maxwell is one of *Gumshoe News*' most prolific contributors and editors. One of her favourite topics is the Jews, as well as what she calls "Holocaust history revisionism" – she almost obsessively promotes various forms of Holocaust denial. Maxwell has continued her campaign in recent months, publishing long, convoluted and confusing "analyses", incorporating age-old libels about secret Jewish cabals, lies about the Holocaust and conspiracy theories about 'dark forces controlling the world'. Yet bizarrely, she seems to regard herself as being a friend of "the Jews".

## THE JEWISH EVIL CABAL

Her article, "Of What Religions and Ethnicities Are the Cabal Members?" (published in *Gumshoe News* on Oct. 22, 2022) opens a "discussion" about the religion of an alleged evil cabal dominating the globe. Her answer is – unsurprisingly – Jewish.

She starts with a bit of uncertainty: "Maybe you think 'They're Jews.' I often hear accusations against Jews, Freemasons, and 'the Vatican'. There is evidence for all three, plus evidence that some of our rulers don't belong to any of those groups."

But then Maxwell focuses in, citing all sorts of "evidence" about "Jews as world-rulers", mentioning historic figures, including 18th-century Adam Weishaupt, "a Jewish Jesuit in Germany" who founded the Illuminati movement, and claiming that "there was a major Jewish influence in the French Revolution." Maxwell is also adamant that the Jews "indisputably did the 1917 Bolshevik Revolution in Russia."

Maxwell then regurgitates the old anti-Jewish claims that today's Jews are actually not really Jews, but are instead "unrelated to the Semites of the Middle East. Jews born in Europe are likely to be the descendants of an ethnic group, the Khazars, who lived in the area now known as Ukraine."

The US President, US Congress and the two leading American parties (Republican and Democratic) are all controlled by Israel and the Jews, Maxwell asserts:

"It's at least conceivable that both RNC [Republican

National Committee] and DNC [Democratic National Committee] answer to ... [Israeli PM] Bibi Netanyahu. He says that they do! ... As for President Biden, I think I [sic] we can deduce that he is in some way answering to a Jewish boss, insofar as he is putting socialism into practice."

Biden is applying an up-to-date version of the "Russian revolution", she says, adding, "Does this mean Jews are in charge? Maybe."

Moving on to another popular conspiracy about "a new world order" where the global population will be reduced in a "genocide", Maxwell again ties it all to the Jews and to Israel in a segment dripping with crude irony and innuendo:

*"While the Netanyahus of this world (the [former Israeli PMs] Ariel Sharons, the Menachim Begins, etc) sometimes talk of Greater Israel, I do not think there is any such plan. Surely there's no plan afoot to scoop up the Jewish people and save them whilst genociding the Gentiles. Surely the monsters at the top do not have a fatherly love for their special people."*

The proof Maxwell brings to support her Jewish-evil world government nexus fable is none other than the fabrication at the root of much of the 20th-century's worst antisemitism, the *Protocols of the Elders of Zion*.

What if all the people of the cabal, muses Maxwell, "turned out to be Jewish? I would say they are not Jewish. Even if they claim they are." Generalising on what it really means to be Jewish – a typical antisemitic line of argument – Maxwell "disagrees" that "the projected behaviour of the cabal is 'quintessentially Jewish'". Nonsense. It's plain old nasty human stuff. Is geo-engineering Jew-like? I don't think so. Is total surveillance Jew-like?? Nope.

Is trying to weaken the minds of children a Jewish habit? Absolutely not, the opposite is true. But trying to take control is standard human stuff."

Believe it or not, Maxwell seems to be saying a Jewish cabal is likely behind a global conspiracy to take over the world and kill off most of its inhabitants – but she's not be-



US-born, Adelaide-based writer, editor and conspiracy theorist Mary W. Maxwell (Image: Twitter)



[www.noahsjuice.com.au](http://www.noahsjuice.com.au)

[www.facebook.com/NoahsCreativeJuices](https://www.facebook.com/NoahsCreativeJuices)





ing antisemitic because they are not doing it because they are Jewish!

## “NO GASSINGS IN AUSCHWITZ”

Two days later, Maxwell was at it again. On Oct. 24, 2022 *Gumshoe News* ran her “Maybe it’s not the Jews”, which opens by reminding readers of the conspiracy theory, repeated many times on *Gumshoe News* in various forms, of “Israel as the boss of the 9-11 disaster.”

The article again engages in a confused “debate” about whether the “top boss” of the evil world government is Jewish or not. After extensively quoting segments from the writings of notorious Holocaust denier Paul Eisen, Maxwell states: “Who knows, maybe all manner of horrible things in the world are happening at the command of Big Bro Jew, not Big Bro Gentile.” Maxwell also refers to the 2002 case where her “pal”, Holocaust denier Fredrick Toben, was found guilty by the court of publishing racially offensive and anti-Jewish material on the Adelaide Institute website – after he was taken to the Human Rights Commission by AIJAC’s very own Jeremy Jones. Lamenting the fact that Toben was punished for claiming “there were no gassings at Auschwitz,” she complains that “meanwhile in Germany, tons of people have been judicially punished for questioning the bona fides of the Holocaust.” The paragraph finishes with Maxwell’s own blatant Holocaust denial: “By the way, there were no gassings at Auschwitz.”

## KILLING ANYONE WITH “A JEWISH NAME” TO “SOLVE COVID”?

Another Maxwell “masterpiece”, titled “Jews, ‘the Jews,’ Jewry, etc.”, was published on *Gumshoe News* a few months previously, on March 22, 2022.

Maxwell opens by insisting that she is “a supporter of Jews (as I am frequently criticized for).” But then she repeats her by-now infamous antisemitic-flavoured stories about Jews being behind major events in recent history, as “proven” by well-known antisemitic fables. For example, she insists, “the bolshie[vik] revolution had crucial Jewish backers on Wall St – Warburg, for starters. And yes, his bro, Warburg in Germany, provided Lenin’s trek into Russia ... And yes, the USSR of 1932 starved the Ukrainian people, probably under some kind of Jewish power-influence. And yes the ‘Protocols’ [of the Elders of Zion] of 1897 appear to have been what they say they are – the re-

cord of a meeting of the Learned Elders of Zion in 1897,” and finally, “thanks to research by historical revisionists, it’s now beyond dispute that the main planners of Bolshevism were Jews.”

Maxwell then sarcastically asks allegedly rhetorical questions. “But so what [if Jews are behind all these historical events]? Where do you go with that? Would you like to kill every person with a Jewish name today? Would that solve the problem of, say, Covid?”

Maxwell’s “defence” of Jews also crudely mixes antisemitic tropes of Jewish world domination and anti-Israel hatred: “If, today, you assume you’ve worked out all the bad things that are happening, and that they are plotted in a room in Israel (or in UK or US, by Jewish plotters) you are wrong. We don’t know the identity of the individuals at the very top, so we don’t know if they are Jews. But we do know they are not ‘the Jews’.”

Maxwell also again calls on governments to scrap laws protecting against Holocaust denial: “Will this [change] include rubbishing the laws that punish ‘holocaust deniers’ and ‘holocaust minimizers’ (i.e., fewer than 6 million died)? Sure, why not”. She finishes the paragraph by thanking Holocaust deniers Ernst Zundel, Fredrick Tobin, Robert Faurisson and “others for enduring jail” to promote the despicable views she shares with them.

Maxwell apparently sincerely believes that she is a friend of “the Jews” – even as she spreads the most blatantly antisemitic claims and Holocaust denial – because she does not believe that **all** Jews are behind her fantastic conspiracy theories, only some of them, and therefore thinks that genocide of all Jews is not the solution.

Of course, with “friends” like Maxwell, Jews don’t need enemies. And there is certainly room to ask if, like her late friend Fredrick Toben, Ms Maxwell’s incitement does not deserve some scrutiny under Commonwealth and South Australian racial hatred laws.

AIR

*Dr Ran Porat is an AIJAC Research Associate. He is also a Research Associate at the Australian Centre for Jewish Civilisation at Monash University and a Research Fellow at the International Institute for Counter-Terrorism at the Reichman University in Herzliya.*

## THE ANZACS IN HEBREW

Judy Maynard

Many Australians are aware of a century-old connection between their country and the land that was to become Israel, a link forged by the courageous exploits of the ANZACs in the Palestine Campaign during World War I.

Especially enduring in the national psyche is the daring mounted infantry charge by the men of the 4th and 12th Light Horse Regiments on October 31, 1917. Bayonets in hand, rifles slung over their backs, they charged at the Ottoman trenches, into gunfire, riding onwards to take the town of Beersheba. This was the breakthrough needed to end a stalemate in southern Palestine and enable the Allied advance. Jerusalem was captured six weeks later.

But it is unclear how much most Israelis know about this slice of shared history.

This knowledge gap was something expat Aussie Geoff Toister sought to fill, after coming across the book *Australia in Palestine*, a 1919 anthology of mostly contemporary observations by soldiers in the field. Published as a kind of souvenir of the war, the original English version can be downloaded for free from the Project Gutenberg website.

Toister, a retired teacher, archivist and lexicographer who now lives in Tel Aviv, set about translating the work into Hebrew for the benefit of Israelis and Hebrew-speakers everywhere, including those residing in Australia.

The book holds a particular appeal for Toister due to his family's own Australia-Israel nexus, also 100 years old. His father Joe was born in Tzfat in 1915, and recalled receiving chocolates from slouch-hatted Australian soldiers passing through the town in 1918.

In the 1930s, Joe's father Avraham, who had also been born in Tzfat, spent time on a cattle station in Western Australia's Kimberley region, before returning to British Mandate Palestine, leaving another son, Sam, in Perth. Tragically, Avraham was murdered in the 1938 Arab riots, after which Joe left Palestine for Australia to join his brother Sam. Sam would go on to serve in the Australian Army during World War II.

Containing a preface by Lieutenant-General (later General) Sir Harry Chauvel, Commander of the Desert Mounted Corps, the volume includes succinct battle reports by co-editor HS Gullett. Gullett enjoyed a distinguished career as a war correspondent, a contributor to the official history of Australia's involvement in the First World War, and a federal cabinet minister.

There is, however, a great deal more, and it is the soldiers' personal reminiscences that Toister regards as the most interesting part of the book: their living conditions, the food, their officers, their longing for Australia, their horses. The fact that their gallant horses, the Walers (short

for New South Walers), had to be left behind in the Middle East for quarantine and economic reasons makes these contributions poignant reading.

For example, in one of several poems in the anthology, "The Horses Stay Behind", "Trooper Bluegum" contemplates the fate, and possible ill treatment of "my broken-hearted waler with a wooden plough behind." The last stanza reads:

*No; I think I'd better shoot him and tell a little lie:—*

*"He floundered in a wombat hole and then lay down to die."*

*May be I'll get court-martialled; but I'm damned if I'm inclined*

*To go back to Australia and leave my horse behind."*

Amongst other inclusions in the collection are a reverie by Gullett's co-editor Charles Barrett on the wild flowers of Palestine, in particular the red poppy – "our flower of War, and in the tranquil days of Peace ... our flower of

Memory" – and tales of encounters with the locals:

*"[T]here were occasional brief seasons of rest, and the happiest of these were spent in the neighbourhood of the Jewish orchard settlements... But as the Regiments made ready for the road that morning it was pretty to see Jewish families visiting their favourite officers and men in the bustling camp, and wishing them God-speed with a sincerity and a touch of distress quite unmistakable. And all ranks rode to that bitter fight the stronger and*

*better for those Jewish good wishes."*

It was not, however, the mere presence of an Australian fighting force in what was then Palestine that was to create the lasting connections.

The Battle of Beersheba took place on the same day the Balfour Declaration was adopted by the British cabinet. The Declaration, signed two days later, expressed support for "the establishment in Palestine of a national home for the Jewish people."

In his speech in Beersheba at the centenary commemoration of the battle, then Australian Prime Minister Malcolm Turnbull told the gathering, "They spurred their horses through that fire, those mad Australians, through that fire, and took the town of Beersheba, secured the victory that did not create the State of Israel but enabled its creation. Had the Ottoman rule in Palestine and Syria not been overthrown by the Australians and the New Zealanders, the Balfour Declaration would have been empty words. But this was a step for the creation of Israel."

To purchase a copy of Geoff Toister's Hebrew translation of *Australia in Palestine*, go to [www.netbook.co.il/](http://www.netbook.co.il/)



The ANZACs in Palestine with their famous, and much-loved, "Waler" horses (Image: Wikipedia)



# THE BIBLIO FILE

## Master class

### The Arc of a Covenant: The United States and Israel and the Fate of the Jewish People

Walter Russell Mead

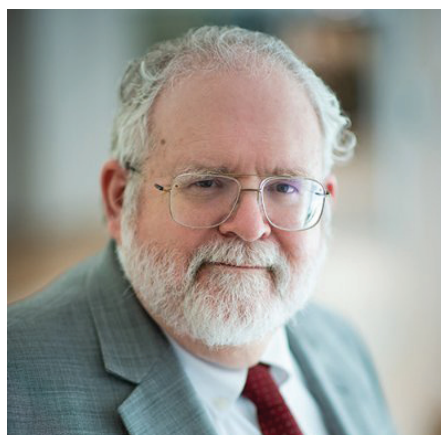
Alfred A. Knopf, New York, 2022, 654 pp., A\$59.99.

Paul Monk

Walter Russell Mead, now 70 years of age, is James Clarke Chace Professor of Foreign Affairs and Humanities at Bard College and Ravenel B. Curry III Distinguished Fellow at the Hudson Institute. It should be remarked, in passing, that both of those are remarkable institutions. Mead's presence on their faculties is evidence of his stature.

The Hudson Institute, based in Washington, D.C., was founded in 1961 in Croton-on-Hudson, New York, by futurist, military strategist and systems theorist Herman Kahn and his colleagues at the RAND Corporation. Bard College was founded a century before that and is a residential liberal arts college. Its President, since 1975, has been the remarkable Leon Botstein, a Swiss-American conductor, educator and scholar.

Walter Russell Mead belongs in such company. He has devoted his career to the close study of the Anglo-American world order, rather as Aaron Friedberg has done, and the scholarship he has produced makes him an authoritative figure, always worth reading. This present book is no exception. Taking on a famously challenging problem, he has delivered a master class in both historiography and geopolitical judgement. We are all in his debt.



Walter Russell Mead: James Clarke Chace Professor of Foreign Affairs and Humanities at Bard College

This is a large book, and not only because Mead takes us back well into the past to find the roots of American enthusiasm for Israel. It is also because he lingers over the great dramatic episodes in the history of American relations with the Jewish people, Zionism and the state of Israel in order to show that widespread assumptions or assertions about that history are, again and again, factually and inferentially mistaken.

The book has 21 chapters and is not divided by its author or publisher into other sub-divisions, but broadly speaking, it has three sub-divisions. Chapters 1 to 8 cover the prehistory of Israel and of American geopolitical strategy with regard to both the Jews and the Middle East. Chapters 9 to

13 cover the Truman and Eisenhower presidencies, the formation of the state of Israel and its early relations with Washington. Chapters 14 to 21 cover the decades from JFK to Trump and explain the logic of American engagement with Israel as it deepened.

There are several powerful themes in Mead's writing which warrant close attention – if only those who dwell on these matters could be persuaded to sit down and absorb his book in detail. The first is that, though it was founded as a republic at the height of the Enlightenment, America has a deeply Biblical culture which has long inclined millions of Protestant Americans to view the idea of a state of Israel as the fulfilment of Bible prophecies and, therefore, as a vindication of Protestant faith itself.

The second is that America, as a land of immigrants – not least since the mass immigration from Europe of 1880 to 1924, which brought millions of Jews from Eastern Europe to the United States – has been experienced by its Jewish citizens as a kind of Promised Land in itself. One consequence of this is that American Jews have tended to “liberal” politics and to misgivings about the Zionist project as such, both in the early 20th century and more recently.

A third is that Israel did not grow strong because of American backing, but rather acquired American backing, chiefly after 1967, because it had grown strong. This was accentuated by the Yom Kippur War, in October 1973, which Henry Kissinger used to outflank the Soviet Union in the Middle East and strengthen the hand of the United States at the very point when Washington was withdrawing in disarray from Vietnam.

A fourth is that American policy regarding Israel was not shaped by either an American Jewish lobby or by Israeli lobbying, but by the geopolitical culture and domestic politics of the United States. Mead's dissection





of this issue is of great importance and fascination.

A fifth issue is that, until the Johnson-Reed Act of 1924 restricted immigration to the United States (not of Jews as such but more generally), the overwhelming preference of Jews escaping from persecution in Europe was to go to the United States (or elsewhere in the Americas), rather than to the severely depleted and impoverished land of Palestine.

That land was then very far – under Ottoman suzerainty (until 1917) – from being a land of milk and honey.

As the rise of Nazism made the situation of Jews in Europe more and more dangerous, the opinion took hold in the United States that the British had had a good idea with the Balfour Declaration, voicing support for the creation of a “national home” for the Jews in Palestine. The Jews, like every ethnic people, it was thought, have a right not simply to asylum, but to a state of their own. What better place for such a state than Palestine?

The common opinion was that, since the Arabs were getting 97% of the former Ottoman Empire, what objection could there be to the Jews getting ‘a little sliver’ of it for themselves? The Arabs of Palestine were not seen as a distinct people, but as a sub-set of the mass of Arabs in the Middle East and North Africa.

And Palestine was not exactly a choice piece of real estate. For one thing, it had no oil. And it was access to oil that was the predominant priority of policy elites in both London and Washington DC in the 1920s and 1930s.

**B**ut this is where Mead’s nuanced analysis becomes especially interesting. He shows that those policy



Harry Truman and Chaim Weizmann: Truman’s role was critical to the story of Israel’s birth, but his motivations were complex (Image: Truman Library)

elites were very far from being under the sway of the Zionists, while wealthy Jews in both Britain and America tended, for the most part, to oppose Zionism, not promote it. Had the matter been left to them,

**“Israel did not grow strong because of American backing, but rather acquired American backing, chiefly after 1967, because it had grown strong”**

the Balfour Declaration (and its American counterparts, the Blackstone Memorial of 1891 and its corollary, the Lodge Resolution of 1922) would never have resulted in support for the creation of the state of Israel.

In this regard, the central chapters of the book, on the presidency of Harry Truman, are crucial. It was, of course, Truman, in 1948, who gave Israel recognition and shepherded that recognition through the United Nations. But the politics behind that were, as Mead shows, highly complex. George Marshall, as Secretary of State, was horrified by the move and would have resigned had he not believed that that would be unprincipled. Mead is well worth reading for these critical chapters alone.

Not their least telling point is that, even granted UN recognition, Israel would very possibly have been snuffed out at its birth by the Arab armies, had it not been for Stalin making it possible for the infant state to buy large quantities of arms and ammunition in the nick of time from the Czech Skoda works, under Soviet control. These turned the tide of the

war – rather as Soviet arms for the Chinese communists were turning the tide of the Chinese civil war at the same time.

But the beauties of Mead’s work are by no means confined to the pre-Truman and Truman years. His analysis of the close alignment between the United States and Israel since the Six Day War is brilliant. And he constantly demonstrates a capacity to understand multiple different, conflicting points of

view.

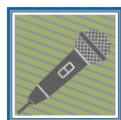
If there is an overarching theme to his book, it is that the Protestant spirit of the United States has tended, again and again, to lead its statesmen and citizens into believing that their country has a providential role to play in history – an opinion not always endorsed by the professional diplomats and soldiers – and that this has, in the case of the Middle East, again and again led to serious miscalculations.

He is nowhere more scathing of this idealistic tendency than in his description of Barack Obama’s attempt to foster the “Arab Spring” – believing, as he charmingly expresses it, in the existence of ‘magical dancing democracy unicorns,’ only to collide with a brutal and intractable reality.

Yet his critique of the self-described “realists” is just as biting. As Mead argues cogently, if their pivotal assumption, that states are utility-maximising rational actors, were true, then US behaviour towards Israel and the Middle East would be close to inexplicable. That such an assumption should hold, he points out, is no more than an ideological pipedream. The world is messier than that. Reading Mead on this is rather like reading Thucydides.

AIR

*Paul Monk is a former senior intelligence analyst, the author of 11 books and a Fellow of the Institute for Law and Strategy (London and New York). Walter Russell Mead will be visiting Australia in February 2023 as a guest of AIJAC.*



# INTERVIEW

## Encountering the 'Imam of Peace

The struggle of Hassen Chalghoumi

Jewish News Syndicate

**B**orn in Tunisia in 1972, Hassen Chalghoumi received his undergraduate degree from a university in Damascus before studying theology in Pakistan.

The father of five children, he arrived in 1996 in France, where he became the imam of the Drancy Mosque in the northeastern suburbs of Paris. He has served as President of the Conference of Imams in France for almost 20 years, during which time he developed close ties with the Jewish community.

Chalghoumi's work has in some circles earned him the moniker "Imam of the Jews," in others as the "Imam of Peace".

His mission: To bring people closer together in order to fight antisemitism and also Islamism, more specifically political Islam.

JNS sat down with Chalghoumi during his recent visit to Israel.

**JNS: What brought you here?**

A: In 2004-2005, I often had encounters with the members of the Jewish community and also went to Holocaust memorials since I am the imam of Drancy, a city known for its relationship to the Shoah. I have friends who spoke to me about Israel but initially I said, we are French Muslims, you are French Jews, it's unnecessary to speak about Israel

because we are neither Palestinians nor Israelis.

I had this tendency to avoid speaking about politics or international affairs and instead focus on France. But whenever I attended events that were related to the Shoah and getting closer to the Jewish community, and in relation to the [Conseil Représentatif des Institutions Juives de France, the umbrella group representing Jews in France], I was brought back to Israel and the Palestinians and Gaza.

In 2009, I made the decision to come to Israel, to get to know the Israeli population and the geopolitical situation first-hand.

**Do you believe that additional Arab and Islamic countries will make peace with Israel?**

Years ago, nobody believed that Arab countries would do so. And I would like to recognise four people, the first being Sheikh Mohamed bin Zayed, the President of the United Arab Emirates, a courageous man who deserves respect. He helped bring the UAE into the modern world and he made history. Second is the

King of Bahrain, I know him very well, I have great relations with him, Hamad bin Isa Al Khalifa. Also, the King of Morocco, His Majesty Mohammed VI. Finally, Vice President of Sudan Mohamed Hamdan Dagalo.

They had the courage to forge peace with Israel.

You know, the population is changing, we have hope in the Arab and Muslim worlds as it pertains to Israel. Previously, this was impossible because of all the lies by Islamists and extremists and antisemites, this defamation and this racism against Israel and against the Israeli population.

And also the ignorance and the Arab media for 60 years, the Arab nationalism manipulated the spirits of the Arab world. Today, spirits are free and see the truth for themselves. Today there are synagogues in Dubai, Abu Dhabi, Bahrain, Morocco and soon in other places. I believe that this year, God willing, and by the

**"My message is clear: There is a need to find all necessary ways to get rid of extreme lectures which have nothing to do with the general teachings of Islam – of tolerance, openness and respect"**

way during my visit to the Knesset, we talked with ministers who are close to [Prime Minister Binyamin] Netanyahu on the importance of continuing this dream, so that the Abraham Accords extend everywhere in the world.

I hope this year there will be peace with Saudi Arabia, Oman, better relations with Sudan, better relations with

Tunisia, with Morocco, with Libya and more countries who will join the way of peace. With Lebanon, there are agreements of economic peace, it's a first step towards political, social and cultural peace.

**What is your view on radical Islam?**

It's a poison, it's the cancer of Islam. It's a sickness to fight. Some can be healed but others unfortunately we need to fight using the law and also a firm hand. My message is that Israelis and non-Muslims should not confuse



Hassen Chalghoumi at a commemoration of the “Charlie Hebdo” terrorist attacks (Image: Shutterstock)

Islamism with the majority of Muslims who are silent. We saw this in France, where there is an increase in support for the extreme right-wing party, racism reaching new heights but also the extreme left party, they are allied with Islamists, they believe that Islamists are Muslims, and for the right-wing party every Muslim is an Islamist.

My message is clear: There is a need to find all necessary ways to get rid of extreme lectures which have nothing to do with the general teachings of Islam – of tolerance, openness and respect.

Also, loving the peoples of the Book, the children of Isaac, the children of Ismael, the children of David, of Suleiman, we need to have this love and closeness by creating a dialogue, breaking the stereotypes. Our practices are a bit different but the reality is that we have the same prophets and the same God.

#### **What is your relationship with the Jewish community in France and beyond?**

I am the imam of Drancy, the imam of the city of Shoah, and a man of faith and religion and a humanist, I am a witness, in between my house and the mosque of Drancy, every day I pass by the memorial of the Shoah.

I am a witness to the hatred that was, how humanity lost its soul. From

Drancy, [the French police and the Nazis] deported almost 90% of the men, women, children. Why were they deported, why were they killed? Because they were Jews. They belonged to a community and a religion which is mine too in a way, a mono-theistic religion.

This duty of remembrance makes my relationship with the Jewish community very special. It's a duty to testify and it's a duty to fight against forgetting, because if we forget the Shoah, it means that history will repeat itself. Genocide took place and still does, so we have to be careful.

The duty of remembrance is what makes my relationship with the Jewish community so strong in France and all over the world. Also, if we look at Islam and its practices, most practices are extremely close to Judaism. My relationship with Jews in France, in Europe and in the United States, in Tunisia also, it's a fraternal relationship, and my relationship now with Israel and Israeli society will allow me to talk and to influence others.

#### **What would you say to Muslims who may have preconceived notions about Jews and Israel?**


The Koran is the message, it talks about reaching out to others, speaking with tolerance, openness and respect

to the family of the peoples of the Book, and especially the children of Isaac, the children of the descendants of Israel, Moshe. I cannot be a real Muslim believer and at the same time an antisemite who hates the Jewish community, it means betraying a great deal of my faith.

It's essential to reach out to others and have a dialogue. We can have positions on Israeli politics that differ, it's a freedom which exists even within Israel.

When I was at the Knesset, there were Arab deputies who criticised the politics of Netanyahu, some were for, some were against. That's freedom, but we don't have the right to be antisemites, we do not have the right to hate an entire population, we do not have the right to desire to destroy an entire state. Almost seven or eight million Jews, that's forbidden in Islam, that's a crime against humanity.

The key here is dialogue, and come see for yourself, come and visit Israel. Every time I bring young people and imams, even at the Knesset you have a prayer room, a small mosque, I prayed there. This is a country of apartheid and racism? I'm sorry, it's not.

I was in Akko, I was at al-Aqsa Mosque, all this shows you how much freedom there is in Israel. Sure, there are difficulties for Palestinians, there are difficulties with their neighbours, but this is solved through dialogue and not through hate, not through terrorism and not through people who do not believe in respect for human life. 

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# NOTED AND QUOTED

## THE MONTH IN MEDIA

### A UNIFORM RESPONSE?

NSW Premier Dominic Perrottet's admission that he wore a Nazi costume to his 21st birthday party 20 years ago was greeted with a mix of shock, dismay and forgiveness by members of the Jewish community.

AIJAC's Jeremy Jones was interviewed by *Sky News* and *Radio 2GB*. On *ABC Radio National* "Breakfast" (Jan. 13), he suggested Australians take the opportunity to consider the persistence of antisemitism, asking, "What can go so wrong that there can be people who think it's somehow normal to make fun of genocide? How is it normal that people can accept crazy, anti-Jewish conspiracy theories? How is it that people can live in many cities amongst people who've survived terrible abuses of human rights, yet not be conscious that they have a responsibility just as a moral human being to do something about it?"

On News Corp's website (Jan. 13), AIJAC's Colin Rubenstein wrote, "no one is accusing Perrottet of having acted out of racist motives, and we welcome and give him full credit for his heartfelt apology. However, the fact that a clearly intelligent young man made such an appalling choice, attempting to be seen as entertaining by trivialising what is widely and rightly regarded as the depth of human evil and atrocity, is still highly disappointing."

An earlier op-ed on antisemitism by Dr Rubenstein in the *Australian* (Dec. 19) had argued that recent high-profile episodes of antisemitism show that "the oldest hatred... simply never left," while "today those who harbour anti-Semitic beliefs are becoming much less inhibited in shamelessly expressing and acting on them."

On *ABC NewsRadio* (Jan. 13),

former NSW Jewish Board of Deputies CEO Vic Alhadeff said, "we do teach about the Holocaust, but obviously the quality and effectiveness... need[s] to be revisited... survey after survey... has uncovered the fact that an inordinate number of people have never heard of the Holocaust."

Later that day, independent NSW state candidate Karen Freyer, whose father is a Holocaust survivor, counselled on *ABC NewsRadio*, "we've got to... remember that Perrottet has... apologised... it's a reminder of how important it is that we fight antisemitism."

### POLITICAL FALL OUT

The response by the political class to the controversy was more varied.

NSW Labor Opposition leader Chris Minns' response, "It was obviously a big mistake that he made at that time. I think it's important to acknowledge that he's apologised for it," garnered plaudits for his restraint.

In contrast to Minns, on Jan. 17 the media reported former NSW Premier Bob Carr's aggressive comments on social media, including, "I learnt Nazis were genocidal racists through history at a state high school... With a private school and heaps of privilege how did young Perrottet miss out? Verdict: he is now unelectable."

The *Daily Telegraph* (Jan. 13) reported that Perrottet was called a hypocrite for having previously criticised Labor MP Julia Finn and former NSW Legislative Councillor Shaoquett Moselmane for addressing a pro-Palestinian rally in 2017 festooned with posters smearing Israel as Nazi Germany.

The paper's columnist Joe Hildebrand suggested the next day the test for these things is "was there malice

on the part of the... perpetrator?"

The most bizarre report appeared on the 6pm bulletin of *Nine News* Sydney (Jan. 13) which decided in its wisdom to ask Jews for Jesus to comment on Perrottet's admission.

### THE "I'S" HAVE IT

In the *Spectator Australia* (Jan. 7), academic and former UN official Ramesh Thakur, who has a long history of harsh criticism of Israel, spruiked the benefits of closer ties between the Jewish state and India.

Thakur insisted that "[t]here is no history of hostility towards or attacks on Jewish communities living in India," and "India and Israel share the predicament and policy dilemmas of facing the threat of serial terror attacks planned, organised and launched from neighbouring territories."

Yet, despite these overlaps, "India did not establish full ambassadorial relations until 1992," Thakur explained, which was "rooted in pre-independence sympathy for the Arabs by the Congress Party, a perception of Israel as a settlement imposed upon Palestinians by outgoing colonial powers, the many Arab votes at the UN against the solitary Israeli vote, an attempt to undercut Arab support to Pakistan, and deference to the sentiments of the sizeable minority of Indian Muslims."

Remarkably, given Thakur's past withering criticism directed at Israel during its 2014 war with Hamas, he said that "after the 2008 Mumbai attacks, India persisted in condemning 'the ongoing incursion into Gaza by Israeli ground and other forces' to take military action against Hamas. Discreet silence might have better served its long-term interests."



## MURKY CLAIMS

The *Mercury* (Dec. 4) reported on a special ceremony held by Israel's Ambassador to Australia Amir Maimon in Canberra to honour former Tasmanian Liberal Senator Eric Abetz's decades of "courageous and unwavering advocacy for the values... shared by our two countries."

On Dec. 22, the paper ran a crude and factually-challenged article by Palestinian Tasmanian-based academic and activist Dr Adel Yousif, who attacked Abetz for supporting Israel which he said is guilty of "ongoing ethnic cleansing of Palestinians" – a false claim which is easily refuted by the demographic realities on the ground.

Yousif's claim that the Palestinian national cause is analogous to "the fight of the indigenous people of South Africa against apartheid" is a baseless trope used to delegitimise Israel's right to exist by claiming Jews are really settler colonialists, not a people indigenous to the area.

## CLEARING THE AIR

In response, the *Mercury* ran AI-JAC's Jamie Hyams' letter (Dec. 28) which said, "It is appropriate that Adel Yousif's vitriolic hate-filled propaganda piece was titled 'Struggle between justice and violence'... because whenever the Palestinians have been offered what most would regard as

justice, they have chosen violence... they have responded to the many Israeli peace initiatives, including offers of statehood, with outright refusal at best, and often terrorism. The measures Yousif mischaracterises as racist, such as the security barrier and permits, are to keep suicide bombers out of Israel."

A letter by Abetz run in the paper on Jan. 2 said Yousif's article was an example of "the relentless repetition of anti-Israel propaganda quoting other anti-Israel propagandists," adding that, "until the Palestinian Authority is willing to [accept Israel's right to exist], peace talks are doomed to fail."



## OUT OF IN PARLIAMENT

Prime Minister **Anthony Albanese** (ALP, Grayndler) Chanukah message – Dec. 15 – "The festival of Chanukah is a powerful story about the strength of the Jewish faith and the heroism of the few over the many. The Jewish people have celebrated Chanukah for more than 2,100 years. This year we will again join you in celebrating this triumph over religious persecution and the power of hope in even the darkest times. At a time of resurgent antisemitism around the world, the story of Chanukah becomes more important. It is an opportunity for us to redouble our efforts to reject and denounce antisemitism while we embrace your rightful place in the fabric of our multicultural society... As we light the Chanukah menorah this year, I reiterate that I will continue to work to ensure Australia is always a place where you can proudly practice your faith and where Jewish communities are respected for your connectedness and devotion."

Opposition Leader **Peter Dutton** (Lib., Dickson) Chanukah message – Dec. 18 – "On behalf of the Coalition, I wish Australia's 100,000-strong Jewish community a very Happy Chanukah... Today, as we regrettably witness a resurgence of antisemitism, the historical origins of Chanukah are a reminder that we must stand up for our democratic liberties, particularly freedom of religious association and freedom of speech. Conversely, our silence will be a signal to the intolerant that their intolerance is tolerated. I thank the Jewish Australian community for your contributions to our nation this year in so many fields of endeavour. I wish you and your families a Happy Chanukah."

Foreign Minister Senator **Penny Wong** (ALP, SA) Media release announcing the appointment of Dr Ralph King as Australia's new Ambassador to Israel – Dec. 20 – "Relations between

Australia and Israel are close and longstanding... The modern-day relationship is sustained by a history of strong personal connections and by the large and vibrant Jewish community in Australia. Our practical cooperation, including in the fields of security, defence and cyber, continues to deepen. The economic relationship similarly continues to grow, with particular focus on innovation and technology. Next year marks the 75th anniversary of the creation of the State of Israel, and Australia and Israel will celebrate 75 years of bilateral relations in 2024. Dr King is a senior career officer with the Department of Foreign Affairs and Trade. He has previously served overseas as Head of Mission in Riyadh, Cairo and Kuwait and as Deputy Head of Mission in Hanoi. I thank outgoing Ambassador Paul Griffiths for his contributions to advancing Australia's interests in Israel since 2020."

Greens Foreign Affairs Spokesperson Senator **Jordon Steele-John** (Greens, WA) Twitter – Jan. 16 – "The Australian Government must implement harsher sanctions, they must designate the #IRGC [Iran's Islamic Revolutionary Guard Corps] as a terrorist organisation, and they must be louder against Iran's death sentences."

Shadow Assistant Minister for Foreign Affairs Senator **Claire Chandler** (Lib., Tas.) quoted in the *Australian* – Jan. 12 – "Other nations have been forthright in acknowledging this threat and open with the public about IRGC actions targeting their citizens. Australia's government has not, and that should change. Officials in the UK and EU are moving towards proscribing the IRGC as a terrorist organisation and the Australian government should be taking the same path."

Dr **Monique Ryan** (Ind., Kooyong) Twitter – Jan. 10 – "It's heartbreaking that young people exercising their right to freedom of expression are being beaten, tortured and killed by the Iranian regime. We need to declare the IRGC a terrorist organisation and expel family members of the IRGC from Australia."



## TAKI CHRISTMAS MESSAGE

*Spectator Australia* contributor Taki's pre-Christmas column (Dec. 10) included a new entry in his long record of questionable comments about Jews, the Holocaust and Israel.

Taki – the pen name of Panagiotis Theodoracopoulos – lamented the West's loss of faith in Christianity, asking, "Has mankind seen a worse century than the 20th?" and cited WWI and WWII.

Taki indulged in some outrageous moral relativism, saying, "Add to that Israel's treatment of the Palestinians and appropriation of their lands, and that greatest of crimes, committed against the Jews by the Nazis."

In 1998, Taki was widely condemned for saying Jews "traffic... in the Holocaust" and their "constant harping on about the Germans seems to be motivated by profit."

## CHRISTMAS CRACKER

In *Nine Newspapers* (Dec. 26), former Liberal Senator George Brandis warned that Christians in 144 countries, including especially in North Africa and the Middle East, face persecution. However, Brandis noted that "the one Middle East country in which Christians are still safe is Israel, the region's only liberal democracy."

The *Canberra Times* (Dec. 26) reported that for the first time since the COVID lockdowns ended, thousands of Christian tourists visited Bethlehem to celebrate Christmas. The article ended by stating that "present-day reality was visible at Manger Square as banners showing photos of Palestinian prisoner Nasser Abu Hamid were prominently displayed. The veteran prisoner died of cancer last week in an Israeli prison clinic after spending 20 years behind bars for his conviction in the deaths of seven Israelis."

## OBIT FOR A TERRORIST

An obituary in the *Australian* (Jan.

7) by Alan Howe stated that Hamid "was convicted of murdering seven people and of attempting to murder 12 others. It is believed he killed many more."

Hamid, Howe wrote, was "a leading member of the Aqsa Martyrs Brigades, a group listed by Australia's attorney-general 20 years ago as a terrorist organisation. The Brigades run rampant in the Palestinian territories, threatening journalists, killing 'collaborators' and sometimes politicians, and planning attacks on Israel, including some of the deadliest: a bomb at a bar mitzvah gathering in 2002 that killed 12; the Tel Aviv bus station massacre the following year that claimed 25; and three attacks the year after that claimed 33 lives."

## FRENCH CONNECTION

Media reporting of Israel's expulsion to France of convicted Palestinian terrorist Salah Hamouri was a mixed bag.

The *Guardian Australia* (Dec. 19) seemed to downplay the seriousness of Hamouri's record, headlining its report "Israel deports Palestinian-French human rights lawyer Salah Hamouri." Noting that Israel accused Hamouri of ongoing membership of the Popular Front for the Liberation of Palestine, which "is classified by Israel and its western allies as a terror group," the report obliquely said, "he was previously detained by Israel between 2005 and 2011 after being accused of attempting to assassinate Sephardi rabbi Ovadia Yosef" and released in 2011 as part of a prisoner exchange.

By contrast, *SBS TV* "News in Arabic" and the ABC website (Dec. 19) accurately noted that Hamouri was "convicted", not detained.

The *Canberra Times*' report the next day was headlined "Israel deports Palestinian activist", and said, "the expulsion... underscores the fragile status of Palestinians in Israeli-annexed east Jerusalem, where most hold revo-

cable residency rights but are not Israeli citizens," which is a mixture of hyperbole and factual error. As other reports noted, 340,000 Palestinians have residency in the city, almost never lose that status if they remain residents of the city and are entitled to apply for Israeli citizenship if they wish.

*SBS TV* "World News" (Dec. 19) was uncharacteristically one sided. Its report made Hamouri appear unjustly victimised by omitting details, including his conviction and imprisonment.

## A RARE SIGHT

Also on Dec. 19, *SBS TV* "World News" shone a rare light on discontent in Gaza towards Hamas, whose leadership was accused of causing eight young Palestinians who fled to seek a better life in Europe to tragically drown.

*SBS* reporter Felicity Davey said, "grieving families [are] also voicing rare public criticism of Hamas," and included one Palestinian saying, "what do we see in Gaza? We only see oppression. There is nothing in Gaza but oppression. They are suffocating young people, so they flee because... they are being suffocated."

*Nine Newspapers* led with the story on their world pages the next day. The report noted, "residents are usually quick to blame Israel for the difficult conditions. But increasingly, families have begun to complain about Hamas' leadership, citing the high taxes, its heavy-handed rule and a growing stream of leaders, including its supreme leader Ismail Haniyeh, who have moved abroad to more comfortable places with their families."

Albeit only on its website, on Jan. 6 the ABC also ran a lengthy *AP* story focusing on Palestinian anger in Gaza at the roll call of senior Hamas officials who now live comfortable lives elsewhere.

## NO JOY

Normal transmission resumed at the ABC one day later, as Middle East correspondent Tom Joyner's report on *ABC TV News24* (Jan. 7) repeated accusations that Israel has blocked requests to let shipments into Gaza "for eight different kinds of x-ray machine and spare parts... needed to care for thousands of patients."

Joyner reported Israeli fears "Hamas fighters will use medical equipment for military purposes" and said Egypt and Israel have blockaded Gaza for the past 15 years.

But then he nonsensically added, "meaning Israel has had control over not only what goods and supplies can get into Gaza, but also who can come and go."

In fact, Egypt and Gaza share a border totally independent of Israel through which people and goods can pass – but apparently ABC viewers don't need to know that.

## A LAWYER UNTO HIMSELF

Tom Joyner made a series of dubious legal claims in his Jan. 2 report on *ABC TV* "The World" on the UN General Assembly vote to ask the International Court of Justice for a ruling on the legality of Israel's occupation of the West Bank.

Joyner called Israel's occupation of the West Bank "the longest running in modern history," which is questionable.

He said the UN motion "passed 87 to 26, with more than 50 countries abstaining and much of the West opposing it, including the UK, US and Australia."

"Those settlements", Joyner said, "are widely seen as a violation of international law... a central part of [new Israeli PM Binyamin Netanyahu's] election platform was expanding Israeli settlements inside the West Bank, which is Palestinian territory... in a video address, Mr. Netanyahu made the false claim that the land belonged to Israel."

Given the UN has asked the ICJ for a ruling on the legality of Israel's occupation, it seems Joyner asserted his own opinion as fact.

In the *Daily Telegraph* (Jan. 11), AIJAC's Justin Amler exposed the UN General Assembly's unrelenting anti-Israel bias, writing, "Since 2015, there have been 140 resolutions passed condemning Israel, compared to just 68 for the rest of the world combined. In the past year alone, [it] condemned Israel 15 times, compared to 13 resolutions for the other 191 UN member states – including such human rights exemplars as Russia, China, Myanmar, North Korea and Syria."

## ON ACTIVIST DUTY IN HEBRON

BBC correspondent Tom Bateman's report on *SBS TV* "World News" (Dec. 23) ostensibly showing how settlers in Hebron are making life intolerable for Palestinians was a textbook example of journalists regurgitating propaganda from Palestinian sources to create stories.

Bateman interviewed Yasser Abu Markhiya, who claimed he and his family are frequently intimidated by settlers, when right on cue, one arrived outside the house. Bateman said the settler told the family to leave and appeared to kick out at Markhiya.

Palestinian activist Badee Dwaik appeared and said on camera that Israeli soldiers protect the settlers, a point Bateman repeated.

But viewers never learned why the settler came to the house, suggesting that someone tipped him off that activists and a BBC film crew were present.

The report also failed to explain that the vast majority of Hebron is controlled by the Palestinian Authority and that settlers are restricted to a small section of the city – which is precisely where activists bring compliant journalists to propagandise.

## FOUL PLAY

In the *Daily Telegraph* (Dec. 21), AIJAC's Judy Maynard detailed Qatar's underhanded tactics in the recent FIFA World Cup to encourage hostility towards Israel, a country it refuses to recognise.

Maynard said Qatar cracked down on political displays for most causes but "symbols associated with the Palestinian cause [were] allowed to feature prominently... Qatari state-owned anti-Israel media organisation Al Jazeera even celebrated the platform that Qatar 2022 provided the Palestinians 'to make their flag prominent.'"

Maynard said, "disturbingly, it has been alleged that Qatar has been providing Iran with the names of Israelis visiting the country for the tournament."

## AT THE CORPS

In the *Australian* (Jan. 11), AIJAC's Oved Lobel warned that Britain and Germany are poised to proscribe Iran's Islamic Revolutionary Guard Corps (IRGC) as a terrorist organisation and Australia should "begin laying the [legal] groundwork to follow suit." He detailed the IRGC's international reach, saying the "IRGC directly and indirectly, via Hezbollah, has demonstrable links to Australia."

On the *Australian* website (Jan. 10), US-based foreign policy expert Walter Russell Mead suggested 15 years of US Administrations signalling a wish to withdraw from the Middle East has empowered "regional actors [to] feel free to make more decisions that Washington dislikes."

"The price" to regain influence, he said, is what it has been for the past 15 years. A resolute and effective US policy to disrupt Iran's ability to threaten its Arab neighbours... combined with measures to ensure that Israel and its friends can, if all else fails, take military action to block Tehran's nuclear program."

Allon Lee

## VIEWS FROM THE MOUNT

Even though far-right Israeli minister Itamar Ben-Gvir complied with decades-old provisions permitting non-Muslims to visit but not pray at the Temple Mount when he visited on Jan. 3, too many reports failed to accurately cover some of the basics.

Ahead of Ben-Gvir's visit, AIJAC's Tzvi Fleischer presciently wrote in the *Australian* (Dec. 24) that Israeli PM Binyamin Netanyahu's new coalition partners, such as Ben-Gvir, could "test his political skills to the fullest."

*Sky News Australia's* Jan. 4 coverage included an onscreen graphic incorrectly stating "Ultra nationalist visits mosque." The newsreader's introduction only noted that the site is "sacred to Muslims" without noting its holiness to Jews. However, footage was shown of Ben-Gvir describing the Mount as "the most important place for the people of Israel," and adding "it is open to everybody – Muslims come up here, Christians and yes, also Jews. In the Government I'm a member of, there won't be racist discrimination... We make it clear to Hamas. We don't give in to terror."

On *SBS TV* "News in Arabic" (Jan. 4) the newsreader incorrectly claimed Ben-Gvir visited the "mosque" but correctly noted Netanyahu's promise of no change to the status quo.

*SBS TV* "World News" (Jan. 4) included Palestinian Prime Minister Mohammed Shtayyeh saying Ben-Gvir "stormed" the mosque which "constituted a serious challenge to the feelings of the Palestinian people," and calling for Palestinians to "confront" such "incursions" which "aim to make Al-Aqsa Mosque a Jewish temple."

A report on *SBS's* website (Jan. 4) accurately noted that "mainstream rabbinical authorities" oppose Jews visiting the site and that Israel's Sephardic Chief Rabbi had written to Ben-Gvir to protest his actions.

A one-sided report in the *West Australian* (Jan. 4) said Ben-Gvir "visited one of Islam's holiest sites" but failed to note it is actually Judaism's holiest site.

The article quoted Palestinian officials calling the visit an "unprecedented provocation", which is ridiculous given Ben-Gvir complied with the status quo arrangements and many Israeli ministers have visited the Mount before. The report also quoted the Palestinian Foreign Ministry claiming Ben-Gvir "storm[ed]... Al-Aqsa mosque" – which

never happened.

A balanced report of the visit which included Netanyahu's commitment to preserve the status quo ran as a lead item in *Nine Newspapers' world section* on Jan. 5 – yet it carried the extremely misleading headline "Anger over minister's mosque visit."

ABC Middle East correspondent Tom Joyner also felt no need to point out in his report on *ABC TV* "News at Noon" (Jan. 6) that the Temple Mount is the holiest site for Jews. Instead, Joyner said that "[Ben-Gvir's] visit to a Jerusalem holy site for Muslims this week has drawn intense condemnation."

The ABC editorial department defended Joyner's decision to omit this basic fact in the report by saying its holiness to Jews "has been reported many times by the ABC" and the "information was not material to an understanding of this story."

An earlier ABC website report (Jan. 4) included most of the pertinent information, including Netanyahu's commitment to preserve the status quo. The story said Jordan had "summoned the Israeli ambassador and said the visit had violated international law," but didn't explain how this could be so.

Noting that Saudi Arabia and the UAE had both said Ben-Gvir had "stormed" the site, the story appropriately qualified these wild claims by pointing out "there is no indication that [he] approached the mosque." It also said that since Ben-Gvir took office he has "spoken in a more non-committal way" about ending the ban on Jewish prayer at the site.

The *Australian's* report on Jan. 5 noted that, after the visit, Hamas had fired a rocket at Israel which fell within Gaza, and quoted Hezbollah chief Hassan Nasrallah in Lebanon calling the visit an "attack" which could "blow up the entire region."

On Dec. 31, the *West Australian* ran an extract from the *Jerusalem Post* explaining Jordan's relationship to the Temple Mount, noting that "Amman sees itself as a guarantor of the Holy Sites of the Dome of the Rock and Al-Aqsa." The report noted that Jordan is home to "a big number of Palestinians and it is concerned that any conflict in the West Bank has the potential to spill over into its own borders. This means the warning is not just about Israel, it is also about Jordan."



# THE LAST WORD

Jeremy Jones

## A GRIM ANNIVERSARY

December 23, 2022, marked forty years since the day on which bombs were detonated at the Israeli Consulate offices in William Street, East Sydney, and at the Hakoah Club near Bondi Beach.

It is a date I will never forget, given that my original plans for the day would have placed me in close proximity to both attacks.

The Israeli Vice-Consul was a friend, and we would meet weekly to discuss politics, the media and other mutual interests.

A rare change to my schedule, the result of an invitation to give a lecture to a youth group, meant I was not standing by the door of the Consulate at the time the bomb exploded.

That evening, I had been due to go to the Hakoah Club, in my capacity as the organiser of one of the events in the 50th Maccabi Carnival, which was scheduled to start in Sydney a few days later.

The Consulate bombing was a preoccupation which stopped me being in the Hakoah Club when the explosion there took place.

Fortunately, a combination of incompetence by the terrorists and good fortune meant that there were limited injuries or property damage, but it was clear that the intention was to cause death and destruction.

Hundreds of competitors and many friends, families and fans were arriving in Sydney for the Maccabi Carnival. The already-comprehensive security needed to be further upgraded, but the Carnival was able to go ahead.

Meanwhile, this December, around the time of the Sydney bombings anniversary, I was visiting sites of two deadly terrorist attacks in Buenos Aires, a multicultural city with a highly visible, vibrant Jewish community.

On March 17, 1992 a bomb set at the Israel Embassy resulted in the deaths of 29 people, including Israeli Embassy personnel, local Embassy employees, elderly residents of a nearby nursing home and schoolchildren on a passing bus.

As the Israeli MFA puts it, "In one moment, the embassy and the nearby church were literally wiped off the map.

Hezbollah, calling itself a 'party of God', claimed responsibility for the attack."

On July 18, 1994, a terrorist drove a vehicle packed with hundreds of kilograms of explosives into the Jewish community's AMIA (Asociacion Mutual Israelita Argentina) building. The result was 85 fatalities and hundreds of people injured.

Today, the rebuilt AMIA building has displays and memorials to honour the victims, but to my mind an even more important tribute is that inside the Metropolitan Cathedral of Buenos Aires.

This unique memorial is dedicated to both the victims of the Holocaust and those who perished in the terrorist attacks perpetrated in Buenos Aires against the

Israel Embassy and the AMIA community centre. (Visit <https://en.mercopress.com/2019/07/18/a-unique-monument-pays-tribute-to-the-victims-of-the-amia-bombing>).

However, it is one thing to remember the attacks and to honour the memory of the terrorists' victims, and another to bring perpetrators to justice. No one has yet been brought to justice for either the Sydney or Buenos Aires attacks.

In the immediate aftermath of the Sydney attacks, international and Australian authorities assessed this was likely the work of the PLO or an associated group, while the PLO's representative in Australia, Ali Kazak, told the ABC that the likely perpetrator was "the enemies of the Palestinians, namely, Israel."

That is why the findings handed down on the 40th anniversary of the Sydney bombings by NSW State Coroner Teresa O'Sullivan were so important.

Ms O'Sullivan identified the person with central responsibility as Hussayn Al-Umari, who established and led the May 15 Palestinian terrorist group, while noting the group was assisted by "one or more local supporters."

This finding came not long after the State Government increased the reward for information leading to convictions relating to the two bombings to \$1 million and made clear this was an open investigation and not a "cold case".

We must remain hopeful that the perpetrators of the Sydney, and Buenos Aires, attacks will yet face consequences for their barbarism.



A monument in Buenos Aires to the infamous AMIA bombing of 1994 (Image: Twitter)



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