

## Events...

**Sunday, February 23, 7:00pm**

**Dr. Ron Schleifer** of Bar Ilan University will speak on "Palestinian Propaganda vs. Israeli Hasbara" at Shaarei Shomayim

**Monday, March 10, 8:00pm**

**Raanan Gissin**, Senior Advisor to PM Ariel Sharon, will be speaking at BAYT for Laniado Hospital. Tickets \$18.

## Quote of the Week...

"Despite our president's best efforts to avoid conflict, I fear that only war will lead to the end of Saddam Hussein's weapons of mass destruction and to the beginning of a free Iraq. Action against Saddam Hussein is likely to be accompanied by a wave of terror against Israel. And the aftermath of the conflict is likely to be accompanied by a new round of European discussions about how Israel needs to make concessions for peace. During this period, the U.S.-Israel alliance will be tested. And we need to be certain that the Europeans and others understand that America will never abandon our ally and friend. Fortunately, we have a president who will leave no doubt.

"On June 18, 1940, Winston Churchill rose before the House of Commons and said the following: 'Hitler knows that he will have to break us in this Island or lose the war. If we can stand up to him, all Europe may be free and the life of the world may move forward into broad, sunlit uplands. But if we fail, then the whole world, including the United States, including all that we have known and cared for, will sink into the abyss of a new Dark Age made more sinister, and perhaps more protracted, by the lights of perverted science.'

"My friends, the fanatics know that to defeat Israel would be to strike a crippling blow against the whole free world. In this way, the Israel of our day and the Great Britain of 1940 are remarkably similar. In the weeks and months ahead, let us rededicate ourselves to our common mission, the defense of freedom. And let us pray, as Abraham Lincoln did, that we receive that Divine Assistance without which we cannot hope to succeed, but with which success is certain." - From an address delivered by Representative Tom DeLay (R-Texas) to the Republican Jewish Coalition in Boca Raton, Florida, on the evening of Feb. 1 (Jewish Press February 18)

## Commentary...

**Play it Again, Zbig** By David Frum

In Washington, few things are quite so powerful as an idea whose time has passed.

On this morning's *Wall Street Journal* editorial page, former National Security Advisers Brent Scowcroft and Zbigniew Brzezinski jointly publish a call to - guess what? - renew the so-called Palestinian-Israeli peace process by "articulating" a vision of a final settlement between the Jewish state and its would-be destroyers.

They propose:

1. The Palestinians would get a state on all the land occupied by Israel in the June 1967 war.
2. The Palestinians would get shared sovereignty over Jerusalem. Brzezinski and Scowcroft express hope that the city would remain physically undivided "insofar as possible."
3. Palestinian refugees would receive international assistance, which the authors call a matter of "justice." (Jewish refugees from Arab lands, long since resettled

## ISRAEL NEWS

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in Israel at Israeli expense, would of course receive nothing.)

4. Palestinians would get some international guarantees for their security and their claim over non-Jewish holy sites.

5. Palestinians would get an immediate cessation of all Israeli settlement activity in the 1967 lands.

And what would Israel get in return?

Only this: a promise by the Palestinians to make a "100% effort:"

to halt terrorism. Note however that the Israeli concessions must proceed *regardless of whether the Palestinians honor their promise to halt terror*. No, I'm not making this up. Listen: "[T]he U.S. and its partners ... must insist on an unconditional cessation of Israeli settlement expansion (including so-called natural growth) that is independent of actions required of Palestinians."

And Brzezinski and Scowcroft make it very plain that they themselves do not seriously expect the promise to be honored. "As the president declared, the Palestinian people deserve leadership and institutions not tainted by terrorism and corruption. It is a goal the U.S. should continue to encourage vigorously, *yet without conditioning the peace process on the replacement of a particular individual.*" (Italics added.) In other words, Arafat can stay - with all that implies for future Palestinian deceit and violence.

There are three obvious questions about the Brzezinski-Scowcroft plan for unilateral Israeli concessions.

Question 1: Why should the Israelis accept such a proposal?

This is a deal that offers them *nothing* - it doesn't even pretend to offer them anything. The former National Security Advisers do not explicitly answer this question, but their repeated use of the word "insist" hints at their unspoken meaning: Israel would accept because it would be compelled to accept.

Question 2: Why would the Palestinians accept such a proposal?

This is a trickier question than it seems. Israel's Arab neighbors have been offered something for nothing deals repeatedly over the past half century. (In 1954, for example, the U.S. and Britain offered Egypt much of the southern half of pre-1967 Israel in exchange for a peace agreement.) These offers have been repeatedly refused, because from the Arab and Palestinian point of view, "something for nothing" is not good enough - they want *everything* for nothing. The Scowcroft-Brzezinski proposal essentially recapitulates the pair of deals the Palestinians were offered by Bill Clinton in 2000. Some Palestinians now repent of that rejection. But there's no apparent reason to believe that the internal political forces that led to the rejection have altered over the past three years - and, tellingly, Brzezinski and Scowcroft do not indicate any non-apparent reason either. In fact, they do not even address the question.

And what's even more baffling is that the one external event that might conceivably soften Palestinian rejectionism - the destruction of the Saddam Hussein regime in Iraq - is something that Scowcroft and Brzezinski both *oppose*. The two of them remind me of the economist in that joke about the three academics marooned on a desert island with boxes of canned food: Their answer to the most difficult problem they face seems to be - "assume we have a can opener."

Question 3: Why should the U.S. bother?

Over the years from 1993 to 2001, the Clinton administration invested enormous effort and prestige in the attempt to broker the creation of a Palestinian state along exactly the lines Brzezinski and Scowcroft favor. What did it get in exchange? An ever-deteriorating situation in Iraq and an intensification of al Qaida terrorism. In fact, Clinton seems to have shunned action against Iraq and al Qaida precisely because he feared that military action against America's Arab enemies would distract the U.S. from the supreme imperative of creating an Arafatistan.

If any U.S. policy can be pronounced a definitive failure, this Clinton "Palestine first" policy can be so pronounced. Yet Brzezinski and Scowcroft demand that we give it one last try. Why? Here their answer is at last forthright - and yet weirdly limp.

"Arab countries and much of the Muslim world, as well as most European countries, see a direct link between their ability to be more

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forthcoming in supporting U.S. goals in Iraq and our commitment to working for a fair [i.e., completely one-sided] settlement of the Israeli-Palestinian conflict."

So: Brzezinski and Scowcroft are advocating that the U.S. embark on another probably doomed attempt to midwife a Palestinian state in order to win European, Arab, and Muslim support for an Iraq policy that Brzezinski and Scowcroft oppose. That's illogical enough. But what elevates the illogic to almost postmodern levels is that the U.S. is in fact already *winning* the Arab and European support that Brzezinski and Scowcroft say it cannot win. Meanwhile, the countries that continue to oppose U.S. policy in Iraq - like France and Russia - do not even bother to cite the Palestinian issue as an excuse.

I'm beginning to wonder whether for a certain type of foreign-policy expert, the "Middle East peace process" isn't becoming a Pavlovian response: Ring the bell and they start demanding an Arafatistan. They themselves no longer remember why they do it. And they certainly cannot explain why anybody else should follow them. (National Review Feb 13)

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### **New Face to the Diaspora** By Isi Leibler

*As Diaspora affairs minister, Sharansky will need to reestablish Israel as central to the Jewish people.*

Supporters of Yisrael B'Aliya are undoubtedly bitterly disappointed at their unexpected poll debacle. But many more will applaud the appointment of Natan Sharansky as incoming minister for Diaspora Affairs. Indeed one political party's loss may be the Jewish people's gain.

Two existential challenges face the Jewish people at this time. One is the more than 50-year struggle of the State of Israel to fully consummate its legitimacy in the family of nations and defend its physical security. The other is the spiritual and cultural survival of Jews in the Diaspora.

Veteran Jewish organizations like the Jewish Agency and the World Zionist Organization, as well as other international bodies such as the World Jewish Congress, have failed in their efforts to deal with this central issue of Israel-Diaspora relations.

But perhaps the greatest culprits of all have been successive Israeli governments, whose appalling neglect in this area has proven almost catastrophic. Israel has, in fact, helped create a situation where - unlike in the past, when we could rely on support from the Diaspora in bad times as well as in good - today nothing can be taken for granted.

No single person can turn this situation around. But if anyone can have a major impact, it is Sharansky. He has the combined qualities of history, charisma, knowledge, integrity and Jewish values to qualify him as the ideal leader to forge what we hope can be a new chapter in the Israel-Diaspora relationship.

The task is momentous, and the first challenge must be to focus the Israeli government on reinforcing every trend that strengthens the identity of the Jewish people abroad.

Sharansky must take into account the negative impact of generational changes over the past decade. Today for many younger Jews, the Holocaust and the struggle to create a Jewish state are dim memories. And, despite the re-emergence of anti-Semitism, assimilation and intermarriage continue to make alarming demographic inroads.

In fact, with the breakdown of the racial, ethnic and religious barriers, opposition to intermarriage in most liberal societies now smacks of racism. In such an environment, in the absence of religious commitment, even a strong Jewish education no longer represents a guarantee against intermarriage.

Diaspora Jews are simply being absorbed into their host communities like water to a sponge.

It is a cruel irony that this assimilationist process has been strengthened by Israel itself through the export of post-Zionism, particularly in the wake of the Oslo Accords.

In effect, a tiny, self-hating fringe of academia, representing a minuscule proportion of Israeli society, has succeeded in having an inordinate influence on the attitudes of Diaspora Jewish liberals. Using vehicles like the English Internet edition of the daily newspaper Ha'aretz, they have bombarded Diaspora Jews with articles challenging the very foundations of Zionism, even suggesting that the Jewish state was born in sin.

There is nobody better equipped, morally or ideologically, than Sharansky to confront these issues head-on and propagate the justice of our cause to a new generation of Jews.

He will need the strong cooperation of the Foreign Ministry to help undo the damage incurred by the promoters of Oslo. Ten years ago they used the organs of the Foreign Ministry to inform Diaspora Jewry that their services for promoting Israel were no longer required, insisting that for a country on the verge of peace, public relations and activism were superfluous, even counterproductive.

Sharansky will also need the support of the foreign minister to ensure that the low caliber of many current Israeli diplomats be upgraded.

In contrast to the past, when the high standing of Israeli representatives was renowned, in recent years diplomats have been selected on the basis of jobs for the boys or mechanical seniority, rather than capability.

Many ambassadors have also tended to downplay their traditional liaison roles with Jewish communities, paving the way for the "free for all" in which some activists discovered it was now respectable for them to publicly criticize Israel even in relation to policy issues relating to security - matters of life and death to Israelis.

With this backdrop it is hardly surprising that the Diaspora is currently in disarray, with many Jewish communities leaderless and in a state of crisis. This has been clearly reflected in the Diaspora's response to the intifada.

Jewish critics are sometimes even leading the pack against Israel, and many Jewish university students facing violent onslaughts have become highly apologetic in relation to Israel, especially in Europe. And, needless to say, fewer Jews are visiting Israel.

Another item high on Sharansky's agenda will be the impact of anti-Semitism, which is more intense today than at any other period since the Holocaust and has exacerbated the negative trends in the Diaspora. The vicious media portrayals of Israelis as child murderers and bloodthirsty, "Nazi-like" tyrants have even led to Jews distancing themselves from Israel, some even finding it socially advantageous to identify with the anti-Zionist chic.

A number of European Jewish activists have gone so far as to insist that distinctions should be made between the battle against anti-Semitism and support for Israel. The suggestion that "we don't want to import the problems of the Middle East into our communities" is being heard frequently.

These trends will undoubtedly accelerate as a consequence of the deepening rift between the US and the dominant European powers over disarming Saddam Hussein. The Europeans already downplay Palestinian terror and consider Israel entirely culpable for the conflict. They blame Israel and American Jewry for encouraging and even inflaming the Bush Administration against the Iraqis, the United Nations and now Europe itself.

In such a scenario it is virtually assured that anti-Semitism in Europe will intensify, and perhaps even snowball.

Sharansky will enter this battle with unique weapons at his command. He will surely see it as his mission to persuade Diaspora Jews that the efforts to delegitimize the Jewish state are simply an updated version of the denigration of Jews and anti-Semitism in the former Soviet Union, in which Israel merely assumes the role of surrogate for Jews.

Sharansky is able to speak with authority as one of the world's greatest champions of human rights. He has an intimate relationship with Jewish leaders the world over. He understands their mentality and enjoys a standing unequalled to any other participant in the field.

And he has a profound appreciation for Jewish tradition and religion, which, in contrast to many other Israelis engaged in the Diaspora arena, will enable him to communicate unabashedly with fellow Jews on the spiritual and cultural level.

Sharansky's challenge will be to reverse the negative tide and reestablish the concept of Israel as the centrality of the Jewish people. He must rekindle the vision of Zionism, revitalize aliya, and forge what will, we hope, be a new chapter in the Israel-Diaspora relationship, of such vital importance for the future of our people.

The late Ya'acov Herzog - diplomat, adviser to prime ministers and the older brother of Israel's sixth president Chaim Herzog - once said: "Heaven forbid that the historian of the future will have to write that Israel in our time built a state and lost a people."

Natan Sharansky's mission will be to ensure that never happens. (Jerusalem Post Feb 16)

*The writer is senior vice president of the World Jewish Congress.*

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### **Belgian Lawlessness: "Justice" for Sharon, not Saddam.**

By Nissan Ratzlav-Katz

On Wednesday, the Belgian Supreme Court ruled on appeal that Prime Minister Ariel Sharon may be tried before a Belgian court for alleged war crimes, but only after he leaves office. For now, the court ruled, Mr. Sharon has immunity from prosecution under Belgian law.

The petitioners in the Belgian case are survivors and relatives of victims of the 1982 massacre of Arabs in Sabra and Shatila, which was carried out by the Maronite Phalangist militia during Israel's Operation Peace for Galilee. Sharon was defense minister at the time of the IDF operation, which targeted the PLO terrorist canton that had been established in southern Lebanon. The Maronite Christians of the region had allied themselves with the Jewish state in the hopes of freeing Lebanon of PLO tyranny. In the context of this alliance, and with the intention to transfer authority to a free Southern Lebanon, Israel allowed the Maronite militia to go in and root out PLO

terrorists who had taken refuge in the two camps. Unfortunately, the militiamen behaved with limited restraint and killed up to 800 people, including 35 women and children.

Ariel Sharon and then-IDF chief of staff Rafael Eitan undoubtedly failed to anticipate the less-than-honorable behavior of the Christian militiamen in the PLO enclave, but it is hardly a "war crime" to expect moral behavior from an ally.

Let us be as blunt as possible: Arabs massacred Arabs, yet a Jew is being held responsible.

In contrast, there has been no international suits, no Arab outrage, as a result of the massacre carried out in the same Shatila camp, just three years later, by Muslim militiamen. In that bloodbath, according to United Nations officials, 635 people were killed and 2,500 wounded. All told, Lebanese factions and sects spent a good part of the 1970s and '80s repeatedly attacking each other, leading to the deaths of about 95,000 people.

One such Arab-on-Arab massacre involved that world-renowned Nobel Prize laureate, PLO leader Yasser Arafat. In that brutal 1976 assault on the Christian city of Damour, 582 people were killed and the remaining 25,000 residents fled in fear. The Church of St. Elias, gutted by PLO grenades, was turned into a combination garage and gun range, with targets painted on the eastern wall of the nave. Arafat, of course, has yet to be charged in a Belgian court — or any other — for his war crimes against the Christians of south Lebanon.

However, charges were filed against Arafat in a Belgian court by relatives of Jewish victims of PLO terrorism through the years. Those charges were initially filed in November of 2001 and the case has yet to go to trial even once, with the court unconscionably dragging its feet. Au contraire, last year, the foreign minister of Belgium called on the European Union to reconsider commercial ties with Israel, calling Israel's refusal to permit EU officials to meet in Ramallah with Yasser Arafat an "affront" to the European community. On the other hand, the case against Ariel Sharon, also originally filed about two years ago, has already had time to come before Belgian courts three times, including Wednesday's appeal. One might be tempted to accuse the Belgians of having (hard to believe) an ulterior motive.

Foreign Minister Benjamin Netanyahu has called the latest Belgian Supreme Court decision in the Sharon case "scandalous" and has recalled the Israeli ambassador "for consultations." Netanyahu was being extremely generous and diplomatic in his description. Even the former prime minister, beloved of Europe, Labor party Knesset member Shimon Peres had sharp words for the Belgians. Belgium has no right to place itself as the "judge of history," Peres said.

Well, if Belgium is to be a "judge of history," let it begin at home. While it is unlikely that anyone who was involved in the genocidal exploitation of the Congo Free State by the Belgian monarch is still alive, the fact is that the Congo remained an oppressed Belgian colony until 1960. In another Belgian colony, Rwanda, Hutu resistance in the first half of the 1900s was brutally suppressed by the ruling Tutsis, under the watchful eye of the Belgian authorities. Then, in the 1950s, when a rebellion of Hutu agricultural laborers broke out, the Belgian colonialists encouraged a new campaign of incitement against the Tutsis, to divert attention from themselves. Meanwhile, back home, during World War II, Belgian collaborationist authorities deported 35,000 Jews — fully half of the Belgian Jewish population at the time — to German gas chambers.

Is it really any surprise that Belgium had no qualms about helping France and Germany block plans for NATO to protect member-state Turkey from Saddam Hussein's Iraq?

While Belgium may see itself as the "judge of history," history won't likely be kind to Belgium — even if there is no court to which Belgium's victims can appeal. (National Review Feb 13)

The writer is opinion editor at [www.IsraelNationalNews.com](http://www.IsraelNationalNews.com).

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### Sharon Needs to Speak from the Heart By Michael Freund

It was 70 years ago next month, on March 12, 1933, that US President Franklin Delano Roosevelt revolutionized the way that leaders communicate with the public by launching the first of what would come to be known as his "fireside chats."

Now, as Israel confronts a series of dangerous and unprecedented challenges, it is time for Prime Minister Ariel Sharon to adopt a similar strategy and address the Israeli people directly.

The ostensible reason for FDR's dramatic innovation was a bank crisis, one which threatened to engulf the entire American economy amid a wave of declining confidence in the nation's financial system.

And so, just eight days after his inauguration, FDR took to the airwaves and addressed the American people frankly and succinctly. He did not use fancy words or speak over the heads of his audience, but instead tackled the main questions and issues that were likely to be on their minds.

"I want to talk for a few minutes with the people of the United States about banking," began his first broadcast, one in which FDR managed not only to

explain the complex workings of the banking system to his listeners, but also to inspire their trust in his policies and leadership.

It may be hard to fathom but with that speech, and the periodic ones that followed it, FDR managed to capture the hearts and minds of the American public, who reelected him to office again and again.

Israel, of course, is currently facing far graver threats than just a run on the banks. With war looming in the Gulf, Palestinian terror on the rise, and Hizbullah threatening to destabilize the northern border, the most basic and piercing of existential questions are again on the national agenda.

People are dismayed and anxious, uncertain about what the future may hold. They need reassurance, comfort and support, and Sharon is ideally suited to provide it.

One of the Prime Minister's greatest assets, as the election results made clear, is that the people of Israel innately trust him. They have confidence in his judgment and view him as an experienced and serious leader.

Yet that priceless asset largely goes to waste. It is being vastly underutilized, since the public does not get to hear directly from Sharon often enough.

It is at times such as these that we need to. At this difficult hour in the nation's history, Israel needs a "fireside chat." The prime minister should put aside the prepared texts of his advisers, look us all straight in the eye, and speak to us from the heart about what lies ahead.

It is exactly this method that has served another leader, George W. Bush, so well. The critics may scoff and the Europeans may mock him, but Bush is a man who speaks straight from his heart. And, as our sages once noted, words that come from the heart will inevitably enter the heart.

A recent example of this was Bush's State of the Union address in which he made clear his determination to reshape America, domestically and internationally. He spoke clearly and to the point, and he did so while radiating a sense of conviction and purpose.

The results were not long in coming. An ABC News/Washington Post poll found that after Bush's speech there was an 11-point surge in support for the White House's handling of the Iraq crisis, while the number of Americans in favor of military action to remove Saddam grew by 9 percent, to two-thirds of the electorate.

That is testimony not only to Bush's ability to persuade an audience, but more importantly, to the power of sincerity and earnestness in today's politics. It may sound cliched, but people are truly looking for leadership. They are hungering for it, desperate to grab onto something or someone they can believe in.

It is therefore essential that Sharon switch gears and adopt a new communications strategy. Not only because it will serve him well politically, but because it is the right thing to do.

On the eve of the coming war with Iraq, Sharon is uniquely positioned to reinforce the nation's resolve and calm its frayed nerves.

Over the years, he has succeeded in inspiring the men under his command to rise to the test of battle; he has motivated them to cast aside their fears and unite to confront the challenges before them. Now, as the commanding officer of an entire country, Sharon needs to raise our morale and fire up our national spirit, and he needs to do it soon.

Speak to us, Prime Minister Sharon. Now more than ever, Israelis need to hear from you. (Jerusalem Post Feb 19)

The writer served as deputy director of *Communications & Policy Planning* in the Prime Minister's Office from 1996 to 1999.

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### "The People Should Be Changed" By Evelyn Gordon

*Once again Labor has made those who failed to vote for it feel illegitimate.*

If Labor Party Chairman Amram Mitzna is still puzzling over why "a woman+ with nothing to eat and no work" would rather cast her ballot for the incumbents than for Labor, I would suggest he ask his wife. For nothing better explains why that paradigmatic woman votes as she does than the interview Aliza Mitzna gave to Daniel Ben-Simon of Ha'aretz on Election Day.

In the interview, published on January 31, Aliza Mitzna reflected on why her husband was about to be trounced at the polls. Her explanations included the following:

\* "There are a lot of people who are still not flesh of the state's flesh."  
\* "It's obvious that the only explanation for this is an educational failure. There is no awareness here of what is important in the country."  
\* "There are a million Russians here, most of whom were not educated in this country, and it will take a long time until they are integrated into society. So it's not surprising that they don't vote Labor."

In other words, anyone who does not vote Labor is not "flesh of the state's flesh" - not a true Israeli. Such a person does not understand what is really important, and is not truly part of Israeli society.

Shocking though Mitzna's statements may seem, they are far from being an aberration among Labor's senior leadership. Yitzhak Ben-Aharon, the nonagenarian former MK and minister who is today the party's doyen, once explained the only other Labor loss of comparable magnitude (that of 1977) by saying that "the people should be changed."

Again, the implication was that anyone who disagrees with Labor is somehow illegitimate - someone who should really not be allowed to play a role in determining the country's fate.

Shimon Peres also voiced this feeling after losing the 1996 elections to Binyamin Netanyahu. Asked what had happened (by the same reporter, Daniel Ben-Simon), Peres replied: "We lost... we, that is, the Israelis."

And who, asked Ben Simon, won?

"All those who do not have an Israeli mentality - Call it the Jews."

Once again, those who failed to vote Labor - and especially those with a clear Jewish identity) - were denigrated as somehow "not Israeli," people who "lack an Israeli mentality."

And this is why Amram Mitzna's fabled woman with nothing to eat and no work nevertheless cannot bring herself to vote for Labor - because even, and perhaps especially, when you have nothing else, the one thing that remains is the pride and self-respect that is supposed to be the birthright of every citizen in a democracy: the pride that comes from having the right to have a say in who runs your country, from having one vote that is equal in value to that of even the wealthiest and most powerful citizen. The pride of being, if only for one day, a full and equal member of society.

Yet Labor, in its arrogance, would deprive most Israelis even of that. You and your vote, say Aliza Mitzna and Yitzhak Ben-Aharon and Shimon Peres, are in fact worth less than we: We are the only true Israelis, and you can never be full and equal members of Israeli society unless you accept our values, our opinions, and our dictates.

This attitude also explains the otherwise inexplicable depths of resentment still felt toward Labor by the families of Sephardi Jews whom the party's forerunner, Mapai, brought here in the 1950s. By any objective standard, Mapai accomplished a miracle probably unparalleled anywhere else in human history: the absorption of some 1.2 million immigrants - a whopping 150 percent of the total population, which numbered about 800,000 in 1948 - during the first 12 years of Israel's existence.

And despite the inevitable hardships of this absorption, it was, overall, an astonishingly successful one.

But it is easy enough to understand the resentment when it is put in the terms used by David Avitan, a Likud activist from Beersheba, the week before the elections: "We all remember that up until 1977, we didn't exist. We were second-class citizens. In 1977, a warm Jew called Menachem Begin showed up, and he was the only one who was prepared to accept us. We went to the movement that wanted to accept us."

That was the one thing Mapai was not generous enough to give the immigrants for whom it otherwise sweated blood: the feeling that they were citizens of equal worth, with equal rights.

Even today, 36 years after the revolution of 1977, people such as Avitan are still "second-class citizens" as far as Labor's leadership is concerned - people with no right to hold opinions that differ from those of Labor, with no real right to determine the fate of the country.

Unless and until that changes, Mitzna's woman with no work and nothing to eat will go right on refusing to vote Labor. (Jerusalem Post Feb 11)

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## **A Belgium Obsession** By Evelyn Gordon

*The only suit they have seen fit to bring is the one against the Israelis, whose responsibility for the crime at issue is at most indirect.*

Belgian Foreign Minister Louis Michel declared himself shocked when Israel, responding to last Wednesday's ruling by Belgium's highest court, accused his country's legal system of bias. The decision, which overturned a lower court's ruling that Belgium lacks authority to try crimes bearing no connection to the country, authorized Brussels to try former Israeli officers - as well as Ariel Sharon, once he loses his diplomatic immunity as prime minister - for their alleged roles in the 1982 Sabra and Shatilla massacres.

"I have to reject these unfounded allegations [of politicization]," Michel told the Belgian parliament on Thursday. "I regret that Israel refuses to accept the philosophy that underlies the 1993 law and continues to think that the law is essentially aimed at Israel."

Though Michel is far too knowledgeable for his bewilderment to be credible, people less familiar with the facts might genuinely find Israel's reaction puzzling. Following, therefore, is a brief guide to why any thinking person would have difficulty viewing Belgium's behavior as motivated by strict legal considerations.

\* The massacre of some 800 Palestinians during the Lebanon War was planned and carried out by Lebanese Christian Phalangists. Israel's guilt lay in allowing the Phalangists, its allies, into the Sabra and Shatilla refugee camps: The Kahan

Commission, which investigated the affair, said Israel should have foreseen the possibility of a massacre and therefore used Israeli rather than Lebanese troops to put down the armed resistance in the camps.

By any normal legal standard, failing to foresee - and therefore prevent - a massacre constitutes a much lower level of guilt than actually committing one. Yet Belgium has shown no interest whatsoever in prosecuting the Phalangists who were directly responsible: It is only targeting Israelis.

\* Numerous suits have so far been filed under Belgium's 1993 "universal competence" law, which authorizes Brussels to try crimes against humanity committed anywhere in the world. The current and former world leaders named in these suits include Yasser Arafat, Saddam Hussein, Fidel Castro and Augusto Pinochet - all of whom are directly responsible for hundreds or thousands of deaths, and most of whom stand accused of crimes of far greater magnitude than Sabra and Shatilla - such as Saddam's slaughter of more than 50,000 Kurds.

Yet all these suits are languishing in the Belgian prosecutor's office. The only suit the prosecution has seen fit to bring to court is the one against the Israeli defendants, whose responsibility for the crime at issue is at most indirect.

In normal prosecutorial practice, it is the worst offenders who are given top priority.

\* Sabra and Shatilla is also the only one of the above mentioned cases that has already been subject to legal proceedings. The massacre was investigated by a blue-ribbon judicial commission of inquiry headed by Yitzhak Kahan, then president of Israel's Supreme Court; another of its three members, Aharon Barak, is the current Supreme Court president.

This panel found that Sharon, who was defense minister at the time, bore ministerial but not criminal responsibility; it reached similar conclusions about the officers involved.

Since the ostensible purpose of the Belgian law is to prosecute cases that are being ignored by their own countries' legal systems, there is no legal rationale for giving priority to the one case that already has undergone a thorough judicial examination.

\* Furthermore, this decision is an unprecedented insult to Israel's legal system. All democratic countries traditionally give full faith and credit to each other's judicial systems: Belgium would never dream of trying a case that France's judiciary had already investigated and dismissed.

For Belgium to decide that Israel alone of all democratic nations is undeserving of this full faith and credit is completely unjustifiable on legal grounds.

\* When the lower court threw out the case against Sharon on the grounds that Belgium can only try crimes to which it has some connection (the one previous case heard under the 1993 law, which involved the Rwanda massacres, included 10 Belgian peacekeepers among the victims), four senators from different parties promptly introduced an amendment to the "universal competence" law stating that no such connection is necessary.

The amendment also explicitly stated that it would apply retroactively, meaning to the one case already in court. It was backed by Prime Minister Guy Verhofstadt and passed by a large majority of parliament's upper house; the lower house is expected to approve it shortly.

The legislative and executive branches thus sent a clear message to their Supreme Court: If you uphold the lower court's ruling now, we will force you to reverse your own ruling later.

Belgium's parliament is certainly entitled to clarify legislation by amendment - but under such circumstances, it requires enormous disingenuousness to claim, as Michel did, that this was a purely judicial decision in which the political system played no part.

Indeed, had Belgium not provided such strong grounds for the conclusion that Israel is its main target, the worldwide indifference to the dangerous precedent its high court set last week would be incomprehensible - because if Brussels did use its 1993 law to try the entire world, it would wreak havoc on the international legal system.

Belgium, after all, is no different from any other country; if it can claim universal jurisdiction, so can anyone else. The result would be an international legal nightmare in which any country could claim jurisdiction over any serious crime, with no way to decide which jurisdictional claim takes precedence.

And that, perhaps, is the saddest commentary of all on Belgium's behavior: that its blatantly politicized use of the 1993 law is actually less frightening than the alternative. (Jerusalem Post Feb 17)

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