



Jerusalem 3:55 Toronto 4:23

**ISRAEL NEWS**  
*A collection of the week's news from Israel*  
*A service of the Bet El Twinning Committee of*  
*Beth Avraham Yoseph of Toronto Congregation*

tragedies with equanimity. ד"ב  
This was not how disengagement was supposed to turn out. The lot of these citizens, who bore the brunt of years of terrorism before they lost everything this summer, should appall everyone, opponents and supporters of disengagement alike. This is not a matter of political orientation but one of plain decency. Only in a heartless society would such governmental

incompetence or indifference, and the plight it spawns, be allowed to persist. (Jerusalem Post Nov 26)

## Commentary...

**Unsettled** Jerusalem Post Editorial

On the eve of disengagement, a massive government public relations campaign maintained that "there is a solution for each evacuee." Today, more than 100 days after nearly 9,000 Israelis were uprooted, it emerges that there is no solution for many of the evacuees, and indeed there never was.

Many Israelis are indifferent, if not downright hostile to the plight of these fellow citizens. The daily Hatzofeh newspaper recently found a novel way of gauging sentiment by launching a fictional initiative to house evacuees in Tel Aviv. Its make-believe real-estate office, it reported, was inundated with antagonistic responses, hotly opposing the introduction of personas-non-grata into the city.

Families whose world literally came crashing down must somehow cope in this atmosphere of apathy and worse. It need hardly be stressed that officialdom's failure does not distinguish between those who pulled up stakes prior to the deadline and those who stayed put to the last minute.

According to the Government Employment Service, 1,990 of Gush Katif's former residents - 75 percent of the income-earners - are unemployed to date. There's no unemployment office at any of the large evacuee concentrations, including at the fiberglass mobile-home camp in Nitzan. Job offers are scant and the few available are often at minimum wage.

None of the evacuated farmers has yet been compensated and none has received land to cultivate. There hasn't even been remuneration for the hothouses purchased via the World Bank to offer employment to local Palestinians. The World Bank argues that since these hothouses were looted (by Palestinians) there's no obligation to reimburse Israeli farmers who kept their part of the bargain.

In the meantime families eat up the advances on their overall compensation packages, providing such advances were paid. Many families now realize that at this rate they won't have enough money to replace lost homes even with much smaller and inferior accommodations.

Besides having nothing to live on, they must also pay rent for temporary housing, which means further deductions from the compensation package. If that weren't enough, the mortgages for their demolished homes, as well as insurance premiums for razed structures, are deducted regularly from the compensation each family is due. Thus families - whether or not they cooperated with the disengagement authorities - are forced to continue making payments on houses the government demolished.

The least the government can do is pick up the tab or amend the relevant legal regulations.

As things stand now, over 35% of the evacuees are still without even interim housing. They reside in hotels (from which they are also sometimes threatened with eviction), tents or youth hostels.

The Education Ministry does not finance kindergartens for those evacuees still in hotels, hostels and tents. Many school-aged youngsters in these sites still aren't in regular classroom frameworks either. Presumably the government is not deliberately trying to punish these children, or to punish their parents through them. But the reality is bitter.

An immediate concern is the inability of the families to reach their possessions, still locked up in containers. They cannot recover these containers (for which they must also pay rent) until they have a home for all their belongings. This means they are unable to merely unpack some of the items therein and many do not have any of their own winter clothing.

The withdrawal left the lives of many families in shambles. Some youths even ended up in closed psychiatric wards as a result of emotional trauma. They didn't have it coming. Our society can ill afford to look upon such

**Dumb Jews? *The Myth of Jewish Intelligence*** By Julia Gorin

Did you hear the one about the Jews who paid a thousand dollars a plate to hear Bill Clinton speak - after he sold Israel down the river (by rewarding genocide bombings with more land)?

Or the one about the Jews who are still loyal to a political party whose members pass out 9/11-Israel conspiracy literature at public forums?

What about the Jews who heard that most Muslims would be voting for John Kerry and so they voted for John Kerry?

Now, did you hear the one about the Jew who dropped his watch in the subway tracks but decided to look for it on the platform because it was easier? His name is Abe Foxman, and he's officially given up on the ADL's mission. For those who didn't read between the lines of Foxman's recent attack on Evangelical Christians, it was a surrender of even the semblance of being relevant in the age of jihad, and a way back to fixating on bogeymen in America.

According to a recent Jewish Week article, Foxman said, "It is time to start naming names and judging the motives of leading conservative Christian groups, and not simply respond to their specific policy initiatives."

In a classic schoolyard scenario, instead of facing up to the bully, Foxman and Eric Yoffie - the Union for Reform (i.e. Liberal) Judaism president who the following week compared Christians to Hitler - are taking their frustrations out on their friends. The Evangelicals - those people whose value system has a lot in common with the Judaic one that these nominal Jews lost touch with generations ago.

The Evangelicals' value system has a lot in common with the Judaic one that these nominal Jews lost touch with generations ago

Apparently, Jews don't have enough enemies in this world, and the one friend they have is one too many. Or perhaps these two and the Jews who think like they do figure that the world doesn't stand a chance against Islam, so why not help battle the only remaining religion standing in its way of world domination?

It's been called Foxman's "get tough" approach. But I call it his Madonna approach: "Ooh, I'm gonna be edgy. I'm gonna go after the Christians. I'm gonna stand up to people I have no fear of."

Ever hear what tough Jewish negotiating sounds like? Here's a page from the Oslo Land-for-Peace process:

Jews: "Ok, so we're giving you Gaza, the West Bank - "

Palestinians: "Death to Israel!"

Jews: "...East Jerusalem, Golan Heights - "

Palestinians: "Kill the Jews!"

Evangelicals: "Stop, this isn't going well; you can't kill the Je - "

Jews: "Hey - we're negotiating here! Will you stay out of it?"

Evangelicals: "But you're signing your death warrant!"

Jews: "Stop trying to convert me!"

Yoffie, for his part, called conservative Christian activists "zealots' who claim a 'monopoly on G-d' while promoting anti-gay policies akin to Adolf Hitler's."

The funny part is that he wasn't saying this about the religion that really does carry the Nazi torch with "Seig Heil" salutes, swastikas, children who cheer in European classrooms every time the word "Holocaust" is mentioned, and ancestors who originated the yellow patch for Jewish dhimmis - which the Third Reich adopted.

But wait - it gets funnier: these are the same Jews who, while watching

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Holocaust documentaries have been known to say things like: "If they ever come for us again, I'm taking one of them with me." Trouble is, doing so would require first recognizing one. Then it would require a gun. And who's protecting our right to bear those? Not Adolf Hitler, who took away all the guns as soon as he came to power, and not today's secularist Democrats. But if Hitler were running as a gun-control Democrat today, he'd get the Jewish vote.

"What could be more bigoted than to claim that you have a monopoly on G-d?" Yoffie asked at the Reform movement's national assembly in Houston two weeks ago.

Is this a trick question? Um, beheading Christian children in Indonesia? Ethnically cleansing non-Muslims? Executing gays in Iran and torturing them in Egypt? Am I getting warm? Genocide bombings in Israel?

According to the report, "the audience of 5,000 [Dumb Jews] responded to the speech with enthusiastic applause."

Yoffie focused mostly on gays, and accused the religious right of fanning the "hellfires" of anti-gay bigotry. So what we have, as usual, is Jews putting other minorities before themselves.

See, we like to forge alliances with groups who couldn't care less, sticking our necks out for other minorities - whom we feel we have something in common with just by virtue of our also being a "minority." That they've never returned the favor, and are more likely to, say, attend an anti-Israel rally than a pro-Israel rally, as well as resent Jews for "having money" and "controlling the media" has never fazed Dumb Jews. Because Dumb Jews still don't get the difference: these minorities are politically correct, whereas Jews remain politically incorrect - making them an infinitely more endangered species. Ever wonder why it is that the more people Muslims kill, the less popular Jews become?

The only protection Jews have been able to count on has come from Evangelicals, the people at the forefront of keeping G-d in the public square in America - something that Foxman's namesake, the original Abraham, was a champion of. Likewise, atheists are a lot safer in Christian countries than Christians are in atheist countries. And yet Dumb Jews harbor nothing but suspicion and contempt for these people, even though it's hard to name even one prominent, non-Jewish liberal who is a defender of Israel. Dumb Jews haven't even figured out that their beloved secularism is what brought college campuses here and in Europe to the point where they're no longer safe for Jews.

In addition to minorities, Dumb Jews also obsess over abortion rights. In fact, several opinion makers have proposed that the Foxman speech was a neurotic response to the shift in the Supreme Court, which could have implications for Roe v. Wade. Which means that in between bemoaning intermarriage, assimilation and low fertility rates among secular-slash-Reform Jews, they're trying to abort more Jews.

Something else Foxman found disturbing is an ADL poll indicating that 69 percent of Evangelicals and 60 percent of weekly churchgoers said there should be organized prayer in public schools. Whereas this proponent of homosexuality, abortion and Sex-Ed would prefer there to be organized sex in public schools.

Jews may have been the Chosen People once, but somewhere between Monica Lewinsky and Chandra Levy, I think G-d gave up. At this point, it's between Christians and Muslims. That's why it's so worrisome that while Muslims in Michigan are getting noise ordinances passed to allow a public call to prayer five times a day, we're debating whether to take G-d out of the Pledge first - or off the money. Is jihad really a good time to be rejecting any deities?

Meanwhile, where are the outcries from the ADL and the Union for Reform Judaism about those public calls to prayer in Hamtramck, MI - or about the San Francisco school district that has public school kids dressing, praying and fasting like Muslims for three weeks? Where is the questioning of "motives and intent" there? And is it the ADL that started reporting on Palestinian violence against Israelis and indoctrination of Palestinian children during Oslo, before it was hip to talk about?

No. In fact, that would be Pat Robertson's 700 Club. Jews obviously have it too good in America if they have to make up problems that aren't there. One lesson we've been relearning in recent years is that where Jews aren't safe, Christians aren't either. Well the corollary holds true as well.

Foxman also worries that "Evangelicals are becoming much more adept at 'using elements of the government to achieve their goals.'" When'd they learn to be like everyone else? It's much preferable to think of them as sticking to churches and the backwoods of Louisiana, without phones or working appliances. And yet another horror or horrors Foxman cites: the expansion of funding for religious institutions through government faith-based programs - regardless of the countless Jewish-run help centers that benefit from it. Actually, what's scary is that, because of the limits imposed by the god-haters,

President Bush has had to contribute to faith-based charities and substance-abuse recovery programs out of his own pocket. But he's just a freaky Christian; as long as Bill Clinton puts on a yarmulke, Dumb Jews give him center stage.

Foxman also noted that 70 percent of weekly churchgoers and 76 percent of Evangelicals "agreed that 'Christianity is under attack' in this country - a conclusion that is hard to square with their growing influence in Congress, the White House and the courts, he said."

With attacks on religion that target "In G-d we Trust", "Under G-d", tiny crosses on county seals, Christmas trees and the 10 Commandments, Christians really have nothing to fear.

Foxman goes on to chastise politicians in both parties, who are "eager to appease the religious conservatives or at least not open themselves up to charges of being anti-religion." Damn those politicians for realizing that writing off American Christians as wackos is unfair.

"When you have [Democrat Sen. Joseph] Lieberman and [Republican Sen. Norm] Coleman on the same page on the religion issue, and the fact that Senator [Hillary] Clinton is moving toward the center on these issues, where do you go then?"

Because Democrats should be atheists, and Republicans should be Christians - otherwise it all gets too confusing for Abe, who when Lieberman kept bringing up his faith during the 2000 Elections, asked him to "tone down the religious thing." So basically, this man's job is to keep the world safe for Jews to keep hiding.

If it's surreptitious "motives and intent" that have Foxman panicking about Evangelicals - who make no secret of their beliefs and simply don't want to be persecuted for them - he should take a look in the mirror and scrutinize his own unacknowledged agenda. Because there's more to this over-vigilant church-state-separatism zealotry than meets the eye. The fact is, the fanatical perversion and expansion of the church-state clause is the closest they'll get to setting up a godless, Euro-style, secular-humanist theocracy here. Because Dumb Jews can't even take an example from Europe to note that where there is a religious vacuum, only one religion rushes in to fill it: Islam. And unlike Christianity, it doesn't make room for others. Foxman et al should just skip a few steps and arrive at the logical conclusion of their efforts: convert to Islam already.

In the 60s, we were told that the god-loathing wouldn't go beyond removing prayer from school. But looking around this "holiday season" so far, I've seen only "Happy Holidays" and no "Merry Christmas" - the result of a long and concerted PC effort to upstage Christmas as much as possible by coming up with as many minor ethnic holidays as possible that happen to fall around the same time of year as the Christians' biggest one.

Meanwhile, Boston's famous Christmas tree has finally become a "holiday tree." It's all just a bit too reminiscent of Soviet Russia, where each family was allowed to have a "New Year's Tree."

There is only one group in America that is victim to bigotry on a massive scale, and that is the Christians. For those who think the minority can't oppress the majority, think again. The minority with its various minorities can oppress an entire nation. (Jewish World Review Dec 1)

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### **The Phantom Arab Moderate** By Shmuel Katz

Even those Israelis who claim that peace between sovereign Israel and the Arabs is a practical possibility rest their claim on the bald assumption that there exists a solid body of Arabs who are "moderate."

They do not face the reality, taught by many decades of experience, that the most "moderate" of the Arabs (who might have a hand in setting the policies of their people) do not differ, in their view of what Israel's future should be, from the manifestly immoderate mainstream Arabs. They differ only on the method, or process, by which the elimination of the Jewish state is to be accomplished.

This is true of all the Arab states - members of the Arab League - but most importantly of the states that have launched wars against Israel since 1948.

The outlook of such phantom moderates has not been kept secret. It comes to the surface from time to time from quite authoritative quarters.

In December 1980, shortly after Israel's peace treaty with Egypt was signed, a former prime minister of Egypt, Mustafa Khalil, delivered a guest lecture at Tel Aviv University. There, speaking - as he said - "frankly and scientifically," he pointed out that the Arabs do not "regard the Jews as a nation at all, but as a religion only. "When it came to nationality," he declared, "a Jew can be an Egyptian Jew, a French Jew or a German Jew." Egyptians, he said, wanted to be good neighbors with Israel, but they expected the Jews "to change."

Five years earlier, another leading Egyptian intellectual, Boutros Boutros Ghali, cabinet minister and subsequently secretary-general of the United

Nations, gave equally cultured utterance to the same idea, but then gave voice also to its underlying threat. He told a Cairo journal that if Israel maintained "its Jewish character" and did not assimilate in the Arab homeland, "then we will have no integration of Israel with this region." Indeed, if Israel defended its right to sovereignty, he added, "I think you can have no peace in this region."

SHORTLY AFTER the Yom Kippur War, the editor of Egypt's leading weekly journal, Al-Mussawar, explained that the English word "peace" can be translated into Arabic by either *salaam* or *sulh*, but these words had different meanings. Thus, he wrote, if the Jews returned to the 1949 Armistice Lines (where the Arab states' aggression against newborn Israel had been halted) the Jews could expect no more than "salaam." It was "only by returning to their senses, and dwelling under one roof and under one flag with the Arabs of Palestine," that they could expect "sulh" (real peace, reconciliation).

At that very time reports were circulating in the West that in Egypt (which had launched four wars against Israel since the Jewish state's birth in 1948) a new, moderate, more friendly wind was blowing toward Israel. And so an American writer, Joan Peters, having been sent on a journalistic mission to Egypt, decided to test these reports on the spot.

Her findings were published in an article in Commentary magazine (May 1975) under the title "In search of moderate Egyptians." She started on her project in America by studying the literature attesting to a positive change in Egyptian attitudes toward Israel.

"To my amazement," she wrote, "once in Egypt I found virtually no evidence of such a change." She interviewed as representative a cross-section of Egyptians as she could find. She lists them: government officials, writers, academics, scientists, demographers, doctors, architects, engineers, housewives, shopkeepers, students, soldiers, salesmen, cab drivers, waiters, women's rights activists, secretaries, carpenters, travel agents, communists, leftists, nationalists and right-wing conservatives.

She recorded in detailed quotation a number of her interviews and learned that far from Egyptians being friendly to Israel, there existed a consensus not only of fierce hatred of Israel, but of virulent anti-Semitism - which in sum would deny the Jewish state's right even to exist.

TWENTY-FIVE, 30 years have passed, and one fine day in September we read the report of another search for moderate Arabs. This time it is in Israel itself, and the search is reported by an Israeli writer, Yossi Klein Halevi, who sought common ground - cultural, spiritual and hence, as a Jewish moderate, political - with Muslim Arab counterparts. He too, like Joan Peters three decades years earlier, had "numerous candid conversations with - in his case Palestinian Arabs - "at all levels of society." And he cites "one telling example," with Gen. Nasser Youssef, the Palestinian Authority's interior minister.

Halevi, as he related in The Jerusalem Post of September 28, asked Youssef hypothetically what would happen if Israel withdrew to the 1967 "borders," uprooted the settlements and redivided Jerusalem. Youssef replied that "the refugees would be returning to the area... and then there would be no need for an artificial border between Israel and Palestine."

"But," said Halevi to Youssef, "aren't we negotiating today over a two-state solution?"

"Yes," Youssef replied, "as an interim step. You aren't separate from us, you are part of us. Just as there are Muslim Arabs and Christian Arabs, you are Jewish Arabs." He went on to speak of this unified Palestinian state joining with other Arab states.

General Youssef, adds Halevi, "is widely known as a moderate, deeply opposed to terror - because it is counter-productive to the Palestinian cause...."

Youssef is thus fully representative of the supreme *hutzpa*, precisely of the moderate Arabs. Emboldened by the great success worldwide in disseminating the grotesque claim to a "Palestinian" history that never existed, mainstream Arabs teach their children and make it plain to the world that their intention is to destroy the Jewish state, directly if possible, or by phases, as so often described by their late leader, Yasser Arafat.

Here the moderate Arab steps in and proposes a moderate alternative - the same one suggested in 1980 by former Egyptian Prime Minister Mustafa Khalil: vaporization of the Jewish national identity.

The Arab propaganda success has not been achieved without passive Jewish help - the help of unbelievable inaction. The most egregious blunder of successive Israeli governments and Jewish Diaspora leaders has been the complete failure to build a National Information Center (what we call *hasbara*), having the scope and authority of an Israeli government ministry, to tell the world - but first of all the Jewish people - the truth of their own nation's unique relationship with the Land of Israel, reaching back 3,000 years to its biblical history and resting on the momentous modern international acknowledgement of that relationship in the 1922 League of Nations Mandate for the "reconstitution of the Jewish National Home" in Palestine.

That center would, moreover, enlist all possible resources, Christian as well as Jewish, to counter the monstrous fictions of the so-called Palestinian cause - and now the vicious waves of anti-Semitism swirling through the nations of the West. (Jerusalem Post Nov. 29)

*The writer, who co-founded the Herut Party with Menachem Begin and was a member of the first Knesset, is a biographer and essayist.*

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### Recipe for Social Disintegration By Caroline Glick

In his appearance Sunday before the Knesset's new anti-corruption investigative committee, State Comptroller Micha Lindenstrauss announced that he will be publishing his report on the government's implementation of the withdrawal and expulsion plan from Gaza and northern Samaria in January.

Lindenstrauss's report is set to review the insufficient protection of the communities around the abandoned Gaza Strip; the impaired functioning of the government ministries and the government's Disengagement Authority in implementing the withdrawal and expulsion plan; and the negligent manner in which the expelled Jews of Gaza and northern Samaria have been treated since they were ejected from their homes and communities.

It is good news that Lindenstrauss is aware of the need to explore in a timely manner the way in which the withdrawal and expulsion plan was implemented. As he put it, "It cannot be that a subject so important would have to wait [to be dealt with in] a report published two years from now."

There can be no doubt that on all three issues the government acted with gross negligence on almost every level, and a fair accounting of its failures is important both to punish the officials responsible and force the relevant authorities to improve their organizations.

At the same time, it is disturbing that Lindenstrauss is apparently not planning to review one of the most alarming aspects of the implementation of the withdrawal and expulsion plan this past summer: the rampant abuse of the civil rights of opponents of the plan by the criminal justice system.

AS AVITAL MOLER of the Public Defender's Office pointed out in October in her report on the criminal justice system's mistreatment of minors arrested while participating in demonstrations against the expulsion plan, the system's treatment of the protesters was characterized by "selective enforcement of the law based on political affiliation." Moler found that "new law" was invented by authorities for the purpose of punishing arrested protesters who had yet to stand trial.

A few weeks after Dr. Moler's findings were made public, the chief public defender, Inbal Rubinstein, apologized publicly for the contents of the report after several judges pushed for Rubinstein's firing and Boaz Okun, head of the court's administration demanded she publicly apologize. Yet in testimony before the Knesset's Law and Constitution Committee on November 14, Rubinstein stated that today she would have written an even more severe report and had only distanced herself from Moler's findings because she had been coerced into doing so after being summoned for a meeting with Justice Minister Tzipi Livni.

Aside from perusing Moler's report, if Lindenstrauss wished to investigate the abuse of the civil rights of opponents of the withdrawal and expulsion plan, a good place to begin would be the report published by the Israel Policy Center and Honenu Legal Defense Association on the issue.

That report, authored by Dr. Yitzhak Klein, Attorney Yitzhak Bam and Shmuel Meidad, details 24 specific cases of gross prosecutorial, police and judicial abuse of anti-withdrawal protesters throughout Israel in the months that preceded the implementation of the withdrawal and expulsion plan.

The authors substantively prove that the abuses suffered by protesters at the hands of the judicial and law enforcement arms of the state were systemic, widespread and enabled, if not requested, at the highest levels of government.

Attorney-General Menahem Mazuz, according to the report, made it absolutely clear to state prosecutors in public remarks that they were to treat non-violent protesters as if they were involved in a rebellion against state authorities whose purpose was to destroy the state and its institutions.

On the judicial level, Supreme Court Justice Ayala Procaccia paved the way for lower courts to detain arrestees in jail pending trial for offenses that did not meet the minimum standard for pre-trial detention either in terms of the letter of the 1996 Arrests Law, or in terms of court precedent.

Procaccia, like Mazuz, viewed the protesters' ideological motivations as a reason for their extraordinary treatment by Israeli courts.

In their review of hundreds of indictments of both adults and minors arrested for engaging in protests against the withdrawal and expulsion plan, Klein, Bam and Meidad found that in 97 out of 167 cases against minors, and in 68 out of 135 cases against adults "pre-trial detention appeared unwarranted by law."

THE NEED for a fair and thorough review of the law enforcement and judicial authorities' suspected systemic abuse of the civil rights of anti-withdrawal opponents is urgent today. This is so because the apparent selective abuse of the civil rights of religious Israelis by law enforcement and judicial authorities does not seem to have ended in the aftermath of the withdrawal and expulsion plan.

Case in point is the continued incarceration of Avri Ran. As I noted in a column last month, Ran, who owns and runs the Eternal Hills ranch in northern Samaria, was indicted last March for aggravated assault. Ran was arrested and indicted after punching, on March 20, a trespasser who had entered his cultivated field with a tractor with the intention of destroying his crop.

Although Ran has never been found guilty of any crime and although the action for which he is under indictment was clearly motivated by the context in which it was enacted (that is, Ran's desire to protect his property), the state prosecutors have demanded since the day of Ran's arrest that he be jailed pending trial due to his "ideology."

When Supreme Court Justice Esther Hayut ordered Ran's incarceration pending the completion of his trial last month, she too noted his "ideological zealotry" as a justification for his remand to custody. Hayut, like the state prosecution, never attempted to clarify what, if any, connection exists between an individual's political beliefs and his desire to protect his property from trespass.

Today Ran has been removed from his ranch and separated from his family for eight months on charges for which he has yet to stand trial. His trial was set to begin on October 11. The police prosecutors arrived at Kfar Saba's Magistrate's Court on the appointed date only to announce that they were not yet ready to begin a trial for which they had had seven months to prepare. Without hesitation the judge postponed the trial until December 1 - sending the untried Ran back to jail for another six weeks.

According to Ran's brother Nir, Ran has become psychologically depressed as a result of his long incarceration and his depression has led to a loss of appetite. He has lost more than 20 kilos and now weighs some 50 kilos.

On November 19, Ran's family and friends held a vigil outside Ayalon prison, where he is being held. His 10 children spoke to their father through a megaphone and told him how much they miss him. As his children spoke, prison guards entered the Torah wing of the prison and took Ran into solitary confinement. The next day he was told that he would be even more severely punished if his family and friends repeated the vigil in the future.

Amazingly, the state has apparently not limited its abuse to Ran. His son Daniel was set to be inducted into the IDF on November 14 and begin basic training in the Golani Infantry Brigade. At the beginning of the month Daniel received a letter from the IDF informing him that his military service had been cancelled. All attempts by the family to discover why went unanswered.

Finally, he was informed that he had to appear before a military psychiatrist if he wished to be inducted into the army. Daniel has no history of mental illness and no criminal record.

Since the withdrawal and expulsion plan was carried out, voices within the religious Zionist community calling for its members to "disengage" from the state have become more and more numerous.

The continued abuse of the human rights of members of this sector of Israeli society adds fuel to the fire that is moving us toward social disintegration. (Jerusalem Post Nov 29)

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### Aharon Barak's True Colors By David Hazony

Ruth Gavison is, in many crucial ways, Aharon Barak's worst nightmare. Arguably Israel's most celebrated legal scholar, a lifelong activist for human and civil rights, a longtime proponent of peace negotiations with Israel's Arab neighbors, she is also the most eloquent and outspoken critic of the extreme judicial activism that the chief justice has made the hallmark of his tenure.

And now she is the government's leading candidate for a spot on the bench. Judicial selection is an odd thing in Israel. Very few democratic countries allow the judges on the highest court any say in picking their own successors; it is perceived as a violation of the separation of powers, and of the people's fundamental right to choose who will rule over them in a relatively direct fashion.

In Israel, however, the sitting justices not only have a say, but carry the decisive bloc of three votes in the nine-person Judicial Selection Committee. Among those three, the chief justice - who not only sets the agenda of the court but also decides which justices will hear what cases - carries overwhelming authority. As a result, the Israeli Supreme Court has become insular and self-perpetuating, steadily advancing a particular ideology - universalist, deferential to international law, uninterested in Jewish legal tradition - and passing it on from one generation to the next.

But now Justice Minister Tzipi Livni, as representative of the elected government and chair of the selections committee, has decided to put a stop to this, and is refusing to convene the selections committee - leaving three slots on the High Court unfilled - as long as Barak maintains his opposition to Gavison's appointment.

THIS PUTS Barak in a difficult spot. In the past, he was able to justify the court's disregard for values dear to many Israelis - who favor judicial restraint and the state's Jewish character to a far greater degree than his court has reflected - by invoking the rule of law and the preservation of democratic rule. Regarding some critics and criticisms, he may have a point. But in the case of the Gavison appointment, such accusations are transparently false. His opposition to her appointment looks, on its face, like an undisguised attempt to impose ideological uniformity on the court, minimizing debate even within the camp that strongly champions democratic values.

On November 13, after keeping a dignified silence on the matter, Barak finally went public with his views - and the results were not pretty. In comments published the next day, he offered his reasons for opposing Gavison's appointment:

"She is a candidate who comes to the court with an agenda - and that in and of itself is a bad thing. That's not our way... Her agenda is bad for the Supreme Court. She is definitely qualified to serve on the Supreme Court, but that's not the question.... If Ruth hadn't publicized her views about the Supreme Court's role in a democratic society, I wouldn't have asked her what she thought about it," adding that in such a case he would not have opposed her appointment.

Barak's defense boils down to three central arguments: (i) He opposes a candidate who enters the court with a preexisting "agenda" with regard to the court's role, regardless of its contents; (ii) he opposes Gavison's particular agenda, feeling that it is "bad for the Supreme Court," despite conceding her qualifications to serve on it; and (iii) he opposes her only because she made her views public.

Leaving aside the apparent contradictions among these three propositions, each of them, considered on its own, is cause for profound concern. In the first line of reasoning, Barak indulges in the myth that some judges lack any "agenda" as to the proper role of the court, but rather enjoy some sort of austere objectivity or disinterest - and that only these should be allowed on the court.

This is obviously false: All judges worthy of their position, and Barak most of all, have an "agenda" or worldview which they bring to the court, especially on the subject of the court's role in democratic society.

In the second, Barak is more frank, yet transparently abusive of his authority. It is precisely the desire to allow for a multiplicity of views that keeps judges out of the judicial selection process in most democratic countries. Moreover, it is the claim that judicial involvement is needed to preserve professionalism, not ideological uniformity, which has been used in Israel for years to justify the country's anomalous judicial selection process.

By declaring his opposition solely on ideological grounds, while conceding Gavison's qualifications as a justice, Barak raises profound questions of democratic process, and makes us wonder whether similar manipulation on ideological grounds has not become routine in our judicial selection system.

As for the third argument, what can one say? Israel's Supreme Court president has made explicit what many of his worst adversaries have long accused him of: Creating a climate of fear throughout the judiciary establishment by linking professional advancement with public submission to his ideology.

This is inappropriate in any democratic society which seeks to advance itself through open debate and a safe environment for views that contradict established authority. It is disturbing coming from Israel's top judge - who has rightfully taken pride in the court's role in preserving free expression - and powerfully revealing about the problems inherent in the way Supreme Court justices are currently chosen.

This year, the Knesset's Committee on Law, Constitution and Justice will be putting up for consideration a draft constitution for the State of Israel - the most ambitious constitutional effort since the state's founding. This is an opportunity to reestablish Israel's judiciary on firmer democratic grounds, to introduce democratic controls into the selection process, and to enshrine the values of open debate, criticism and respect for national values that are the hallmark of democratic society.

Let us hope that Israel's elected leaders can take the bold steps necessary to rein in its unelected ones. (Jerusalem Post Nov 24)

*The writer is editor-in-chief of Azure (www.azure.org.il), the journal of the Shalem Center.*

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