

Israel Picks Identity Over Democracy. More Nations May Follow.

By Max Fisher

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Amid a moment of national euphoria, Israel's founding prime minister, David Ben-Gurion, emerged from retirement in July 1967 to warn Israelis they had sown the seeds of self-destruction.

Israel had just won a stunning military victory against its neighbors, elating Israelis with a sense that the grand experiment of a Jewish state might really work.

But Ben-Gurion insisted that Israel give up the territories it had conquered. If it did not, he said, occupation would distort the young state, which had been founded to protect not just the Jewish people but their ideals of democracy and pluralism.

Now, a half century and one year later, Israel has formally declared the right of national self-determination, once envisioned to include all within its borders, as "unique to the Jewish people."

To some, the new law is a natural outgrowth of Israel's 1967 victory over neighbors opposed to its existence, safeguarding the Jewish people within borders and laws that put them first.

But to others, it is a step along Ben-Gurion's prophesied path: from occupation to endless conflict that would corrode democracy from within, endangering a national character thought to come from ideals as well as demographics.

Above all, the law may be a choice between two visions of Israel that have come into growing tension. American diplomats have long issued a version of Ben-Gurion's warning: If Israel did not make peace with the Palestinians, they said, it would have to choose between its dual identities as a Jewish state and democratic one.

Polls suggest that Israelis have come to agree: Growing numbers see their country as facing a choice between being Jewish first or democratic first. And for many on the political right, the choice is identity first.

Though Israel's circumstances may be unique, its sense of facing a looming decision about its national identity is not. There is a growing backlash to the idea that countries should privilege democracy over all else. That movement, driven by perceptions of physical and demographic insecurity, insists that, now, identity will come first.

A Global Contradiction

The modern era endowed countries with two rights, supposedly unassailable, that turned out to exist in tension. The right of national self-determination envisioned states as unified collectives; one nation for one people. And the right of democracy prescribed equal participation for all, including in defining the nation's character.

Idealistic world leaders who set out those rights a century ago imagined countries that would be internally homogeneous and static. But reality has proved messier. Borders do not perfectly align with populations. People move. Identities shift or evolve. What then?

Israel's occupation of Palestinian territories sharpened questions over how to democratically incorporate the non-Jews within this avowedly Jewish nation — an identity that early Israeli leaders, remembering the Holocaust, felt bound to protect — just as countries around the world faced their own challenges over balancing identity and democracy.

Civil rights movements challenged countries to broaden national identities long associated with whiteness. The end of colonialism saw mass migration of non-Europeans to Europe; within former colonies, conflicts erupted over who belonged and did not.

The democratic world arrived, in the 1960s, at an informal consensus: If the requirements of democracy and national identity clash, the first should prevail. That didn't mean abandoning national identity, but it did mean softening how it was understood and maintained.

France, for example, still calls itself the nation of the French, but that term has grown fuzzier to better include all within its borders. It's a work-in-process and remains controversial, but the trajectory is clear.

In the 1960s, France nearly descended into civil war in part over whether Algerians could fully join the white, secular democracy. This week, the country is debating how best to refer to soccer players of African origin so as to honor both their heritage and their French status.

Democracy Over Identity?

Such transitions have been seen as essential to democracy's survival.

In a landmark study of democracy's growth in Eastern Europe, the political scientist Sherrill Stroschein found that countries that formally defined themselves by their ethnic majority — Slovakia for Slovaks, Romania for Romanians — had, in practice, de-emphasized those identities.

Dr. Stroschein chronicled one community in Ukraine where ethnic Hungarians field Hungarian political parties, attend Hungarian religious services, even operate on Hungarian time zones (the clocks of their ethnic Ukrainian neighbors run one hour ahead). The dueling time zones might cause a little friction, but Dr. Stroschein found that where Europeans tolerate these compromises about their once-sacrosanct identities, stable democracies emerge.

Ethnic nationalism still tempts Europeans. But democracy has taken hold where nationalist attitudes have cooled. This global shift has been glacially slow but unidirectional enough that, among democracies, the exceptions stick out.

The historian Tony Judt, in a controversial 2003 essay, called Israel's mission to maintain a firmly Jewish identity "an anachronism." The country's vision of itself as by and for a single demographic group, he wrote, "is rooted in another time and place," a stubborn holdout amid "a world that has moved on."

But Mr. Judt may have overstated, as historians often did in those days, the decline of the national idea. Israel may not have been an anachronism at all, but a precursor of things to come.

Fear and Backlash

Old ideas of nationhood can have a powerful pull. The way that human beings think about group identity — as an extension of ourselves, particularly in moments of crisis — can make us see safety in conformity, and danger in diversity or tolerance.

Nothing triggers those feelings like terrorism or demographic change.

Jewish Israelis experienced both in the early and mid-2000s — about a decade before similar fears would provoke nationalist backlashes in much of the Western world.

A wave of horrific violence known as the Second Intifada, which killed far more Palestinians than Israelis, included shocking terrorist attacks in previously safe Israeli enclaves.

At the same time, Palestinian and Arab Israeli birthrates left Jewish Israelis feeling at demographic risk. In truth, Jewish birthrates are high and Muslim birthrates declining, but the fear of being outnumbered remains.

Research has repeatedly found that terrorist attacks increase support, among the targeted community, for right-wing politics. One study found that even the perceived threat of an attack shifted Israeli voters toward right-wing parties. Tellingly, this favored a specific subset of right-wing parties — the nationalists.

A study of Israelis led by Daphna Canetti-Nisim, a political psychologist at the University of Maryland, found that exposure to terrorism changes much more than party preference.

When people believe they may be attacked merely for who they are, they hold more closely to their identity. Their sense of community narrows: only those who look like them are to be tolerated. They grow more supportive of policies to restrict or control minorities, the research found, and less supportive of pluralism or democracy.

At the same time, when a majority demographic group believes it could become a minority, members of that group often become less supportive of democracy, preferring a strong ruler and harsh social controls, according to scholarly research on democratic decline.

Jewish Israelis have changed how they see their country's identity. In polls, they once expressed optimism that it could be both Jewish and democratic. But in the past decade, according to polling by the Israel Democracy Institute, that has become a minority position. Large subsets say the country must be either Jewish first or democratic first.

Those who say Israel should be Jewish first overwhelmingly belong to the political right, which pushed through this week's national self-determination law. But even those who say democracy should prevail express support for some caveats. In 2014, most Jews said that "crucial national decisions" — like, say, self-determination — should be left to the Jewish majority.

The quality of Israeli democracy has been declining steadily since the early 2000s, according to a well-regarded index known as V-Dem that tracks countries across a host of metrics. In the mid-1990s, it scored alongside present-day South Korea and Jamaica. Today, it is seen as on par with African democracies such as Namibia and Senegal and well below Tunisia, the Middle East's highest-scored democracy.

A Global Backlash

Israelis are less alone than they once were in questioning the half-century-old consensus that democracy should prevail over national identity.

In Europe, an influx of migrants and refugees, along with terrorist attacks, have transformed public attitudes. Europeans have grown more nationalistic, more politically extreme and less welcoming of outsiders. And much as in Israel, hard-line attitudes have continued to grow even as the threats have waned, with terrorism and migration both declining.

In the United States, fear of migration and terrorism coincides, among a subset of white voters, with support for harsh policies against minorities and for a strong leader who can impose control.

Some countries, like Hungary, have overtly embraced an old-style national identity, with leaders championing the ethnic origins of the state, warning darkly of foreigners and curtailing basic rights.

Israel is not Hungary, which faces no equivalent to the Palestinian conflict. But they have arrived at a similar ideological destination. Viktor Orban, the Hungarian prime minister, has grown close to Israel's leaders, visiting them in Jerusalem last week.

Democracy's growth has stalled globally. Though the causes for this are not fully known, the trend is marked, in part, by once-healthy democracies rolling backward. Conventional wisdom holds that this is because of mismanagement or the self-interest of leaders. But maybe this is wrong.

Forced to choose between putting democracy or identity first, people may not always pick democracy.

The Interpreter is a column by Mr. Fisher and Amanda Taub exploring the ideas and context behind major world events."

Why Israel Needs a Nation-State Law

By Emmanuel Navon

A bulwark against judicial activism.

After 70 years of independence, Israel still lacks a written constitution. This is an anomaly, but not one that is going to be remedied any time soon because of unbridgeable gaps between Israel's political parties. Constitutions are the cornerstone of democracies; they define the identity and purpose of the state; they determine the powers of the three branches of government; and they protect individual rights. Israel has "basic laws" that determine the powers of the three branches of government (such as Basic Law: The Knesset) and that protect individual rights (such as Basic Law: Human Dignity and Freedom), but not a basic law that defines the identity and purpose of the state. Basic Law: Israel Nation-State of the Jewish People was passed to fill that void.

To some, filling this legal void was unnecessary since Israel is de facto a nation-state and since its Declaration of the Establishment of the State of Israel does define the identity of the country ("We hereby declare the establishment of a Jewish state") and its purpose (the national independence of the Jewish people). In fact, passing this new basic law was necessary because of the judicial activism of Israel's High Court of Justice in the past two decades.

In 1992, the Knesset passed two basic laws: one on "human dignity and freedom" and one on "freedom of occupation." Justice Aharon Barak (who presided the Supreme Court between 1995 and 2006) proclaimed a "constitutional revolution" after the passing of those two basic laws. What Barak meant was that the High Court of Justice could now strike down laws passed by the Knesset if deemed "unconstitutional" (i.e. incompatible with the two new basic laws). Nowhere in the basic law does it say that the court is entitled to use them to strike down regular legislation. Yet Barak unilaterally granted that power to the court in a 1995 ruling.

The "constitutional revolution" has affected Israel's identity as a nation-state. The basic law on "human dignity and freedom" states that Israel is a "Jewish and democratic state." But what happens when Jewish and democratic values conflict? No problem, Barak wrote in 1992: In case of a conflict, the word "Jewish" shall be interpreted by the court "with the highest level of abstraction." In other words, it shall be ignored. Theoretically, the court could use in its rulings Israel's Declaration of Independence, which defines Israel is a Jewish state. Yet the court itself ruled in 1948 that the Declaration of Independence has no constitutional value.

Israel's new laws point in a dangerous direction

By The FT View

Jewishness trumps democracy to the detriment of peace.

There has rarely been a more propitious moment for hardline Zionists to press an uncompromising agenda.

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The court's activism, combined with the "highest level of abstraction" with which Barak interpreted Israel's Jewishness, were soon to be felt. The court ruled that a Jew cannot purchase a plot of land in a Bedouin village (Avitan case, 1989), but that an Arab can build a house in a village established by the Jewish Agency (Ka'adan case, 2000). The court was petitioned twice by NGOs (in 2006 and in 2012) to cancel Israel's citizenship law so as to impose on Israel the Palestinian "right of return" through the back door via fictitious marriages. Though the court rejected both petitions, it did so with a razor-thin majority of six to five.

Other laws and symbols related to Israel's Jewish identity are not immune from petitions at the High Court of Justice. The "law of return" (which grants automatic immigration rights to Jews) might one day be struck down for being discriminatory; Israel's national anthem (which expresses the Jews' two-millennia faithfulness to their land) and flag (which only has a Jewish symbol) could be challenged in court for ignoring the feelings of the Arab minority; and taxpayers could petition the court against the spending of their money on the preservation of Jewish identity in the Diaspora. Until the passing of the basic law on Israel as a nation-state, the court had no constitutional basis to reject such petitions and to protect Israel's Jewishness. Now it does.

Opponents to the law claim that declaring Hebrew the country's official language, while granting Arabic a "special status," affects the rights of the Arab minority. Would they say the same of the French constitution, which establishes that "The language of the Republic is French" (Article 2) while only recognizing "regional languages" as belonging to the "patrimony of France" (Article 75-1)? Being a nation-state is compatible with the civic equality of minorities. Israel is no exception in that regard.

The right to national self-determination was recognized as a universal one by the League of Nations after World War One. The Jews are entitled to that right like any other nation. Unlike the United-States and Canada, but like most countries in the world (including in Europe), Israel is a nation-state. Yet the Jews' right to self-determination is still being challenged both internationally and domestically. Thanks to the nation-state basic law, Israel's Jewishness is no longer assailable at home.

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Benjamin Netanyahu's coalition government faces little opposition. In taking maximalist positions, it has the full support of a nationalist populist president in the White House.

Meanwhile, the Israeli prime minister's brand of muscular identity politics hardly stands out at a time of resurgent nationalism across Europe and other parts of the world. He even enjoys tacit support from Arab neighbours, at least when it comes to containing Iran's influence in the Middle East. Last week's changes to the basic laws that govern Israel — in the absence of a constitution — can be seen in this context.

The new laws have the effect of privileging Jewish identity over democratic values, thereby eroding one of the principles on which the Israeli state was founded. Jews will enjoy exclusive rights to national self-determination within Israel's borders. Arabic will be downgraded from its status as an official language. The settlements, which have already eaten far into what might once have been a viable Palestinian state, are not only encouraged by law. In further legislative changes that support an expansion of the construction programme, Palestinian access to the supreme court will be cut off in the case of land disputes.

Having passed these changes, eight years since they were first mooted, lawmakers in the Knesset offer a preview of what a single state shared between Israel and the Palestinians might look like. From the Arab standpoint it looks decidedly bleak.

Unsurprisingly, representatives of the 1.8m Arabs who live in Israel, are outraged. So too are Palestinians in the Gaza Strip and occupied West Bank. The bill, passed by the slimmest of majorities, may remain partly symbolic and will face legal challenges. It nevertheless signals a tilt in a dangerous direction, potentially legitimising discrimination against the Arab population within Israel.

Ready For A President Of The Jewish People?

By Gary Rosenblatt

jewishweek.timesofisrael.com

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Events in Israel in recent days — including the Knesset's passage of a controversial nation-state bill and the police detention in Jerusalem of a Conservative rabbi for performing a non-Orthodox wedding — are but the latest evidence of the increasingly sharp divide between the Israeli government and the majority of world Jewry.

"It's like they have a checklist of our hot buttons and they're pushing each one," a frustrated local communal leader grumbled to me about the Netanyahu government this week.

The only good news is that the rift has grown so deep and worrisome that it has led some who fear for the future of global Jewish survival to propose creative ideas to ease, if not solve, the tensions.

Several important examples of that in a moment.

But first, a look at the latest controversies and the underlying cause of the growing alienation between the right-leaning Netanyahu government (representing mainstream Israelis) and the great majority of American Jews, who are liberal politically and in their religious practices.

Granted, the latter still have the vote. Nor have they been denied representation in parliament. But Arab concern about the intent behind this bill, passed at a time when prospects of the Palestinians and Israelis living peacefully side by side in separate states have receded, is understandable.

Although the statistics remain subject to heated debate, some official documents suggest that the Arab populations in Israel, Gaza and the West Bank are at or approaching parity with the Jews. The new laws serve as a reminder that, in the event that a Greater Israel eventually subsumes the Palestinian territories, Israel's founding principles of being both Jewish and democratic would become incompatible.

For Israel to maintain its character as a Jewish homeland, either the Palestinians would have to be denied the vote, or they would in effect challenge Jewish supremacy over the state. In a more extreme scenario, Palestinians would be expelled to prevent that outcome.

David Ben-Gurion, Israel's founding prime minister, warned as much in the aftermath of the 1967 Arab-Israeli war when he called for newly conquered territories to be relinquished. More recently so did Ehud Barak.

The nationalist and ultra-orthodox legislators holding sway over the Knesset today are not blessed with such foresight. The laws they have just passed may play to their immediate electoral advantage.

Longer term, they risk undermining the pluralist nature of the Israeli state, and fuelling yet more conflict. Mr Trump may appear sanguine. There is no guarantee his successors will be as sympathetic."

The nation-state bill, which passed by 62-55, with two abstentions, and which will become Israel's 15th Basic Law, has been fraught with controversy from the outset. Proponents insist that it simply codifies what is already in practice: that Israel is the nation-state of the Jewish people, united Jerusalem is Israel's capital, "Hatikvah" is its national anthem and the Israeli flag is the official state flag, etc.

Prime Minister Netanyahu hailed the bill's passage after years of debate as "a defining moment in the annals of Zionism and the annals of the state of Israel."

But critics, including mainstream Jewish organizations here like the Anti-Defamation League and the AJC, are fearful that the law discriminates against minorities and makes Israel's goal of being both a Jewish and democratic society that much more difficult. They cite the fact that the bill preserves the right of national self-determination as "unique to the Jewish people," not all citizens. It's certain to alienate Arab Israelis, who make up more than 20 percent of the national population. In addition, the legislation will no longer consider Arabic an official language of the state, and downgrade it to "special status."

The new law also calls on the government to promote Jewish settlement in Israel, though the wording was toned down from an earlier version that would have permitted building “Jewish-only” settlements.

The political context here is that Israelis on the right believe the courts have leaned left in rulings in recent years in the name of democracy and that passage of the nation-state bill was needed to restore and bolster the Jewish component of the delicate balancing act.

Israelis on the left, and many in the center, suggest that the new bill tips the scale dangerously rightward. They contend that it was enacted because those on the right are seizing the moment, given their political ascendancy, the nationalist mood in Europe and the Trump administration’s open and enthusiastic support for the government in Jerusalem.

In other words, coalition legislators pushed through several contentious bills this week because they could.

As for the police detaining Rabbi Dov Haiyun, a popular Conservative rabbi in Israel, for officiating at a wedding outside the boundaries of the Chief Rabbinate, mainstream American Jewish groups, including the federation movement, spoke out sharply in opposition. A statement from Eric Goldstein, CEO of UJA-Federation of New York, described the action as deeply disturbing and “dramatically inconsistent with Israel’s ... commitment to equality and respect for all its citizens.

“We have high expectations and hopes for Israel as the national homeland of the Jewish people,” the statement said. “It is meant to be a home for all Jews and a reflection of Jewish values.”

But most Israelis would dismiss suggestions that their democracy is weakening, and they are less concerned these days about offending liberal American Jews, viewing them as unaware of or insensitive to Israel’s realities and, some would argue, on the way to extinction through assimilation.

The Jewish People’s Council

These Israel-diaspora tensions are not new, but a lengthy and thought-provoking essay by Natan Sharansky and Gil Troy describes “the present moment” of “mounting mutual anger and alienation on both sides” as “especially volatile.”

Sharansky is the famed human rights activist who recently stepped down as head of the Jewish Agency for Israel; Troy is a professor of history and popular commentator on Israel-diaspora issues.

The article in the online Mosaic magazine, headlined “Can American and Israeli Jews Stay Together As One People?” argues that “our era of bad feelings has fed a deepening pessimism about any prospects of a shared Jewish future.”

Sharansky and Troy offer a new version of an old proposal (going back to Theodor Herzl and the first World Zionist Congress, 1897) in calling for a Jewish People’s Council that they think could ease the tensions by giving

world Jewry a voice, though not a vote, in determining a linked Jewish future.

“We have in mind a forum — part mediating institution, part reconciliation vehicle, part safety valve — for debating and acting together as a people,” they write, making clear that it would not be a power-sharing or legislative body. “Its character would be voluntary, its actions advisory, its spirit covenantal.”

The authors are a bit vague about how it would all work, suggesting that it be composed initially of members of Knesset as well as representatives of major Jewish organizations from around the world. Eventually, they say, the council would increase in popularity and representation, with Jews throughout the diaspora participating in the election of members.

(In a response in Mosaic this week, Michael Oren, former Israeli Ambassador to the U.S. and now Deputy Minister in the Prime Minister’s Office, praised the Sharansky-Troy analysis of the problem as “singularly accurate” but suggests that Israel and the diaspora need to define who they are, how they relate to each other and who would participate. Anti-Zionist charedim? BDS supporters? Messianic Jews?)

In their essay, Sharansky and Troy cite the demise of the Kotel compromise (which Sharansky sought to preserve) as a lesson in how not to find consensus between Israel and diaspora leaders. They write that the process of the Kotel negotiations, which dragged on for several years, was artificial. It was top-down, secret and lacked “legitimacy” and “resilience” with the public, they contend. Sharansky and Troy say that face-to-face talks — even contentious debates — among representatives of Israel and world Jewry would clarify Jewish identity issues and allow for meaningful attempts at resolution, with each group better understanding the goals and concerns of the other.

“It’s democracy 101,” the article states. “Better to argue with, rather than about, each other.”

The Jewish Wisdom Of Crowds

Adding a new voice to the longstanding discussion about the Jewish future, or lack thereof, Tal Keinan, an American Jew who made aliyah on his own and became a pilot in the Israeli Air Force (IAF), has written a provocative book with sectional headlines like “America: Dying in Our Sleep” and “Should There Be Jews?” (The original title of this part memoir, part manifesto was “Extinction.”)

Due out in September from Spiegel & Grau, it’s now called “God Is In The Crowd: Twenty-First Century Judaism.” In it, Keinan describes his own exploration of the value of membership in the Jewish people, which led him to make aliyah at 19 and commit eight years to the IAF. Along the way he determines that “in an era of

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seemingly personal options, our choice as a community is stark: Create meaning in Judaism or accept extinction.”

A theme of the book is “the wisdom of crowds,” the theory that a diverse group of people will make better decisions on issues than even experts, and apply it to the Jewish community. Keinan, who now runs a hedge fund based in Tel Aviv and New York, proposes an intriguing incentive to stay connected to the Tribe. He calls for the creation of The Jewish World Endowment, “a sort of Birthright 2.0” that would offer married couples with a child to “commit 1.25 percent of their pretax income each year, for each child, to the Endowment, beginning when the child is five years old,” noting that paying those annual dues would ensure membership in the Endowment.

The benefits include:

- Two years in a summer program for young people combining overnight-camp activities and Jewish identity classes and projects – one summer in the U.S. and one in Israel, with campers from America, Israel and Jewish communities around the world attending together. All kosher, with common Shabbat services and meals.
- Two months of participation in a tikkun olam mission. High school students or recent graduates — a mix of American, Israeli and international youngsters — would choose from a wide range of volunteer projects, from reading aloud to residents of local nursing homes to participating in an international disaster relief unit.
- Most dramatically: Free tuition for a full undergraduate education at a university of one’s choice (assuming admission).

The particulars in terms of the summer programs, Jewish identity courses, etc. will be determined by The Crowd, according to Keinan, with an emphasis on tzedek (Jewish ethical justice), social action, education, challenge and dissent, tradition and community.

A chart of assumptions for the proposed Jewish World Endowment is included, stating that initial enrollment would be 5 percent of Jewish families around the world; that the average financial returns over time would be 6 percent and that “at full potential,” the endowment would “generate resources of approximately \$13.75 billion.”

A President Of The Jewish People

Perhaps even more ambitious is Keinan’s suggestion that the presidency of Israel be transformed from a largely ceremonial position to one that would give him or her the right to make policies that affect Jews around the world — including defining Who is a Jew for issues of Jewish

citizenship in Israel — birth to marriage to burial.

“The president of Israel would be, in effect, president of the Jewish People.”

“The presidency of Israel would be the convening point for Jews around the world to debate fundamental questions of Peoplehood,” with the president elected by world Jewry. “The president of Israel would be, in effect, president of the Jewish People.”

Anticipating strong criticism, especially from Israelis, Keinan defends the proposal by saying that the issue is “not just a question of moral justice but of practical survival. If Israel is to be a Jewish asset, all Jews must have a seat at the table where Israel’s Jewish character is set and maintained.”

Do Enough American Jews Care?

Intriguing, exciting ideas all, but there’s a dirty little secret here and a sad one, too, that makes such bold innovations highly unlikely: the great majority of American Jews are not engaged with Jewish life and Israel enough to make these proposals practical.

The Sharansky-Troy idea of a Jewish People’s Council would need at least a few hundred thousand votes cast to be at all representative of the 6 to 7 million Jews in the U.S. Yet the World Zionist Organization elections, which represent the best and only chance for American Jews to have a representative voice in key issues facing Israel and world Jewry, total around 50,000 votes, almost all from within the various Zionist organizations.

Tal Keinan’s plan to create a superfund to address Jewish identity, connect Jews from around the world at a young age and provide a free college education to boot, requires young parents to pay in to the Jewish World Endowment each year. How many care enough to stay in for the payoff? (Especially when Birthright Israel, American Jewry’s greatest success story, was made possible because the founding philanthropists made it all free for participants.)

Keinan’s idea of a President of the Jewish People is both inspiring and frightening. It could result in actually resolving some of the contentious issues we constantly debate about Jewish identity and representation. Israel’s current president, Reuven “Ruvi” Rivlin, has performed admirably, but Keinan’s vision of the post is a huge responsibility.

Best of all about these proposals is that they spark the imagination and allow us to think beyond the limits of today, which have resulted in such misunderstanding, anger and alienation between Israelis and American Jews.

It was Herzl who said, “If you will it, it is no dream.”

Are we prepared to meet the challenge?

Twenty-Four Years after the Buenos Aires Bombing, Iran Is Becoming More Entrenched in Argentina

By Carolina Krauskopf

And the investigation is still ongoing.

thetower.org

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This week is the twenty-fourth anniversary of the bombing of the Israeli-Argentine Mutual Association

(AMIA) Jewish community center in Buenos Aires, one of the worst terrorist acts against Jews since World War II.

On the morning of July 18, 1994, Ibrahim Hussein Berro, a Lebanese citizen, drove a Renault Trafic van loaded with 300 kilograms of explosives into the Buenos Aires Jewish community center. The van detonated at the entrance of the AMIA, resulting in the death of 85 people and wounding hundreds. Hussein Berro was a member of Iran's terror proxy, Hezbollah.

The attack brought Iran and Hezbollah to the international forefront, and despite public attention, both continued to develop intelligence and logistical networks throughout Latin America, a practice that had been ongoing since the 1980s. But this was not the first time Iran and Hezbollah had performed a terror act in South America—only two years prior, a Ford F-100 panel van detonated in front of the Israeli Embassy in Buenos Aires.

In a democracy with strong and transparent institutions, the investigation of the deadliest terror attack in the country would not have taken twenty-four years. But the original judicial probe was mishandled, poorly executed, and stalled for years. It wasn't until an investigation by Argentina's Intelligence Secretariat in 2002 and later by prosecutor Alberto Nisman that confirmed the identity of the driver.

The judge handling the case was removed from it in 2003 due to serious irregularities and former Argentine president Carlos Menem, under whose presidency the attack happened, was charged with ordering the judge to drop the Syrian connection of the attack. It has been reported that Menem tried to protect a Syrian family friend (Menem is of Syrian descent). The inability to bring justice to the victims, survivors, and families was nothing short of frustrating and embarrassing. It appears that Iran targeted Argentina, in part, because there was little accountability there, making it more likely that the attack could be perpetrated with impunity.

After almost a decade of incompetence, special prosecutors Marcelo Burgos (who later left his office) and Alberto Nisman began their investigation. Nisman concluded that Iranian and Hezbollah officials planned the attack, and that former Iranian president Ali Akbar Rafsanjani, along with other high ranking Iranian government officials gave the final approval at a meeting in Mashhad, Iran in August of 1993. Nisman's investigations prompted Interpol to issue red notices (similar to international arrest warrants) to several key Iranian officials, but Iran ignored them.

When Cristina Fernandez de Kirchner became the Argentine president, the AMIA investigation took a bizarre turn, and by 2013, Buenos Aires and Tehran had signed a memorandum of understanding and created a so-called joint "truth commission" to investigate the 1994 bombing together. Having the chief suspects in the terror attack

investigating themselves was absurd and the memorandum of understanding was dropped when Mauricio Macri became president in 2015.

Nisman charged that Kirchner and Hector Timerman, the former Argentine Foreign Minister, played a critical role in covering up Tehran's role in the AMIA bombing. In January 2015, Nisman was found dead the day before he was due to testify before Congress of his findings. While a federal court subsequently concluded that he was murdered, much about the case remains a mystery.

The AMIA investigation has been nothing short of a disaster, and as the investigation stalled, Hezbollah and Iran continued to build a more robust intelligence and operation network in the region. Following the attack in 1994, the U.S. State Department's coordinator for counterterrorism highlighted that Iranian embassies' staff in Latin America had increased. There was a fear that some of these diplomats had terror links or were intelligence agents. Throughout his career, Nisman warned of Iran's and Hezbollah's expansive operations in the region and in 2013, Nisman's 500-page report warned of clandestine intelligence stations in Latin America.

Additionally, the U.S. State Department's annual Country Reports on Terrorism for 2015 highlighted that Hezbollah "continued to maintain a presence in the region, with members, facilitators and supporters engaging in activity in support of the organization," trying to expand its "infrastructure in South America and fundraising, both through licit and illicit means." Hezbollah strategically established itself in America's backyard, posing an ongoing security threat to the region and the United States.

The AMIA investigation had no serious repercussions until recently: Kirchner will be tried for covering up Iran's role in the attack. Timerman was placed on house arrest (later released on humanitarian grounds) and will go on trial as well. Several confidantes of Kirchner's administration are also expected to be charged in the cover-up.

Earlier this month, an Argentine federal judge investigating the case requested Russia and China to arrest and extradite former Iranian Foreign Minister Ali Akbar Velayati, who along with other high ranking Iranian officials, is accused of ordering the attack. A few days later, the Argentine Financial Information Unit froze the assets of a suspected Hezbollah fundraising network in the Triple Frontier — also known as the Tri-Border area — which is where the AMIA attack originated.

Twenty-four years of corruption and impunity have allowed Iran and Hezbollah to expand its logistics, financing and planning efforts in the region, posing a security threat to Latin America and the U.S.

For the victims and families, twenty-four years without justice is far too long. For others, twenty-four years without justice exposes them to a growing threat.

A Sliver of Good News for Israel from the Trump–Putin Summit

By Josh Rogin

washingtonpost.com

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But can Russia uphold its promises?

There's broad confusion both inside and outside the Trump administration about what "agreements" President Trump made with Russian President Vladimir Putin during their private meeting in Helsinki. One thing we do know is that — post-summit — Trump now endorses a deal on Syria that Putin struck the week before with Israeli Prime Minister Benjamin Netanyahu.

Before the Trump-Putin private summit, Netanyahu called Trump to go through the agreement details, some of which I've reported before. Netanyahu finalized the terms with Putin during his visit to Moscow last week. Putin and Trump have both publicly talked about the agreement since Helsinki, albeit indirectly. But make no mistake, the agreement is real, and it's going to reshape how the powers of the Middle East act in southern Syria in the coming months and years.

Administration sources, who admittedly have incomplete read-outs of exactly what happened inside the one-on-one Trump-Putin meeting, tell me that Trump is now fully on board with the Putin-Netanyahu deal over Syria. Trump referred to it Tuesday at the White House.

"We discussed Israel and the security of Israel, and President Putin is very much involved now with us and the discussion with Bibi Netanyahu on working something out with surrounding Syria ... and specifically with regards to the security and long-term security of Israel," Trump said.

Nobody paid much attention — probably because, in the same set of remarks, Trump was also trying to spin his remarks from his post-meeting news conference with Putin, where he failed to side with U.S. intelligence agencies regarding their assessment of Russia's election interference.

But administration sources said, although nobody can be sure because Trump hasn't fully briefed his own staff, the understanding is that Putin walked Trump through the terms of the Syria deal, much as Netanyahu had done with Trump before the meeting. Putin also talked about the Syria deal during his news conference with Trump, although few took note.

Putin said they had discussed "crushing terrorists" in Syria's south and said the area "should be brought to the full compliance" with the Israel-Syria Separation of Forces Agreement of 1974. He presented the agreement as a way to protect Israeli security and mend relations between Israel and the Bashar al-Assad regime.

"This will bring peace to Golan Heights and bring a more peaceful relationship between Syria and Israel, and also to provide security of the state of Israel," Putin said. "[Trump] paid special attention to the issue during today's negotiations, and I would like to confirm that Russia is interested in this development, and this will act accordingly."

There are more details of the agreement I'm now able to report based on conversations with several government

and diplomatic sources. They all say this deal was based on Netanyahu's desire to look out for Israel, given that the Assad regime and Russia are about to complete their offensive to regain control of territory on Israel's border. This is territory rebels had held for several years, until recently with the support of the United States.

The Trump administration abandoned those groups when Russia violated the cease-fire agreement it had struck with the United States and helped Assad brutally retake the territory, slaughtering civilians from the ground and air. Approximately 140,000 innocent civilians have been displaced by the fighting and remain trapped and in need of humanitarian assistance, according to the U.N. High Commission on Refugees.

Israel had remained largely neutral in the Syrian civil war but wanted Assad to go, and was quietly helping Syrians across their border with emergency medical care and humanitarian support. But when the United States made clear it will not intervene in southern Syria to stop Assad and Russia, Netanyahu cut a deal with Putin to make sure Israel's interests were protected.

Under the deal, Israel (and now the United States, presumably) will formally endorse the Assad regime's control over the area and work to implement the 1974 agreement, which sets the physical borders and provides for U.N. observers to be deployed in between the Syrians and Israelis. Under the new deal, Russia agrees to keep Iranian troops and proxy groups 80 kilometers, or about 50 miles, from Israel's border (if they can), and Putin promises not to object if Israel strikes Iranian assets in southern Syria, especially if Iran deploys weapons that threaten Israel, such as strategic missiles or anti-aircraft systems.

Of course, there's broad skepticism about Russia's ability to force Iran to do anything in Syria. "We have assessed that it is unlikely that Russia has the will or the capability to fully implement or counter Iran decisions and influence [in Syria]," Director of National Intelligence Daniel Coats said Thursday at the Aspen Security Forum.

But overall, it's a deal that Israel can live with and that establishes a framework for Israeli relations with its powerful new neighbor — Russia. You can't blame the Israelis for being realistic about the fact that Russia, not the United States, is the power they have to work with most in the Middle East now.

"The prime minister of Israel is going to Moscow more frequently than he is going to Washington," said Yousef al-Otaiba, the United Arab Emirates ambassador to the United States. "I say that as a way of trying to tell you how different the Middle East is today."

The deal works well for Israeli interests, but what about U.S. interests? Tragically, there's no clear message from the Trump administration on what those are. The United States and Russia have long been conducting parallel discussions on Syria, which is how the last cease-

fire deal got struck. In June, Brett McGurk, the State Department's envoy to the global anti-Islamic State coalition, and David Satterfield, the acting assistant secretary of state for near Eastern affairs, met with their Russian counterparts in Vienna to discuss various aspects of the Syria issue. But neither those U.S. or Russian officials were present in Helsinki.

Trump has made clear that his priority is to withdraw all U.S. troops from Syria and damn the consequences. His national security advisers believe that would be disastrous and are trying to show progress before the president loses all patience and scraps the mission altogether. Trump has already frozen all stabilization assistance to Syria's

northeast, an area struggling to recover from years under Islamic State rule.

The result is a lack of clear strategy and a precipitous decline in U.S. leverage on the ground and at the negotiating table. For years, the Obama administration had a bad Syria policy, but at least President Barack Obama had some skin in the game and gave some protection and comfort to the innocent Syrian civilians who the United States was supposed to be looking out for.

"Any of us who were involved in Syria policy over the last years have to look ourselves in the mirror and look at failure," said former deputy secretary of state Tony Blinken. "We failed. The failure continues. The suffering continues."

Russia Has No Interest in Curbing Iran in Syria—Despite Putin's Assurances

By Alexandra Gutowski & Caleb Weiss

realcleardefense.com

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Putin can afford to lie to America, but he can't control Syria without Iranian support.

Following their meeting in Helsinki, Donald Trump hailed Vladimir Putin as a potential partner in Syria, who can provide humanitarian relief and preserve Israeli security. But if the United States hopes to deny Iran "open season to the Mediterranean," as the President previously said, Russia is anything but an ally. Putin has no interest in pushing out the Iranian forces that defend the Assad regime by taking heavy casualties on the ground while Russia fights mainly from the air. Rather, the most recent offensive by pro-regime forces—a sprint towards the Israeli and Jordanian borders—demonstrates that Russia enables Iranian operations in Syria.

In late June, Russia began to unleash hundreds of airstrikes on Deraa, a flagrant violation of the U.S.-Russian ceasefire agreement that Trump and Putin personally endorsed last November. While Russia struck from the air, forces nominally under the control of Damascus conducted a major ground offensive.

Closer examination shows that the dividing line between Assad's military and Iranian-aligned forces has become ever blurrier. Before the offensive began, Lebanese Hezbollah and other Iranian-backed militias staged apparent withdrawals from the region, only to return after donning regime uniforms and hiding their banners and insignia. Tehran is also directly involved. On July 2, a senior commander of Iran's elite Islamic Revolutionary Guard Corps (IRGC) died in Deir al-Adas, a village in northern Deraa province along the strategic M5 highway. Persian sources describe him as the commander for Deraa province.

Two Iranian-aligned militant groups comprised of Iraqi Shias, Liwa Abu al Fadl al Abbas (LAFA) and Liwa Zulfiqar, have also participated in the offensive. LAFA was one of the original foreign Shia militias to deploy to Syria in 2012, ostensibly to defend the Sayyida Zainab mosque in Damascus, a major Shiite religious site. Since then, however, the group has integrated into the Syrian Republican Guard, even to the point where it openly identifies as a Republican Guard unit. LAFA's trajectory

illustrates how forces nominally under the control of Damascus are permeated with troops that are at least as close to Tehran.

Since the current offensive began, LAFA has posted numerous photos and videos on its Facebook page showing its men alongside regime troops in Deraa. Its leader, Abu Ajeeb, has also been pictured with Syrian military officers in several of the photos. Opposition sources report that a LAFA commander met with Russian military officers in Deraa.

Liwa Zulfiqar has also confirmed its involvement in the offensive, as well as its integration into the regime's military. The militia, which has been fighting alongside Syrian regime troops since 2013, posted several photos from the town of Busra al Harir in which it asserted it was participating in the offensive. The militia's leader, Haidar al Jabouri, appeared in a video shot inside the Syrian 4th Division's military operations command room, demonstrating Zulfiqar's integration into the Syrian command structure.

Reports have also suggested that other militias, including Lebanese Hezbollah, have been taking part in the offensive, sometimes disguised as Syrian troops. In late June, the Washington Post briefly noted Hezbollah's participation. Quoting an official in Damascus, Reuters reported that "Hezbollah is a fundamental participant in planning and directing this battle." Another pro-regime source reportedly confirmed the use of Syrian military uniforms by Hezbollah and other militias to the wire service.

It's also becoming clear that Russian aircraft are supporting the efforts of Iranian-backed units nominally under the control of Damascus. On June 24th, Russian warplanes conducted at least twenty strikes on Busra al Harir, spurring on a stalled regime offensive. Within two days, Liwa Zulfiqar announced its participation in operations there. On July 4th, Russia hit Saida and Tafas, supporting offensives involving Zulfiqar and LAFA, respectively. Russia has also now deployed military police to hold terrain captured by Iranian-aligned forces, demonstrating a level of coordination as well as Russia's

unwillingness to use its forces for more dangerous offensive operations. These terrain-holding forces free up Iran-aligned actors to continue undertaking offensives toward the Golan.

Reported meetings between militia commanders and Russian officers suggest these operations are coordinated. But even without formal coordination, Russian air cover and Iranian ground offensives are mutually dependent and reinforcing. Iran can't be in the sky, and Russia refuses to put significant forces on the ground, lest too many return home in body bags. Thus, Putin requires Iran's forces on the ground to secure his ambitions in Syria.

Trump should remain highly skeptical of Putin's interest and ability to serve as a partner in Syria. The

humanitarian relief Putin proposes is designed to fortify the regime, not rehabilitate children brutalized by Assad. Putin also has limited interest in curtailing Iran's deployment. Russia itself admits that Iran's withdrawal is "absolutely unrealistic." Trump should not concede American positions, notably the strategic base at Tanf which blocks Iran's path to the Mediterranean, for empty promises from Russia. Putin can afford to lie to America, but he can't afford to control Syria without Iranian support.

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Israel May Have Secured Temporary Quiet in Gaza. But for How Long?

By Amnon Lord

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Hamas might think it's won this round.

The first 24 hours since Hamas' request for a cease-fire passed in total silence. Saturday has gone down in Israel Defense Forces records as the quietest day on Israel's border with Gaza since the end of March, when Hamas first embarked on its border campaign. Hamas may have erred when it had one of its snipers fire at a Givati Brigade soldier, who later died of his wounds. The IDF believes this was a local initiative, because preparations in the area did not indicate a readiness to either absorb or respond to the IDF's reaction to the sniper fire. Hamas political bureau chief Ismail Haniyeh had been standing not far from the border area at the time. The positions the IDF attacked immediately following the sniper fire were manned, and between five to eight Hamas terrorists were killed in the strikes as a result. The fact is that Hamas did not respond to the IDF airstrikes by launching rockets at Israel.

It is still too early to determine whether this last round over the weekend restored the deterrence in place following 2014's Operation Protective Edge. According to one media report, Israel has committed not to target children or youths sending over incendiary kites. Still, no understandings have been reached that go beyond what was agreed upon in Operation Protective Edge. IDF Spokesperson Brig. Gen. Ronen Manelis said, "We have not tied our hands. Yesterday there was another attempt to penetrate [Israel's border]. We fired at Hamas positions. They did not respond."

The entire range of targets is open to attack, and no one in Hamas' senior echelon has immunity.

Since the beginning of Hamas' campaign, the IDF's policy on the border and the incendiary balloons was to create a "cumulative balance of losses" on the other side. The terrorists acted on three fronts: They shot rockets, attacked the border fence and launched incendiary kites. The IDF considers its efforts on the border fence front a success because the border was not breached, one of the main goals of the so-called "March of Return." It's not entirely sure the enemy is of the same opinion. It has used the border as a means to endlessly occupy its people and give them the sense they are engaged in a war of attrition. Furthermore, for the first time in the history of Israel's wars against Hamas, the Israeli Left, along with some American Jews and the Democratic Party, are standing in support of the terrorist organization. From Hamas' perspective, the fact that Israeli intellectuals have come to, in some respect, identify with the Islamonazi terrorist organization is a remarkable achievement.

Nevertheless, the IDF has established legitimacy to respond to the arson attacks with attacks on Hamas' military assets; including by taking out terrorists, destroying their command and logistics infrastructure and destroying their tunnels. The IDF believes the damage incurred by the other side is disproportionate and that Hamas is reaching the necessary conclusions, in part because its leaders know they should expect an escalation.

The IDF's goal is clear: to restore peace and quiet. At some point, someone here will have to decide whether Israel can live with a terrorist entity capable of rattling the country, each time through the use of new and unexpected methods.

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