

(te•kūn) To mend, repair and transform the world.

TIKKUN

**HOWARD DEAN AND
AMERICAN POLITICAL
REALIGNMENT** ROY MORRISON

A BIMONTHLY JEWISH AND INTERFAITH CRITIQUE OF POLITICS, CULTURE & SOCIETY

JANUARY/FEBRUARY 2004

THE GENEVA ACCORD



HOPE RETURNS TO ISRAEL/PALESTINE

YOSSI BEILIN • YASSER ABED RABBO • MICHAEL LERNER • ERIC H. YOFFIE
LETTY COTTIN POGREBIN • PLUS, THE FULL TEXT OF THE ACCORD

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SUFFERING**
Alan Shapiro

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**PSYCHEDELIC
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Michael Ziegler

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Lawrence Fine on Arthur Green's Kabbalistic Thought
Sidra DeKoven Ezrahi on the Contemporary Jewish Canon

First Evening Prayer

It is possible
even in the darkness—

no, it is
more possible—

that is when your messenger
comes to me,

who has walked unappearing beside me
like starlight in the day,

angel that lives in the dust
of the earth, and knows

the distance of time, and the terrible
space between one human

and another,
that can hardly be crossed—

in the dark the messenger
cries, lift

your eyes up—
what I am dreaming I am seeing,

it is coming to be—
and climbs a coil, a rope,

a spinning ladder
that is the way

into day
in the night,

a place of God I didn't know,
here at the foot of it,

the root of the tree,
not for me to ascend

but to pray to you in the dark,
that you have brought down

the infinite to me
when my head lay on a stone,

one earth wheeling
among the millions of your stars.

Vayetze, Gen. 28:10-32:3

—Dan Bellm

2 LETTERS TO THE EDITOR

5 PUBLISHER'S PAGE: Mr. Sharon, Declare Victory

6 FREE ASSOCIATIONS: Gay Marriage; Should Iraq be Divided?; Jews for Clark; Trampled at Wal-Mart; Abraham Joshua Heschel

8 EDITORIALS: Hope from Geneva

FEATURES:

13 Politics

Is **Howard Dean** just another Democratic centrist or is he about to change the shape of American politics? **Roy Morrison** answers that question in *2004: Politics as Usual or Political Realignment?* (13). **Jason Mark** reports from *Miami's Mean Streets* (18), the site of the recent FTAA (Free Trade of the Americas) Summit. **Antonia Juhasz** reveals the flagrant greed and lawlessness behind the American reconstruction of Iraq in *Capitalism Gone Wild* (19), while **Richard Cummings** finds a path to Middle East peace through *Human Rights and International Law* (23).



33 The Geneva Accord

For years we've been told that "there is no possibility for peace" in Israel/Palestine, or that "there is nobody to talk to on the other side." Those arguments now disappear with the emergence of the Geneva Accord. Beginning with the editorial by **Michael Lerner**, *Hope from Geneva* (8), we follow with the full text of the **Geneva Accord** (34), and interviews with its architects, **Yossi Beilin** (46) and **Yasser Abed Rabbo** (49), in which we ask them some of the tough questions raised by critics on both sides. We follow with reactions from **Letty Cottin Pogrebin** (53) and **Eric H. Yoffie** (55).



ARTICLES:

16 **Neil Altman** looks at the psychological dimension of the Israel-Palestine conflict in *Humiliation, Retaliation, and Violence*.

28 **Alan Shapiro** explores the relationship between *Art and Suffering*.

57 **Abby Caplin** brings us *Meditations and Reflections for the Tu B'shvat Seder*.

60 **Lawrence Fine** reflects on *The Kabbalistic Thought of Arthur Green*.

80 **Arthur Waskow** offers us *Subversive Prayer*.



REVIEWS:

67 *Canon Fodder*. **Sidra DeKoven Ezrahi** on contemporary Jewish literature and the American-Israeli divide.

74 **Michael Ziegler** reviews *Zig Zag Zen: Buddhism and Psychedelics*.

77 **Paul Wapner** on the *Spiritual Politics of Roger S. Gottlieb*.

Inside Back Cover: *Sikkum*: Books TIKKUN Recommends.

Opposite: "First Evening Prayer,"
by Dan Bellm.

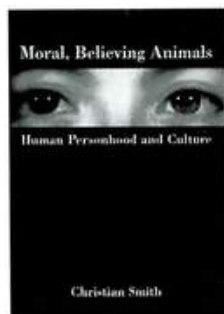
Front Cover: Courtesy of Getty Images.

Sikkum: TIKKUN RECOMMENDS ...

Moral, Believing Animals Human Personhood and Culture

Christian Smith
Oxford University Press, 2003

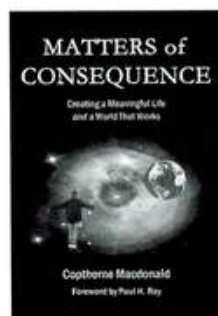
Humans have an inescapable moral dimension, and the study of human life must include a study of our moral proclivities. Sociologist Christian Smith attempts to do just that. Smith roams widely beyond the West, and critiques the failure of contemporary Western thought to fully grapple with the moral dimension of human experience. He argues that morally constituted and permeated worlds exist "inside" of people—in their assumptions, expectations, beliefs, aspirations, thoughts, judgments, and feelings—and also outside of people, in the structured social practices and relationships in which people's lives are embedded. Social institutions are inevitably rooted in, and are expressions of, the narratives, traditions, and worldviews of these moral orders, and at the core of every social order lies the Sacred.



Matters of Consequence Creating a Meaningful Life and a World That Works

Copthorne Macdonald
Big Ideas Press, 2004

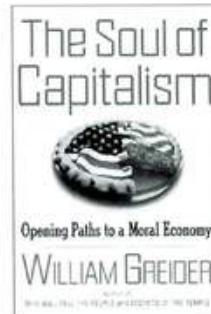
Copthorne Macdonald's book is a synthesis of some of the most important thinking being done today among those who hope to heal and repair the world. Recognizing that ethical sensibility and psychological/spiritual understanding go together, Macdonald lays out a vision of how to combine personal and societal transformation rather than following the traditional attempts by politicians and spiritual types to counterpose them. Comparing and contrasting his work with the contributions of Michael Lerner and Ken Wilbur, Macdonald refines the TIKKUN vision in important ways that will be useful for anyone seeking to create a meaningful life and a world that works.



The Soul of Capitalism Opening Paths to a Moral Economy

William Greider
Simon & Schuster, 2003

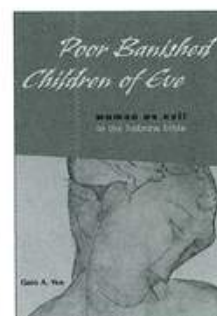
William Greider is a respected journalist whose exposés of corporate globalization, American militarism, and the Federal Reserve System have documented the perversions of contemporary society. In this book, Greider takes a leap forward, giving us a coherent and comprehensive account of the major political/economic struggles today, and provides useful instruction for those who seek social change. This book could easily become the bible of the next Democratic president. It is a guide for those who believe that the system still has the human resources to reform itself, starting with internal changes within the capitalist order itself by people who wish to see more equity in the distribution of rewards, more justice, and more conscientious nurturance of society's "softer assets": the children, the fate of the Earth and other living things, the grace notes of community life, and the untapped possibilities for personal self-realization.



Poor Banished Children of Eve Woman as Evil in the Hebrew Bible

Gale A. Yee
Fortress Press, 2003

Reading the Hebrew Bible from the perspective of Norman K. Gottwald's powerful class analysis, Gale Yee, director of studies in feminist liberation at the Episcopal Divinity School in Cambridge, MA, provides a provocative reading of the stereotypical constructions of woman as evil in four biblical texts. She argues that in each case the symbolization of woman as evil originated from and was circulated among the literate male elite classes who used it as an alibi for their class interests. Yee is brilliant in showing the complex relationship of classism, racism, colonialism, heterosexism, etc. Regrettably, she does not draw much on the wisdom of Jewish feminism and thus assumes a Christian reading of woman as evil that was not always assumed by the Jewish expositors of these texts.



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Letters to the Editor

Document of Forgiveness

To the Editor:

After reading the "Interview with Eyad El-Sarraj" (November/December 2003), it suddenly seemed obvious that if his advice and suggestions are grounded in genuine knowledge of his people and the extent to which ritual and tradition can govern their opinions and actions, the Tikkun Community should certainly consider the initiation of a "Document of Forgiveness." In it, Jews in Israel, as well as Jews worldwide, would ask Palestinians to try to forgive the futility of past bloodshed and destruction and move on to a time when the two peoples can begin to live as neighbors in peace.

These words must reflect heartfelt regret for the past and genuine meaningful sincerity in seeking to re-establish bonds of friendship that many Jews and Palestinians have enjoyed and still do today, despite the trauma of politics.

This document would go on to suggest starting points for discussion toward

equitable settlement of land distribution and other stumbling-block issues. These might be based on the *Tikkun Resolution for Middle East Peace*.

Most importantly, it would conclude as a truly grassroots expression with the signatures of as many Israeli Jews and Jews around the world who believe that this just might ignite a lasting drive for the peace that people of compassion fervently hope for.

BERN BERG
Rochester, NY

Editor's Note:

Good idea, Bern. We invite readers to submit your own drafts of such a document.

The New Anti-Semitism

To the Editor:

As I read "The New Anti-Semitism" by Miriam Greenspan (November/December 2003), I couldn't help but get this disturbed and gnawing feeling in my gut that truth and peace have not been served by this mushy treatment of the challenges and injustices that are being

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perpetrated in Israel.

In the name of peace you muddled the waters of morality, civility, and humanity. It surely was an unfair representation. One example of this blurred accounting is Greenspan's citing of specific and horrific incidences of Palestinian brutality, as well as the insidious indoctrination of children, and then generalized opinion that such hatreds exist on the Israeli side without the ability to give specific examples of equal sorts of aggression against the Palestinian population.

Where is it recorded that Ariel Sharon supports a political program of "Kill the Arabs"? Where are the rabbis spewing hate speeches on Shabbat against the Arabs? Where are the school textbooks that are undermining any possibility for mutual understanding and hope in the next generation?

There is so much more in this article that was slanderous of the good faith of the Israeli leadership and government merely because of omission of vital facts. Peace is a crucial hope and eventual necessity, but can it be won in the face of minimizing criminal acts against innocents, comparing the anti-crime actions of the Israelis as equally heinous, obscuring and even ignoring the facts concerning the bold efforts of the Israelis?

DVORA FAIRFIELD
Jacksonville, FL

Editor Responds:

One of the great disappointments of the years I spent in Israel was the constant racist demeaning of Arabs one heard

among otherwise sophisticated Israelis, and the often expressed desire to expel them entirely from the Land of Israel. I heard this frequently in the various Orthodox synagogues at which I prayed daily in Jerusalem. It was shocking to me to begin to receive death threats from fellow Jews and Israeli supporters of Ariel Sharon when I became known as an advocate for peace, but now the weekly threats which I continue to receive on my home telephone or on email have become just part of life for me—the cost of speaking out for peace. It was a Jewish extremist who engaged in the first mass murder of Palestinians after Oslo, as they prayed in their mosque in Hebron, and his grave is still a site of pilgrimages by fellow Israeli extremists. I can only imagine the noise the propagandists would still be making today if Palestinian extremists had killed Arafat for making peace with Israel; but it was an Israeli extremist, produced and nurtured by extremist elements in his culture, who killed Prime Minister Rabin for making peace with Palestine. And it is the government of Israel that today refuses to sign the Geneva Accord which would put an end to the suffering of both peoples.

To the Editor:

Israel is being seen as bad in the world not because the world is being anti-Semitic, as Miriam Greenspan puts it, but because Israel is committing atrocious acts of murder against the Palestinian people that border on genocide and that are not being addressed. To blame the world community for seeing

Israel as bad/evil and to label them as anti-Semitic completely misses the point. These types of arguments and the attitudes they reflect only breed frustration in the non-Jewish community and can in turn lead to genuine anti-Semitism.

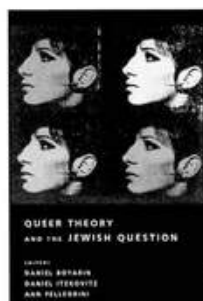
CHARLES MISKO
Ontario, Canada

To the Editor:

It would be nice if the collective Jews of the world would finally start a public relations campaign to let everyone know there is a difference between a Jew and an Israeli. How many more innocent Jews must die around the world for causes they do not agree with? Punishing Jews for what Israel does is like blaming Mario Cuomo for something the Pope says. What message is sent by blowing up a target that is not responsible for the problem? Might as well blow up a candy store as a synagogue.

Like a majority of American Jews, I don't support Israel's agenda and am constantly frustrated by those, both Jewish and non-Jewish, who assume automatically that I do. I am horrified in having my life put at risk because of my race, which has nothing to do with my beliefs. I am further outraged by my fellow Jews who refuse, out of perhaps guilt or fear, to stand up and speak out on this.

Let the Israelis who support terror be at risk for the violence they promote, not my friends and family. Maybe if the Israelis know how alone they stand (except, of course, for their buddies, the fundamentalist Christians) then perhaps



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Hélène Cixous

Translated by Beverley Bie Brahic

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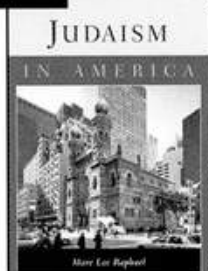
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LETTERS

there can be some mending, repairing and transformation.

R. DEUTSCH
Austin, TX

To the Editor:

Aimee Levitt's article "Une Juive sur la rue Mouffetard" (November/December, 2003) contributes to the problem of the perceived increase in anti-Semitism in France, alas, through ignorance. The author of the article spends the whole first paragraph explaining her lack of understanding of French. The possibility of understanding the word "*juive*,"

or any other word, is so remote for someone who understands almost no French. The desire to hear what she wants to hear is what is stunning about the article.

I have been living in France for the last forty years, very near, in fact, the rue Mouffetard. My name is Sheila. I constantly hear my name in the street. Why do I hear my name all the time? Because, after many, many years, I realized that what I was hearing was "Je suis là," said quickly, becoming "shweela." Because I am attuned to my name, that is what I hear.

Perhaps if the author had walked down rue Mouffetard with a sign saying "Jewish" or "*Juive*" she might have heard and recognized the word. But this street is filled with people of all colors and nationalities all the time. There is no racial tension in this rather intellectual, middle- to upper-class neighborhood, no glaring instances of identity politics. The chances of anyone saying anything like that are as remote as the possibility of her understanding it.

SHEILA MALOVANY-CHEVALLIER
Paris, France

The Heart of Left/Right Politics

To the Editor:

Your editorial "Closed Hearts, Closed Minds" (September/October, 2003) is one of the most important and powerful essays I've read in a long time. The notion that "the issues are almost never the issue" has the potential to take our political work in important and effective new directions. It's a radical departure from the primary focus on "getting the facts out" and "making the correct political analysis" that often animates progressive politics, and suggests that when the heart is closed no amount of information or

analysis can have much of an impact on a person's political thinking or behavior.

Certainly many of us have often wondered about our fellow Americans, "How can they be so stupid?" And in response, we have often felt powerless and befuddled, and perhaps even ashamed of ourselves for revealing our alienation from our fellow Americans to have even asked this question. Though we may be loath to acknowledge it, this confusion and our inability to directly engage this question in a serious way have been devastating to the progressive movement.

Perhaps we need to remodulate some of our political work so that its immediate and clear subject is people's deep despair and sense of powerlessness about the world, rather than only their "political opinions"—which, we are discovering, often reflect and manifest this despair. This is in no way to propose any lessening of the "political" and "informational" education that we are already doing. It is only to suggest that if we begin to engage directly the sense of insecurity, self-blaming and heart-closedness that characterizes so many Americans, we may find that these can actually be the primary path through which we are able to touch people.

RICK CHARNES
West Newton, MA

To the Editor:

I appreciate your sincere willingness to look at issues from the perspective of another in "Closed Hearts, Closed Minds" (September/October, 2003). It is rare to find anyone writing in a Leftist publication who sincerely attempts to take opposed perspectives seriously.

I feel, however, in your attempt to understand what you call the "rightward" political shift, you have not yet understood the whole picture. As long as the Left and progressives fail to understand why their ranks have steadily diminished over the last thirty years, idealism will continue to weaken and become further discredited. For the sake of a successful idealism, in order to mend, repair, and transform the world, it is critical that the Left become more capable of seeing reality accurately.

Culturally, I am a counter-culture liberal. That said, I no longer find the Left credible or worthy of support. When I read various accounts of why Left-wing causes are losing, I see a movement that

has failed to take responsibility for its own failures. A basic tenet of many spiritual disciplines is that one must take responsibility for one's failure. Blaming others for one's situation is a sign of spiritual immaturity. Failing to take responsibility for the harm that one has caused to others is even worse.

It is among the weaknesses of the Left that one cannot speak of communism without being perceived as right-wing; and that being perceived as right-wing instantly discredits one's arguments among the Left. But failure to hear one's critics only leaves one further weakened. For myself, and for many others, the fact that the Left has not taken full responsibility for the horrors of communism is simply inexcusable. More broadly, the last thirty years have seen an important and legitimate recognition of the positive powers of market forces. The fact that globalization is far from optimal, that it harms many, should not obscure the fact that global trade is really the only way that the third world poor will eventually experience a comfortable standard of living. Insofar as most of the Left never seems to recognize the positive contributions of globalization, they lack credibility.

Your experiences with working-class people help provide you with some insight and sympathy into why they are alienated from the Left. What you don't take into account are the real, solid shortcomings of the Left that have resulted in an increasing number of decent, humane, educated people accepting a more neo-liberal, pro-market perspective. Until the Left acknowledges its failures seriously and modifies its outlook accordingly, its failures will continue to multiply.

MICHAEL STRONG
Angel Fire, NM

Edward Said

To the Editor:

I respect Edward Said's great contribution to the world of literature and ideas. Unfortunately, that is not the whole story. *TIKKUN* readers will do well to remember the now infamous photograph of Professor Said at the Lebanese border, gleefully hurling stones at Israeli soldiers as an act of solidarity with his Palestinian brothers and sisters. This, the great hope for Jewish-Palestinian healing? As my kids would say: I don't think so.

RABBI JEFFREY K. SALKIN
Atlanta, GA



Mr. Sharon, Declare Victory

George Vradenburg

The signing of the Geneva Accord addresses a critical weakness of the Road Map—the failure to articulate the end game of the Road Map's confidence-building measures. That weakness left both sides of the Israeli-Palestinian conflict wondering whether compliance with the Road Map's process would either (a) leave Israel without a secure border and a durable peace or (b) leave Palestinians without a politically and economically viable homeland. While some might nitpick details in the Accord, it is now clear that Israelis and Palestinians of good will can negotiate and resolve these critical endgame issues.

Does the Accord have any chance of moving the ball toward a resolution of the Israeli-Palestinian conflict? Given recent history, the answer would have to be no. Prime Minister Sharon has been doing the proverbial Texas Two-Step—he has given cosmetic lip service to the two-state solution envisioned by the Road Map, but has acted as a man dedicated to creating “facts on the ground” that would make a two-state solution impossible.

Sharon is acting as if Jews are an inexplicably, perpetually victimized people who will never know peace and security and who will always be compelled to fight for their survival. He has simply blinded himself to a vision of Jews and Arabs in historic reconciliation, living in peace and prosperity in neighboring homelands. As Robert F. Kennedy might have put it, Sharon is wailing at a world as it is and saying “why?”, not seeing the world as it might be and saying “why not?”

This result is not inevitable. Other Jewish warriors—Begin, Rabin, and Barak—embraced a vision of peace. Why hasn't Ariel Sharon?

I think, at best, Ariel Sharon does not want to see an independent Palestinian State unless and until the Palestinians are totally defeated, and unless and until the Palestinian people acknowledge that they have been defeated. In particular, he wants to see Yassir Arafat unconditionally surrender on the Middle East equivalent of the deck of the battleship Missouri. He is fixated on making sure the Palestinians lose, not on whether Israel wins.

Let me emphasize the crucial point: *the Geneva Accord, were it to be fully implemented, promises a secure peace for Jews in a Jewish homeland living in peace with its Arab*

neighbors. This has been the Zionist dream for over half a century. That dream is what our people have been yearning for over nearly two millennia.

The Arab goal of pushing the Jews into the sea has been defeated—the Arabs know it, the Palestinians know it, the world knows it, and the Geneva Accord documents it. The Palestinian economy, society, and polity are in total disarray. Short of annihilation, what more can Israel do to “defeat” the Palestinians? Any notion that one can destroy forever the yearning of a people for freedom and independence is surely a chimera, as the history of the Jewish people itself demonstrates.

If implemented, the Geneva Accord would reflect an achievement of historic dimensions for the Jewish people. Now is the time to declare victory and work to make the Accord a reality.

Treating the Accord as a “victory” of historic dimension is neither quixotic nor a sign of weakness, but rather the act of a magnanimous people who themselves have experienced the hunger for an independent and secure homeland. While there are suicidal remnants in the Arab community with apocalyptic visions of a Jewish-free region, they are small and politically discredited ... and their flame is only being kept alive by Israel's brutal policies in Gaza and the West Bank. No step that Israel takes to implement the Road Map and the Accord is irreversible or requires Israel to weaken the effectiveness of its military capabilities.

The Jewish people, the Israeli people, must see that our special history requires an appreciation of the damage to our own character as a result of the injustice and pain being inflicted by Israel's occupation of Palestinian lands. We have a responsibility—to ourselves—to “take ownership” of the mutual suffering of Jews and Arabs and to take positive steps to end this continuing conflict.

The Geneva Accord's vision of a secure Jewish homeland in Israel, in peace with its Arab neighbors, can fulfill the historic destiny of our people. Six million of our people died in the death camps of Europe because we did not have a secure homeland to which to retreat. We will not have that secure homeland until Israel lives in peace and security with its Arab neighbors.

Mr. Sharon, declare victory. Shed the vision of our people as victims and seize this opportunity to declare victory for the Jewish people in their historic quest. □

George Vradenburg is co-publisher of TIKKUN.

FREE ASSOCIATIONS FREE ASSOCIATIONS

Should Iraq Be Divided?

Recent suggestions that Iraq should not be reconstructed as one democratic country but as three (a Shiite state, a Sunni state, and a Kurdish state) have raised a difficult conceptual issue: What is the relevant unit for national self-determination? There are a fair number of Northern Californians who regularly talk of their desire to secede and create a separate country with friendly relations with the United States, or at least a separate state from the Southern Californians who too frequently give the margin of victory for reactionary political candidates and ballot initiatives. But even if that talk is fatuous, the issue ought to be serious when addressed to Iraq, a country created by European colonialists who forged together disparate tribes, many of whom continue to feud and feel oppressed by each other. Yet twentieth century Balkan states demonstrated that feuding ethnic groups can be just as explosive when garbed with the mantle of feuding neighboring states. A vote by the entire country can't fully resolve this issue anymore than a vote by the entire U.S. population could reasonably determine whether the Puerto Ricans should remain in U.S. colonial dependence. Yet if we

have three separate plebiscites and two of the states have a majority for separation, but in the third there is an overwhelming majority for staying together—so that if the votes for all three were counted together the lopsided vote in this one segment would overpower the votes for separation in the other two—then how do we make a democratic decision?

It may, in this case, make more sense for the UN to make this decision—and to decide based on the best possible assessment of which path is most likely to lead to a spirit of generosity and mutual reconciliation between the peoples, rather than a momentary assessment through the ballot box of what most people might favor at the moment.

As always, the challenge is to ensure that the decision makers are not simply attempting to impose their own agendas (e.g., maximizing the chances of the states becoming Islamic, as might happen in a plebiscite, or maximizing the chances of the states being easily penetrated by American economic domination) but are genuinely concerned about creating an arrangement that helps people overcome the tensions of the past. Needless to say, fostering mutual recognition and mutual generosity has not been a central focus of the

Gay Marriage

A recent Massachusetts Supreme Court ruling that insists on equal marriage rights for gays and lesbians may prove to be a huge gift for the Bush re-election campaign, allowing fears of “gay marriage” to propel many Americans back into support for an Administration whose war and economic policies have lost support. The challenge for those of us who support equal rights for homosexuals is to figure out a way to acknowledge and speak compassionately to people's underlying fears while simultaneously rejecting the homophobia in which these fears manifest.

The fears that arise in relation to gay marriage are many: the collapse of traditions that have provided a bulwark against the ethos of the competitive marketplace (marriage seen as a last vestige of an ethos of love that counters the “look out for number one” common sense of contemporary capitalism); the rejection of responsibility for raising the next generation; the fear of being soft in a world that requires toughness; the fear of pleasure in a world that requires discipline. It's not enough to point out that the desire for gay marriage comes from those who seek to bolster rather than undermine the tradition, that gays and lesbians are increasingly involved in raising the next generation and that's why they want the protections of hetero families, that the toughness and discipline required in the contemporary world are distorting factors that hurt all of us and need to be overcome (and, incidentally, that those distortions are just as prevalent in gay culture as in the cultures and lifestyles of heteros). The fears will only dissipate with a deeper societal healing process.

Replacing the language of “marriage” with “civil unions” may bring temporary relief, but the underlying issues will continue to fester until we develop a serious strategy to challenge and cure persistent American homophobia. Liberals' failure to do so and their dishonest attempts to avoid the issue (“don't ask, don't tell”) may soon explode in our faces—in the November 2004 elections.

U.S. Occupation of Iraq, and neither has the UN earned a reputation for transcending the selfish interests of its constituent states (or, more accurately, the elites of those states who shape its foreign

policies) and forging an institution dedicated to the promotion of an ecologically sound, harmonious, caring, human-rights-respecting, socially just, and peaceful world.

FREE ASSOCIATIONS FREE ASSOCIATIONS

Jews for Clark

Following is a selection from an email urging us to donate to Wesley Clark's campaign: "His father Benjamin Kanne was Jewish, and he proudly carries Kanne as his middle name. He speaks forcefully, as a military man, that Israel has the obligation to defend herself, and that the United States has to be smartly engaged in changing the culture in the Middle East in order to see peace in our lifetime. Howard Dean is not an alternative. His support for Israel is lukewarm. He is too close to the radical Left, where anti-globalization and anti-Israel sentiments go hand-in-hand." "Jews for Clark" may be giving us a hint of the foreign policy we might face under Wesley Clark. This can hardly be reassuring for those Jews who know that Israel's best interests require an end to the Occupation, and not policies based on the mistaken belief that dominating others will bring Israel security.

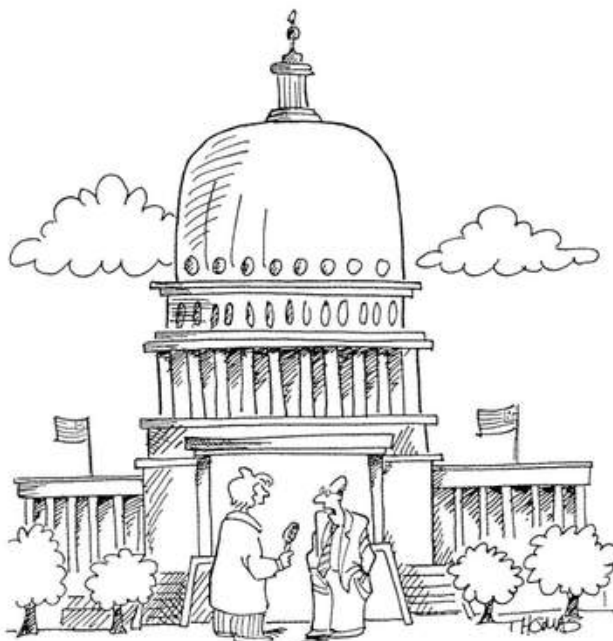
Abraham Joshua Heschel ...

Jan. 12 is the 31st anniversary of the death of the great spiritual teacher whose work inspired the creation of *TIKKUN Magazine*. Some say he died of a broken heart after President Nixon resumed bombings of Hanoi over Christmas 1972.

From his *God in Search of Man*: "Humanity will not perish from want of information, but only from want of appreciation ... life without wonder is not worth living.... The beginning of awe is wonder, and the beginning of wisdom is awe. Awe is a way of being in rapport with the mystery of all reality. The awe that we sense or

ought to sense when standing in the presence of a human being is a moment of intuition for the likeness of God which is concealed in his or her essence. Awe enables us to perceive in the world intimations of the divine, to sense in small things the beginning of infinite significance, to sense the ultimate in the common and the simple, to feel in the ruse of the passing the stillness of the eternal."

And from *Who Is Man?* "To be a person is to reciprocate, to offer in return for what one receives. The degree to which one is sensitive to other people's suffering, to other men's humanity, is the index of one's own humanity. It is the root not only for social living but also of the study of humanities."



"Of course, the environment is a great concern of mine, and if elected, I promise not to destroy it as fast as my opponent."

Trampled at Wal-Mart?

According to a news item sent through the Internet, a Wal-Mart post-Thanksgiving sale led to the trampling of one shopper who was pushed to the floor and then run over by hordes of other shoppers seeking to get at the limited supply of DVDs. Could be another "urban legend," but it was cited by others as "good news," reflecting a return of "consumer confidence" that might "spur the economy." Moralists often respond with disparaging remarks about American materialist perversions, but we'd prefer to focus on the deep emptiness and pain in people's

lives of which the society-wide materialism and "looking out for number one" is at once a manifestation and cause. Psalms 115 says of materialist idolatry, "Those who make and trust in these things shall become like them: they have mouths but speak not, ears that hear not, eyes that do not see." It's not a rebuke but a prediction: those who are thus blinded remain blind, and will stumble and then wonder why bad things happen to good people. Do we really need to be trampled to recognize that a society built on self-destructive consumer craziness cannot sustain itself, no matter how high the Dow or how large the paycheck? □

Hope from Geneva

Michael Lerner

The signing of the Geneva Accord could be a major turning point in the search for peace in Israel/Palestine. But after the first week of PR attention and a meeting between the signers and Secretary Powell—who gave it lukewarm support—the attention of the media and the U.S. government has lapsed. It appears that Ariel Sharon and President Bush have been able to shift the focus back to the Road Map, with its attendant logic that nothing should happen until all violence ceases. (Of course they mean Palestinian violence, since they are unable to recognize the violence in building the Wall, expanding the settlements, and killing of Palestinians. These acts are not considered “real” violence because Palestinians killed in these ways are “suspected terrorists” or “collateral damage.”)

The Road Map is severely flawed because it empowers terrorists on either side to derail it (precisely what has happened for the past six months) and because it provides no motivation for either side to implement it, lacking any definition of a final destination beyond the near-meaningless call for a Palestinian state (which Sharon defined as 42 percent of the West Bank—something more akin to a series of isolated enclaves than a real country).

If the Sharon government now decides to engage in a “unilateral” pullout from the West Bank, you can be sure that it will not occur beyond the borders that it intended to impose on the Palestinians through the Road Map. We must face the truth: The current Israeli government intends to hold on to major sections of the West Bank forever, despite the fact that doing so will certainly make it even more reviled among the peoples of the world and among many Jews as well. For those of us who love Israel, the prospect of a world mobilized against Israel (and, incidentally, a world more likely to be filled with hatred of Jews) brings deep sadness. As anger at Jews grows, some right-wing Zionists will burst with self-righteousness, using this tragic development as further proof of their underlying paranoid world view that non-Jews will always hate us, that Jews will always be in danger outside of a Jewish state, and that Jews living outside of Israel are simply deceiving themselves if they think that safety can be achieved

in any way besides the armed power of a Jewish state. Paranoia is often self-fulfilling.

President Bush should have embraced Geneva as the agreement that could revitalize his Road Map. It would motivate both sides, since it outlines the final terms on which both sides could agree. But because he and the Democrats are competing for the votes of right-wing Jewish Americans—who may, in their minds, make the difference in swing states like Florida in the 2004 election—there is no one in either party willing to unequivocally state the obvious: “Geneva is the solution, and Israel and Palestine must now implement it.” (We think you’ll come to that conclusion yourself if you read the Accord, which we’ve printed in this issue starting on page 33.) For the same reason, we have not yet seen much courage on this issue from Governor Dean, General Clark, or Senator Kerry. This is a mistake in their political calculations. If they were to embrace the Geneva Accord in a way that affirmed Israel’s security, and powerfully challenged the logic of domination that characterizes Sharon’s policies (a challenge that would equally apply to the policies of the Bush Administration in Iraq—because in both places the hawks have actually generated more insecurity than safety), they might actually find their courage and insight winning far more Jewish votes than the experts predict.

Forging this Accord was a tremendous achievement for which we owe considerable gratitude to Yossi Beilin and Yasser Abed Rabbo. If the “devil is in the details,” the Israeli and Palestinian negotiators have had the courage to work through them, and to illustrate how it could actually work. In a historical period in which the world has been sinking deeper into despair, the predominant cynical wisdom has, at least momentarily, been replaced by a glimmer of hope. Underlying the agreement is an implicit reaffirmation of the possibility of a world based not on domination over others, but on open-heartedness, generosity of spirit, a

recognition that the Other is also created in the image of God, a willingness to take seriously the needs of the Other, and a recognition that both Israel and Palestine are embedded in and can trust the family of nations to help secure peace and justice.

In fact, it is these very points that are at the heart of the conscious and unconscious resistance to the Accord

FIND OUT MORE

about the Geneva Accord (both the pros and cons) and get answers to the tough questions raised by critics on both sides of the debate at www.tikkun.org. Also, see interviews in this issue with the architects of the Geneva Accord, Yossi Beilin (page 46) and Yasser Abed Rabbo (49).

This is the central issue being expressed in the various “how can we trust the Palestinians?” arguments. “There’s no point in talking about this,” they contend, “as long as acts of violence continue against innocent Israeli civilians.” When Hamas and Islamic Jihad offered, in December, 2003, a truce in the war against civilians within the Green Line (the pre-67 borders of Israel), Sharon rejected it. Hamas and Jihad argued that the army imposing the violent occupation—escalated recently by the building of the wall through the middle of the West Bank—was an appropriate target, but that they would desist from attacking civilian targets inside Israel. Sharon and Bush responded by saying that there can be no progress until all violence ceases. (We consistently condemn *all* violence on both sides, so we can’t

December 5, "the cycle of blame, like the cycle of violence

EDITORIAL 9

leads nowhere." The power of the Geneva Accord is that it can help people move beyond the argument of who did what and when, and whose acts of violence were worse, and whether one act of killing a human being is or is not morally equivalent to another act of killing a human being, and instead focuses on the availability of a solution.

Can peace be so easy as adopting Geneva? Yes, it could be. But only if there is the willingness to go there. Read emails from some Palestinian solidarity groups or read *The New Republic's* most recent attacks on Geneva and you get the same aggrieved argument about how the other side is getting everything from Geneva and our side (whichever that happens to be) is getting screwed. *The New Republic's* Yossi Klein Halevi and Michael B. Oren tell us that the Accord has an "implicit endorsement of the right of return which would make Jewish statehood untenable," while various Palestinian professors lament that the Accord has totally abrogated that right. Those of us who know biblical hermeneutics understand how the same text can be read very differently, and Habermas' lesson from *Knowledge and Human Interest* was that the very criteria of knowledge shift depending on the interest one is pursuing as one approaches any subject matter. If you want to read the Accord from the standpoint of finding ways that the Other could possibly hurt you, you will find those ways, no matter whether you are an Israeli or a Palestinian. On our website I've written a detailed response to Yossi Klein Halevi and Michael B. Oren's article, as well as to a few of the leading articles by Palestinian critics. But the arguments are not the point—when fear is the mode, one can misconstrue or twist or imaginatively create dangers, and there is no way to prove to a paranoid consciousness that it is mistaken.

The problem is not that there is no solution to the Israel/Palestine struggle, but that there is a morbid, depressive commitment to the inevitability of there being no solution. By working it out in detail, the Israeli and Palestinian teams have made a major step forward—showing that there is in fact a rational solution to the struggle. Unfortunately, undermining the rational foundation for paranoia is rarely a sufficient cure. We need now to develop a social/psychological/spiritual healing process that can allow people trapped in fear and committed to the view that no one else will ever understand them or take their problems seriously to move to a different consciousness. The paranoia exists among Palestinians as well, and manifests in the willingness of some spokespeople to claim that the Geneva Accord is nothing more than another clever attempt to continue the subordination of their people to Israeli power.

There is, however, a major absence in the document itself. It presents the details of its solution in cold legalese,

but refrains from speaking to the heart. There is no acknowledgment of or repentance for the suffering caused by each side to the other; no attempt to create a process of "truth and reconciliation" to overcome the history of lies and distortions that have been fed to both peoples by their extremists; no strategy for talking about or fostering the very attitude of open-heartedness, generosity, and recognition of the humanity of the Other that will be the necessary condition for the acceptance and implementation of this Accord. It is the best that a technocratic consciousness could produce, but it needs something more.

That "something more" must be supplied by us—by the movement that is created to support the Accord. The technocrats may be correct that finding a shared language to discuss the history would have been very difficult. Moreover, there is some legitimacy in arguing that a language of compassion for the Other will make it harder for the Accord to be taken

*Accepting Geneva
requires recognizing
the possibility that the
world could be safe
for Jews.*

seriously by the technocrats who run governments and by those "security hawks" in Israeli society who might be impressed with the security assurances already built in to the agreement, but might dismiss the agreement were it to sound "mushy" or "sentimental" (their way of dismissing human emotions). A document without the dimension of truth and reconciliation, repentance, and acknowledgment of suffering may be the best we can get at this moment.

In a recent television appearance, Rashid Khalidi made the case that any settlement that does not accept Israel's responsibility for the creation of the refugee problem, and the immense catastrophe for Palestinians that resulted from the creation of Israel is bound to fail, for it will never be accepted by those who were Israel's primary victims. Khalidi is right. Israel must publicly and officially accept its own history. But as I argue in *Healing Israel/Palestine*, you can't demand that Israel take sole responsibility for 1947–49 without also asking the Palestinian people to take some responsibility for the years in which Jews were refugees desperately seeking asylum, and Palestinians were denying Jews the right to return to our ancient homeland, for their use of violence against Jews in the Yishuv, for their rejection of the state offered them by the UN, and for the invasion by surrounding Arab states in 1948. A serious process of reconciliation cannot work as long as one side demands to be the sole victim and to construe the other as the sole evildoer. The truth is that both sides have plenty of atoning to do, and the spirit of atonement needs to be an element in this process, lest both sides, motivated by an intense loyalty to their unrecognized woundedness, spend all their energies proving that this Accord (or any accord which doesn't involve the other side totally surrendering) is unfair and sides with the "evil Other."

Absent a discourse of atonement and repentance, the legalese of the text will not resonate deeply enough with the Israeli public, the Palestinian public, or many Americans. True, the polls are already showing overwhelming support for the Accord. But they also will show overwhelming support for alternative solutions (including expelling Palestinians). People are desperate for a solution, and many are willing to say “yes” to anything that looks like a possible path, regardless of what they really think about its implications. That may create a good debating point (“look at how many people support it”) but it won’t create the political traction that the Accord needs to survive the attempts by Sharon and Bush to focus attention away from it.

That’s why the Tikkun Community’s campaign for the Accord has to be much deeper, speak to the underlying fears, acknowledge to the Palestinian people and to the Israeli people that they have both been abused by the other, that crimes have been committed which are morally outrageous and unacceptable, that the humanity of each has been denied, that each side has taught hatred and engaged in racist caricaturing of the other, and that each side has a lot of repenting to do. The struggle to legitimate the Accord cannot be only in terms of the arguments—it must also create the social, psychological, and spiritual foundation that will make it possible for people to transcend the struggle and begin reconciliation. In other words, we must help build a foundation based on trust and the recognition of the basic goodness of people on both sides that recognizes that human beings have the capacity to find common interests and to live in peace with each other.

There are strands in Judaism itself that could provide this foundation, just as there are contradictory strands that have provided the foundation for what I call in my book *Jewish Renewal* “settler Judaism.” Building on the former would mean calling Jews back to a serious awareness of Biblical injunctions like those that tell us that when we come into our land we must not oppress the stranger but remember that we were strangers in the land of Egypt, and Mishnaic formulations that seem to suggest that “*meepney darkey hashalom*” (for the sake of achieving peace) many other commandments may be suspended. Affirming the ethos of love, generosity, and caring for others as a manifestation of Jewish values and tradition will not only provide a better foundation for the Geneva Accord than the one most frequently being used today in American Jewish circles, (namely, that if we don’t get out of the West Bank we’ll find ourselves living in a state as a minority of the population), but it may also do a lot to revive a sense of pride that has been lost by many Jews who have been disgusted by a Judaism that identified itself with conquest and insensitivity to the Other.

Because so many Jewish (and Palestinian) intellectuals are stuck in the trauma of the past, they will dismiss the language of love, generosity, repentance, or trust in the humanity of the Other as naïve, not only mistaken, but dangerous.

Talk about hope or trust and you find that intellectuals across the board—from Left to Right, from Islamic and Christian to Jewish to orthodox Marxist, orthodox psychoanalyst, or orthodox anything—will unite in dismissing you as outside the realm of sophisticated thought and not worthy of serious attention. The pain and fear that these thinkers feel at the possibility of allowing themselves to trust again, when they have already been hurt so badly in the past, is both understandable and healable—but it won’t be as long as we allow people to dismiss the possibility of a different kind of world as “dangerous” or “shallow” or “adolescent.” This is the dimension of who we are that can be called “spiritual”—our insistence that we are not stuck in a world based on fear, that we can find grounds to see our common humanity and emphasize the unity of all human beings as potentially a more fundamental truth than all that divides us. Actualizing that potentiality can only happen when one takes a leap of faith beyond the cycles of past hurts and past betrayals. Otherwise, the past imprisons us forever.

When we get the argument that this is “naïve,” we have to be prepared to take on that argument by showing how naïve it has been to think that the Jewish people could achieve security for themselves by creating a state in the midst of hundreds of millions of Arabs without going out of their way to manifest generosity of spirit and open-heartedness to the surrounding peoples. There is no way to avoid this larger argument about the nature of the world we live in, because until we confront and challenge this underlying pessimism about other human beings that is now so pervasive in both Israel and Palestine, we are unlikely to build the sustainable political majorities that could actually force their governments to implement the Geneva Accord.

A CONFERENCE TO BUILD THE TIKKUN CAMPUS NETWORK National Student Conference to Support the Geneva Accord

We will train students in the “progressive Middle Path” that is both pro-Israel and pro-Palestine so that they can help promote this approach and build campus chapters of the Tikkun Campus Network.

Students in graduate and professional schools, undergrads, and even high school are welcome.

Brown University, Providence RI, March 5–7

Info: Campus@tikkun.org or
Michaela_Matt@brown.edu

Uncovering this underlying issue is critical, because the “default” position of so many people is despair; yet underneath there are wellsprings of hope to be tapped into. It takes strong leadership committed to a vision of hope, and unflinching in its commitment to a world of love and kindness and generosity, to puncture through the armoring so many people have created as protection from their own desires for a more loving world—desires that they are “certain” are going to be frustrated in hurtful ways. This is again the fear of being a *Fryar*—it exists in our society, in Israel and in Palestine, and it underlies the style of technocratic emotionlessness and macho self-assertiveness that have been so central in past discussions of the Middle East. The fear of being “soft,” “feminine,” “a pussy,” are all part of this refusal to believe that they could actually have a world based on love and kindness and mutual recognition. Articulating and fighting for such a vision is the one thing that could break through these layers of self-protection and fear, and without breaking through we will face endless arguments about point a, b, or c that have no real foundation, or miss the point altogether that, while not the best of all possible worlds, the Geneva Accord is likely the best of all possible achievable worlds in the next twenty years. Even with its imperfections (we go into them in detail on our website: www.tikkun.org), the Geneva Accord is the best hope to come down the road in the past fifty years, and we need to do what we can to get it adopted and implemented. That can only happen if you decide to make a serious commitment of your time, energy, and money.

Here’s what you can do:

1. Get knowledgeable about the Accord, so you stop telling yourself that you can’t argue for it because you don’t know enough. Study the Accord and the interviews with Beilin and Abed Rabbo in this issue. Sign the Accord and get everyone you know to sign it at www.tikkun.org/community/geneva/. Please email it to your friends, and make copies of the petition in support of the Accord. Collect signatures at your neighborhood shopping centers, downtown business centers, and at cultural and political events.

2. Create a study group around the Accord and our book *Healing Israel/Palestine*. Invite friends and co-workers or create it in your synagogue, church, mosque, community center, or civic organization. Feel free to make as many copies of the book as you need. Our goal is not to make money but to get these ideas widely disseminated.

3. Create a local branch of the Tikkun Community. Once you join (membership information is on our website—www.tikkun.org or call us at 510-644-1200) we will give you support and direction in creating the group

and finding others in your location who might be interested. We also have useful information packets and video tapes. Contact our national organizer, Robyn Lundy, at Robyn@tikkun.org or our membership coordinator, Stephanie Mackley, at members@tikkun.org. You will find that it’s far easier to approach others about the Accord if you do it with a group of people who share your perspective and with whom you’ve developed trust and a working relationship.

4. Contact and set up appointments with your Congressional representatives, other elected officials, religious leaders, media leaders, activists in major political parties, and others who shape public opinion in your community. Teach them about the Geneva Accord and ask them to sign our resolution of support. We can help you with information packets and training. Contact: Robyn@tikkun.org

5. Make one call a day to a national media source asking them to cover the TIKKUN perspective on Middle East

developments with special emphasis on the Geneva Accord. You can find phone numbers of major figures in the national media at our website www.tikkun.org/community/index.cfm/action/media_list.html.

6. Come to the National Teach-in to Congress in Washington D.C., April 24-27. Get everyone you know to come—numbers matter at these kinds of events, since we are trying to convince Congress that it’s politically safe for them to do what is in the U.S.’s best interests to do. More info at our website www.tikkun.org or contact Stephanie at members@tikkun.org.

7. Go to meetings where presidential candidates are seeking your vote—insist that they publicly support the Accord. Or respond to appeals for support from them by asking them to take a stand on the Accord and tell you concretely what they would do as president to get the Accord adopted by Israel and Palestine.

8. Donate money to TIKKUN. Help us buy time or space in Israeli, Palestinian, and U.S. media to educate the public about the Accord.

9. Invite neighbors and friends to your home for an evening in which you discuss the Accord, show our video tape about Israel/Palestine, and raise money and awareness for our campaign.

10. If you know anyone who is in grad or professional school, undergraduate colleges, or even high school, tell them about our Tikkun Campus Network and our National Student Conference on Middle East Peace which will train students to be advocates for peace and help them create local Tikkun Campus Networks on their own campuses. □

The Geneva Accord is the best hope to come down the road in the past fifty years, and we need to do what we can to get it adopted and implemented.

2004: Politics as Usual or Political Realignment?

Roy Morrison

In 2003, upstart presidential candidate Howard Dean has gone from unknown to *Time* and *Newsweek* cover boy, to solid New Hampshire primary front runner. Democratic fundraising champ, Dean is willing to eschew public financing and use the Internet to go toe-to-toe with W in money raising combat. In New Hampshire, Dean seems to almost have replaced the late lamented Old Man of the Mountain as a local fixture, while clearly supplanting John Kerry as the man to beat.

And Dean's not just a one-state johnny. His supporters Meet-Up not only in New England, but across the United States, and in the expatriate community. The email, the small donations, and the endorsements—most recently from key AFL-CIO unions, AFSME, and SEIU—roll in.

Politically, Howard Dean is the real thing. But beyond a deepening desire to elect a Democrat to save the world from the tender mercies of a reactionary Bush administration, should we care?

Passion for Howard Dean, I believe, is more than just an expression of anyone-but-Bush sentiment, or a Clintonite restoration. It is rooted in something deeper that is beginning to find its voice and will transform American politics. It's about much more than CNN headlines. It's about the economy. It's about the environment. It's about the Empire of Oil. And it's about the future of America.

Dean's instincts have launched him to political prominence. By inclination, not polls, he decided to oppose the war for oil in Iraq, to excoriate the Republican energy bill as crony capitalism and call instead for a new energy economy, to support global warming controls and the Clean Air Act, and to oppose Bush's pollution-friendly schemes.

The Dean candidacy is very much an expression of the forces at work shaping our times, of which Dean has been the fortunate beneficiary. When viewed through an activist lens, Dean sometimes operates too close to the conventional political and corporate mainstream. Nevertheless, his campaign represents an emerging and necessary new center for

American politics.

Dean's anger at Bush and his administration is far more than political posturing. It's a sign of the times.

Business as usual, as manifested in the global conduct of the Empire of Oil and sponsored by Bush's Republican party, is unsustainable. Business as usual means a future of resource wars and ecological and economic collapse. The alternative is the pursuit of sustainable prosperity—making economic growth consonant with ecological improvement, not ecological destruction; linking prosperity, by necessity, to peace, not war, and with justice, not exploitation. This is the future of the global network economy, of the Information Age, of democracy, and of the rise of continental-scale democratic unions of nations, and not the assertion of imperial states.

Dramatic and constructive change is essential. The Dean campaign represents first, and sometimes halting, steps upon this path to redefine the mainstream of twenty-first century American politics. This is not a Naderite Green insurgency, or an exercise in fighting the good fight. The world's future is at stake and there's big money and major interests starting to take sides.

If we look behind the horse race aspects of the 2004 Presidential campaign, Howard Dean may represent the start of the kind of epochal political realignment that sweeps across the American political landscape only occasionally. Andrew Jackson, Abraham Lincoln, Teddy Roosevelt, Franklin Roosevelt, and John Kennedy were not just good politicians; they all came to represent and personify epochal forces for change and the resolution of fundamental tensions in American life and politics.

Jackson beat back the centralizing bankers. T. Roosevelt busted the trusts. FDR's New Deal embraced social democracy and saved capitalism. Kennedy launched liberalism's



Roy Morrison is an energy consultant, a coop organizer, and a writer living in Warner, NH. He is completing his next book, *Cleaning Up America*.

last crusade. And Lincoln, most relevant to the current situation, stood up to the slave Cotton Kingdom.

A New Center, Not A New Left

Newsweek dubbed Dean a leftist buoyed by party activists. Karl Rove, it was said, is licking his chops at the prospect of a Dean candidacy. William F. Buckley's augustly conservative *National Review* ran a humor piece by Rob Long in which Dean explains, in a 2005 Larry King interview, how he managed to lose fifty states in 2004 because his young supporters were taking mid-terms.

But clearly, Howard Dean is not really a leftist unless that now simply means having politics that differ with the administration or the stolid Democratic Leadership Council (DLC). In the 2004 campaign, Congressman Dennis Kucinich and Al Sharpton are men of the Left. Gather a room full of Vermonters with impeccably radical pedigrees and it will be hard to find one who considers Howard Dean a soul mate.

Grace Paley, Vermont's Poet Laureate and peace activist, is decidedly not a Deanista. Neither is Alexis Lathem of the grassroots farmer's organization, Rural Vermont. While in office, according to Lathem, Dean did nothing (except support the Dairy Compact) for agriculture in Vermont. Lathem also spent years opposing the destructive Quebec mega-hydro dams that Dean embraced as a solution to Vermont's energy needs. Gerry Colby, union activist and lead author of the award winning anthology on media censorship, *Into the Buzzsaw*, sees Dean as more interested in helping balance budgets than helping poor people in Vermont. And a dedicated community economic development worker reports receiving more support from the new Republican Governor Douglas than from the alleged Fidel of Montpelier.

Howard Dean's a centrist. Not a leftist. But he and his growing number of supporters are animated by the energy of what may become a new center for American politics, which they are beginning to articulate in fits and starts within American electoral politics as usual. Dean's passionate and growing support is based on more than being lucky (or wise enough) to come out against the Iraq war. Sure, he gets attention by having a clever tongue in contrast to Bush's mangled syntax. He's also willing, more often than not, to stand up and do a Harry Truman, take positions, and say the buck stops here. All this makes Howard an attractive candidate, particularly with the economy still staggering, the deficit soaring, and the Bush administration lurching from brave talk about staying the course to blaming the media to policy reassessment, as the American death toll in Iraq continues to climb and Bush's poll numbers drop.

As front-runner, Dean sometimes has his courage channeled toward the expedient by his handlers and by the lugubrious nominating process wherein his Democratic opponents often critique him more than they critique George

W. On November 13th in Hanover, NH, Dean, in announcing his education plan, proclaimed, "I will make a fundamental commitment to our children: that every one of them will be able to afford to go to college if they commit to work hard, stay in school, and graduate from high school." In my email the same night was a memo entitled "Dean's Double Talk on Student Aid" from Steven Murphy, Dick Gephardt's Campaign Manager, stating, "In his first budget, Dean proposed cutting funding for the Vermont Student Assistance Program, which provides aid to Vermont college students."

In the Dartmouth audience that day were also nine students draped in Confederate flags to remind voters of Dean's statement of his desire to be "the candidate for guys with Confederate flags in their pickup trucks." But Dean's remarks, for which he issued a belated apology, were much less a matter of racist intent than an unfortunate short hand expression of Dean's desire "to give the 50 percent of Americans who have given up on voting in this country a reason to vote again." The gaff was facilitated by his running a campaign in which African Americans are still way too hard to find.

Of course it is possible that Dean will win the election and quickly retreat into a kind of Clintonite accommodation. But the historical forces at play mediate against Dean simply taking what may seem to be the politically expedient path. The times are a changin' too fast.

Lessons from the Cotton Kingdom

The central challenge of the nineteenth century for American democracy was the issue of slavery and the nature of the national economy and the Union. These issues led to dramatic political realignment. The Whig party of Henry Clay and Daniel Webster, an alliance of northern industrialists and southern planters, torn by irresolvable conflicts, disintegrated. Conscience Whigs joined free soilers and industrialists, and a new Republican party was born. The result was the defeat of the slave Empire of Cotton and the rise of the modern industrial nation.

Like the slave Cotton Kingdom before it, the Empire of Oil must continue to expand, must find new lands and resources to exploit, must allow no effective limits to be placed upon the ecological and social devastation it causes, and must maintain the economic and political power that supports its operations. The Bush administration's energy, environmental, economic, and foreign policies are direct expressions of the interests of the continual expansion and profiteering of the Oil Empire. Bush unilateralism in undertaking resource wars for Mideast oil, aggressive nuclear militarism, and rejection of a panoply of international environmental agreements from Kyoto on global warming, to endangered species, to the most recent gutting of the Clean Air Act is an expression of this imperial world view.

Cast aside in the interests of empire are the traditional American checks and balances that combine the need for

expansion with the countervailing necessity for healing limitation. While Clinton was a master of sometimes cynical triangulation, the Bush administration, in the interest of its expanding empire, simply dispenses with any check on its power intended to guarantee at least some conditional American freedom and environmental protection.

However, the questions of ecology and economics and the nature of our Union in the twenty-first century are driving a new political realignment that will transform American politics. Just as the slave Cotton Kingdom found opponents not only in the abolitionists, but in the free soilers, the grain farmers, and the industrialists and their allies, the Empire of Oil will call forth strong and countervailing political forces and movements. An ever-widening fault-line will separate the forces of business and pollution as usual, and a new ecological and economic center that pursues programs and policies to transform the self-destructive industrial order into a sustainable and ecological civilization.

As ecological catastrophe looms, there is clearly no choice but to pursue sustainability—not just for ecologists but for the entrepreneurs of the Information Age and the high profit centers of twenty-first century capitalism. Economic growth must come to mean sustainable ecological improvement, not ecological destruction. The result will be the defeat of the tyranny of the polluting Empire of Oil and the rise of an ecological and sustainable nation.

The Politics of Realignment

In the nineteenth century, abolitionists made common cause with industrial capitalists and free labor. The watchwords were liberty, union, and progress. They were opposed by those advocating the rights of individuals and states to support and profit by a slave-owning plantation economy. In the twenty-first century, the new political realignment will be crafted along lines separating, on one side, those who profit from the continuation of pollution and business-as-usual, who support the pursuit of traditional nationalism and war and the expression of an American religious fundamentalism in a world of increasing inequality. On the other side will be those embracing a new sustainable economic, political, and social compact. Here, the interests of free traders and fair traders will converge with those advancing a true ecological conservatism, and the interests of entrepreneurs and high technology business people who embrace sustainability will find common cause with working people and their unions seeking security, justice, and fairness.

The long-term consequences of the economic and political disputes of the twenty-first century will reflect the

exercise of a plurality of self-interests that, by necessity, chooses the path of sustainability and prosperity. When push comes to shove, Bill Gates and Microsoft, Jeff Bezos and Amazon, and Disney and Citigroup will likely find that global climatic change, resource wars, and ecological collapse are in neither their short or long-term interests. You can sell a great deal of software and movies without an awful lot of pollution. That financier Soros and financial service mogul Lewis have already chosen sides should be no surprise.

The success so far of the Dean campaign is another expression of the social, political, and economic forces that are transforming the world.

The millions who, catalyzed by the Internet, took to the streets in the winter of 2003 in hundreds of cities to stop the invasion of Iraq are just a taste of an emergent global network culture arising in opposition to the Empire of Oil and its expression as American imperium. The success so far of the Dean campaign is another expression of the social, political, and economic forces that are transforming the world. What's significant is not just that people communicate or shop on-line, but that they meet face-to-face and organize. Howard Dean, if he chooses to follow this path, represents

much more than the emergence of Green parties and their politics we've seen so far in the United States and Europe. His candidacy is an early expression and catalyst of this political realignment in motion.

In late October, Dean announced his six point plan for investing in renewable energy development and energy efficiency as part of the Fund to Restore America. "Renewable energy makes sense for the economy, for our environment, and for our national security. It is time for this country to take advantage of the technology and renewable resources already available." This is not George W. and Dick Cheney's energy plan. While Bush pushes tax cuts for the rich and budget deficits, Dean speaks of balanced budgets. While Bush advances imperial agendas of conquest and missile defense, Dean speaks of health care and homeland security. Dean calls renewable resource development "National Security." He opposed and continues to oppose the war in Iraq, despite the oil prize, finding the adventure not worth the life of a young soldier from Brattleboro.

Though the Dean effort may fall victim to the siren call of Democratic party business as usual, the underlying issues facing the planet that desperately require action will not go away. When billionaires George Soros and Peter Lewis donate \$5 million to MoveOn.org to help defeat George Bush, it is clear that something beyond the ordinary is afoot.

Looking back, Howard Dean may prove to be a figure more like John Fremont, first Republican presidential candidate, than Abe Lincoln, first Republican President. Only

(continued on page 32)

Humiliation, Retaliation, and Violence

Neil Altman

The intractability of the conflict between Israel and the Palestinians is attributable in significant measure to the vicious circle of humiliation, retaliation, and violence that has become entrenched between the two peoples. The Israeli government seems to believe that direct and inevitable retaliation for Palestinian suicide attacks will break the will of Palestinians to engage in such violence, and further, that failure to engage in such retaliatory actions will communicate weakness and lead Palestinian militants to believe that they can realistically achieve their goal of destroying the Israeli state. On the Palestinian side, the idea seems to be that terrorizing the Israeli population will lead Israelis to end the occupation of the West Bank and Gaza.

This strategy of retaliation is counterproductive on both sides, because it fails to take account of the fact, demonstrated over and over again in human history, that people are willing and even eager to fight, kill, and die to protect their honor and sense of self-respect. The immediate concrete object over which people fight may be property or land or any other form of material resource, but, psychologically, it is the humiliation of being crushed, overwhelmed by force, and threatened with psychological annihilation that is the most potent stimulus for violence. The psychological counterpart to "kill or be killed" is "humiliate or be humiliated"; in today's Middle East, these two amount to much the same thing. Unfortunately, the reality is "kill *and* be killed, humiliate *and* be humiliated."

The driving power of pride in human affairs is, curiously, largely underappreciated in psychological theories. Freud and, following him, most classical psychoanalysts thought of human motivation as deriving basically from sex and aggression. Pride and shame were understood as manifestations of "narcissism," i.e., a self-directed form of sexuality. High levels of self-esteem were thought to reflect self-love, in this sense, while poor self-esteem reflected inadequate self-love. Thus, the power of self-esteem per se was underestimated, reduced as it was to a variation of sexuality. Since variation in the sense of pride or shame was thought to reflect the extent to which the self-image was invested with sexual energy, Freudian theory turned the attention of

Freudian analysts away from how events in the external world could affect people's sense of self-regard.

Helen Block Lewis, in a book called *Shame and Guilt in Neurosis*, called attention to how psychoanalytic interpretations may shame patients in ways that analysts, intent on providing insight, were prone to overlook. Lewis pointed out that patients predictably feel shame when an analyst interprets sexual or aggressive motivation of which they had been unaware. Much resistance to psychoanalytic insight, according to Lewis, could be attributed to avoidance of a painful sense of shame.

Heinz Kohut was the most effective trail blazer in the study of pride and shame in psychoanalysis. Kohut thought that peoples' sense of self-regard was most powerfully affected by how people felt they were regarded by other people. His writing alerted psychoanalysts to the power of what he called "narcissistic rage." He was able to overcome the psychoanalytic tendency to look only at the internal, unconscious world of patients and see how the feeling of being humiliated by other people elicited rage on both the individual and societal levels. Kohut saw nationalism as a manifestation of people's efforts to regulate self-esteem by identifying with an admirable national entity. He saw war, as well as individual acts of violence, as a response to narcissistic injury.

Common sense psychology, on the other hand, often recognizes the power of pride and humiliation. Euro-Americans, however, tend to recognize the power of these feelings in *other* cultures while minimizing their power in Euro-American culture. Most Euro-Americans can tell you that Arabs and Latinos react strongly to being humiliated. The implication is that Euro-Americans are different. But a blind spot around narcissistic vulnerability is perhaps the surest sign of extreme narcissistic vulnerability. The need to humiliate someone else often speaks to the urgency of the need to ward off one's own humiliation. How do we understand the post-Vietnam invasion of Grenada, for example, as anything other than an effort to restore a lost sense of pride and honor? Post-September 11 American bellicosity and arrogance can be understood the same way. The blind spot here has to do with a refusal to accept narcissistic vulnerability on the part of Euro-Americans. The American mythology around power and virtue make a sense of collective shame nearly unthinkable. Those of us who came to feel shame about being American during the Vietnam War, or more recently during the Iraq war, or while contemplat-

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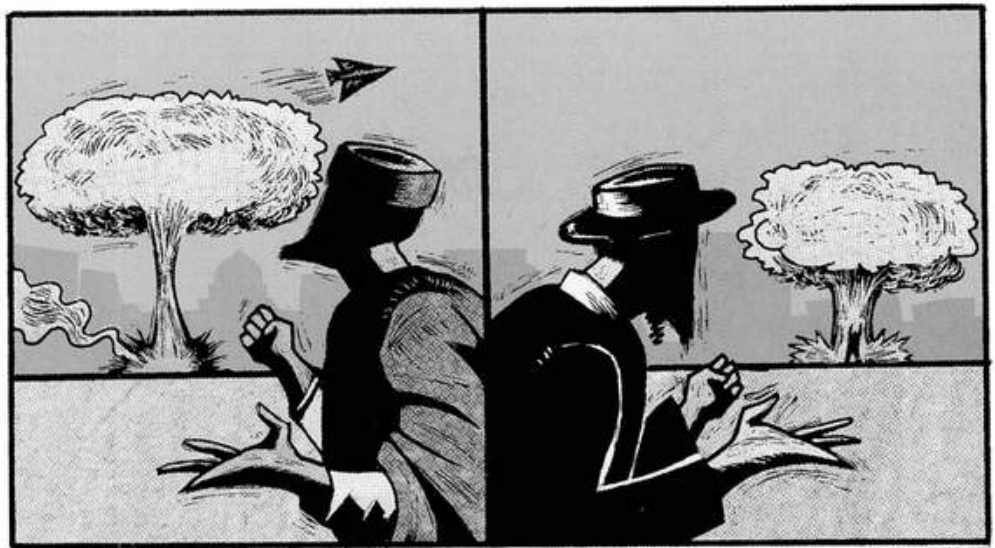
ing American brutality to African Americans or Native Americans, often experienced a sense of depression and disillusionment, the loss of our "ideal America." But the alternative to this sense of disillusionment is a refusal to recognize our narcissistic vulnerability, which, in its most malignant form, can lead to rationalizing acts of "narcissistic rage" as virtuous or praiseworthy. When we are clear that our rage is a response to being shamed or humiliated or "dissed"

by someone else, there is no illusion of virtue. In this way we are a step closer to taking responsibility for our actions—a necessary first step in any reconciliation process.

For Jews in general and Israelis in particular, there is a lasting form of shame associated with having been vulnerable and victimized during the holocaust. Aside from questions of sheer physical survival that have been operative throughout Jewish history, there is, on the more psychological level, a determination "never again" to be subject to such humiliation as to be helpless prey to a ruthless predator. The fact that Jewish physical survival has so recently been threatened can distract us from the power of the associated humiliation, the issue of psychological survival. Israel is a source of pride for many Jews in large part because of its overwhelming military strength and ever-vigilant self-protectiveness. Pride that is built on physical power, however, relies on a world view in which threat is a constant; there needs to be an enemy in relation to whom one can feel strong and effective. At the same time, having been recently subject to annihilating physical and psychological destructiveness, one feels special and entitled to do whatever is necessary to provide the conditions of safety. Thus, to the early forms of idealistic Zionism that perhaps inadvertently paid too little attention to the needs and sensibilities of the Palestinians, was added a form of entitled Zionism that cared only about Jewish physical and psychological survival. In this way, an enemy was created.

Despite all the obvious differences between Nazi-era Germany and modern-day Israel, the Palestinians have come to represent the Nazis, the ones who would do us in if we allow ourselves a moment of weakness. Of course, once a struggle-to-the-death dynamic becomes entrenched, it may in fact become true that a moment of weakness could be fatal; but this fact can blind us to the ways in which we have contributed to bringing about and perpetuating the situation that so threatens us.

The mainstream view in both Israel and the United States now is that relations between nations and peoples in the world are governed overwhelmingly by physical—i.e., military and economic—power. This view leads to the conclusion that an unwavering demonstration of strength and determi-



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nation will sooner or later lead our adversaries to submit to the reality of our dominance.

There is a validity to this point of view, but this strategy all too easily undermines itself, since overwhelming military power creates humiliation and virulent rage that is difficult, if not impossible, to control—people would often rather die than live with such a sense of shame. Considerations of self-interest are irrelevant in this case, as are notions that people will come to terms with violent power simply because they have to. The end point of this process, to which we have come dangerously close, occurs when vengeance and sadism gather momentum, and spiral out of control to the point where nothing matters except to destroy and kill. Then only exhaustion or an outside force can stop the cycle of death and destruction.

The current leadership in the United States, Israel, and among the terror-promoting segments in the Arab world seem particularly oblivious to these considerations. Even the initiatives for peace currently being undertaken by the United States are based on the notion that the military supremacy of the United States—as opposed to any sort of good will—gives it credibility as a peacemaker. International diplomacy has traditionally taken account of the points I have raised here, in the form of a concern with "face-saving" as an indispensable element when a nation or a leader is being asked to back off from a position. But the diplomatic element (i.e., the State Department) in the United States government has recently been forced into the background by the military; thus those who rely on force as opposed to persuasion and communication are in the forefront, at least for the time being. We can only hope that diplomacy will play a larger role as the zealots in the U.S. government realize that international cooperation will be necessary to achieve their purposes in the Middle East.

Ultimately the successes of the feminist movement give me the most hope that dialogue will someday replace killing in the Middle East and around the world. Many people in many cultures are now more aware of violent confrontation as an aspect of a traditionally male, "macho" approach

(continued on page 59)

Miami's Mean Streets

Jason Mark

If a grassroots leader delivers an inspiring speech and hardly anyone hears it, does it still make a sound?

This question was among my thoughts as I sat in Miami's nearly deserted downtown amphitheater on November 20 at a rally that was supposed to be the highlight of protests against the planned Free Trade Area of the Americas (FTAA). One prominent activist after another offered smart, impassioned speeches about why the FTAA would be a raw deal for workers and the environment throughout the Western Hemisphere. AFL-CIO president John Sweeney called for new trade rules that "would protect labor rights, human rights, and the environment." Rabbi Michael Lerner demanded a "globalization of spirit instead of a globalization of selfishness." Unfortunately, most of the seats were empty.

It wasn't that people didn't want to attend the rally—it was that they couldn't get in. Outside the amphitheater, thousands upon thousands of people were stuck in the streets, prevented from entering the venue by ranks of helmeted police officers. The line to get into the rally stretched for hundreds of yards as unionists, environmental activists, and fair trade advocates moved at a snail's pace through two lines of police officers, a bag search, and a body search. Blocks away, dozens of buses were being held up by the cops, preventing hundreds of retired unionists from even getting to the scene outside the rally.

During the FTAA meetings, Miami was nothing short of a police state. The numbers tell the story: Given some 15,000 marchers, law enforcement agencies at the local, state, and federal levels spent about \$1,000 per protester to "keep the peace." There was at least one police officer for every five activists. The cops had two armored personnel carriers equipped with water canons. A twelve-foot-high black metal fence stretched for dozens of blocks around the hotels where the FTAA meetings were taking place.

That such a display of power is considered necessary for guarding a trade summit reveals a great deal about popular sentiment toward the so-called "free trade" agenda. After all, you don't have to protect what's popular. Fences are proof that there's something to hide.

If enacted, the FTAA would expand the North American



Free Trade Agreement (NAFTA) to all thirty-four nations in Central America, South America, and the Caribbean (except Cuba). But NAFTA has proven a disaster for workers and the environment, falling far short of the promises of its backers. In the United States, more than 765,000 jobs have disappeared as a result of NAFTA. In Mexico, manufacturing wages fell 21 percent from 1995 to 1999, and have only started to recover. Since NAFTA, 15 American wood product companies have set up operations in Mexico, and clear cutting is on the rise. At the same time, corporations are using NAFTA to sue governments for regulations that in any way decrease their profits. As Lori Wallach, the director of Public Citizen's Global Trade Watch, puts it: the FTAA "is a corporate power grab cloaked in the happy language of trade."

Similar complaints could be heard inside the negotiating suites, as some governments said they wouldn't agree to the United States' plans. In recent years, a surge of popular rebellions against corporate globalization has roiled Latin America. Argentine President Nestor Kirchner rode into office on a wave of anti-IMF sentiment. Similar feelings are stirring Brazil, where Lula da Silva heads the first Workers Party government in the country's history. In Venezuela, Hugo Chavez has become a hero among the country's poor majority as he resists transnational corporations. And in Bolivia, a peasant revolt grounded in opposition to neo-liberal policies recently unseated the pro-business president. These countries could have acceded to the United States' FTAA plan, but only at the risk of inflaming their own citizens.

With police determined to drive nonviolent demonstrators out of downtown Miami, the trade negotiators were desperate to cobble together some kind of consensus, fearing a repeat of the World Trade Organization summit in September, where talks ended in collapse. By the end of the day, all they could come up with was an "FTAA-Lite." Countries would get to opt out of some of the most controversial provisions—including giving investors new powers, expanding intellectual property rights rules, and reducing government powers over public purchasing—while agreeing to a scaled back agenda on market opening. The goal would be to clinch some sort of agreement by the end of 2004. It was clear the corporate lobbyists would be going home hungry.

Back on the streets, protesters were heading home tired, weary, and quite literally bruised. Despite the police's best efforts, the marchers managed to show that not only is "free trade" not free, it's the very opposite of liberty. □

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PHOTOGRAPH BY RICHARD PATTERSON / AP WIDE WORLD PHOTO

Capitalism Gone Wild

Antonia Juhasz

"For many conservatives, Iraq is now the test case for whether the U.S. can engender American-style free-market capitalism within the Arab world."

—Neil King Jr.,
the *Wall Street Journal*, May 1, 2003.

The reconstruction of Iraq has begun. Not the reconstruction of vital public services, nor of public security, but rather the radical reconstruction of its entire economy. The quote above is an understatement. The United States has nothing like the unbridled capitalism that the Bush Administration is unleashing on Iraq. It might best be described as "capitalism gone wild"—no restrictions, no morals, and the myth of no consequences. But just like teenagers returning from spring break, when the reality of what the Bush Administration is doing is fully appreciated, it may be too late for the people of Iraq to recover.

Conditions in Iraq are desperate. On November 11, 2003, the international health charity, Medact, released a report finding that public services in Iraq are in a state of collapse. Dr. Sabya Farooq, author of the report, told the BBC: "It's mainly the ongoing violence and insecurity which, in addition to the breakdown of public health services, is posing the main risk to public health." In the past year, maternal mortality rates have increased, acute malnutrition has almost doubled, and water-borne diseases and vaccine-preventable diseases have increased. Reports also put unemployment in Iraq at anywhere from 50 percent to 70 percent.

The Bush Administration's response to this growing health and human services crisis is to rip open the Iraqi economy to foreign control. On September 19, 2003, L. Paul Bremer, Administrator of the Coalition Provisional Authority (CPA) in Iraq, signed four Orders which together provide for the full privatization of public enterprises, full ownership rights by foreign firms of Iraqi businesses, full

Bombing something does not give you the right to sell it. Yet that is precisely what the Bremer orders do.

repatriation of foreign profits, the Flat Tax (that darling of the conservative American Right), the opening of Iraq's banks to foreign control, national treatment for foreign companies (which means, for example, that Iraq cannot require that local firms able to do reconstruction work should be hired instead of foreign ones), and (with an earlier order) elimination of nearly all trade barriers. So far, Iraq's oil—at least its extraction and initial processing—is excluded.

Thus, the U.S. corporations that have received billions of tax-payer dollars for reconstruction in Iraq could own every business, do all the work, and send all of their money home. Nothing need be reinvested in Iraq nor specifically designed

to aid the Iraqi economy. In addition, the Bremer Orders are illegal under international law. They directly violate the international convention governing the behavior of occupying forces and the Hague regulations of 1907 (the companion to the 1949 Geneva conventions, both ratified by the United States). Indeed, in a leaked memo written on March 26, the British

attorney general, Lord Goldsmith, warned Tony Blair that "the imposition of major structural economic reforms [in Iraq] would not be authorized by international law."

Even the U.S. Army's own Law of Land Warfare states that "the occupant does not have the right of sale or unqualified use of [non-military] property." As explained by Naomi Klein, "this is pretty straightforward: bombing something does not give you the right to sell it. Yet that is precisely what the Bremer Orders do."

Precious few reporters—such as Naomi Klein and Neil King—have written about the Bremer Orders, and few Americans are aware of the extent to which the Bush Administration is re-making Iraq in its own image while virtually ignoring the pressing needs of the Iraqi people. Sadly, this is the outline of Bush's economic plan for the rest of the world. The Administration's pursuit of privatization of public services and unregulated foreign investment contributed significantly to the collapse of the World Trade Organization (WTO) talks in Cancun in September and the Free Trade Area of the Americas (FTAA) talks in Miami this November. But what the U.S. Trade Representative has failed to achieve through international negotiations, the U.S. Administrator of the Coalition Provisional Authority has

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succeeded in achieving through military invasion in Iraq.

The good news is that real alternatives exist and are immediately applicable. You will find these discussed at the end of this article.

Bremer Order #39: Foreign Investment

The order on foreign investment in Iraq includes five elements: (1) Privatization of state-owned enterprises; (2) 100 percent foreign ownership of businesses in all sectors except oil and mineral extraction, banks, and insurance companies (the latter two are addressed in a separate order); (3) "national treatment" of foreign firms; (4) unrestricted, tax-free remittance of all funds associated with the investment, including, but not limited to, profits; and (5) forty-year ownership licenses which have the option of being renewed.

(1) PRIVATIZATION

The preamble to the Order makes clear its aim to move Iraq from "a centrally planned economy to a market economy." The first step is allowing foreign companies to purchase Iraq's state-owned entities—including public services. Thus, everything from water services, electric utilities, schools, hospitals, television and newspapers, to prisons could be privatized under the Order. It lists no requirements that, for example, these resources remain accessible to the general public after privatization is complete.

The water sector is already being "reconstructed" by the Bechtel Corporation of San Francisco, one of the top ten water privatization companies in the world. Bechtel's track record does not bode well for the Iraqi people—in fact, the citizens of Bolivia have written a letter to the people of Iraq warning them of what to expect from Bechtel. A subsidiary of Bechtel privatized the water systems of Cochabamba, Bolivia and immediately sent prices sky-rocketing. Families earning a minimum wage of \$60 per month faced water bills of \$20 per month. Rate increases of 100 percent were the most common, while increases of 300 percent were reported. The citizens rose in protest (at least one seventeen-year-old boy lost his life to Bolivian troops sent into the streets to defend Bechtel's right to privatize). Ultimately, the government relented and cancelled the contract. Bechtel has responded with a \$25 million lawsuit against Bolivia for lost profits.

(2) 100 PERCENT FOREIGN OWNERSHIP

In addition to the public services listed above, Iraq's factories, farms, telecommunications, transportation systems, publishing, and other businesses could all be completely owned, run, and employed by non-Iraqis under Order 39. The Order states that Iraq cannot restrict access by foreign owners to any sector of the economy except resource

extraction. MCI, formerly WorldCom, has already received approximately \$20 million to build a wireless phone network in the Baghdad area. As WorldCom, the company was found guilty of cheating investors by overstating its cash flow by nearly \$4 billion, and was temporarily banned from receiving federal contracts.

(3) NATIONAL TREATMENT

Order #39 states that "A foreign investor shall be entitled to make foreign investments in Iraq on terms no less favorable than those applicable to an Iraqi investor." This

means that the government of Iraq cannot favor local investors, businesses, companies, or providers over foreign ones. Thus, for example, Iraq cannot require that U.S. companies with billion dollar reconstruction contracts hire local contractors. Nor that qualified Iraqi companies receive contracts over foreign-owned companies. This is a particularly troublesome provision given reports of bloated U.S. corporate budgets.

For example, *Time* magazine recently

reported that an American firm was awarded a \$15 million contract to build a cement factory in Iraq (using U.S. taxpayer dollars). When the firm was prevented from doing the work, an Iraqi businessman (using Saddam's confiscated funds) spent just \$80,000 to build the same factory.

Another example involves one of the first U.S. contracts awarded in Iraq. Stevedoring Services of America (SSA) received a \$4.8 million contract to manage the Umm Qasr seaport. However, press reports revealed that the British had identified Iraqis who could perform the same duties. Britain's chief military officer in the Gulf told *The Guardian of London* that the port should be run by Iraqis as a model for the future reconstruction of the country. The U.S. disagreed, and instead hired SSA, a company that has been called the "most anti-union maritime operation on the West Coast" by union leaders.

National treatment is also a powerful tool used by companies to circumvent domestic regulations on the environment, public health, and worker and consumer safety. Virtually every challenge brought to such laws under the investment chapter of the North American Free Trade Agreement (NAFTA) include claims that the government violated national treatment. For example, national treatment was one of the tools used successfully by the Virginia-based Ethyl Corporation to force the government of Canada to reverse its ban on the gasoline additive MMT, a ground water pollutant also believed to be a human carcinogen. Ethyl sued and Canada settled: reversing its ban, paying Ethyl \$13 million in compensation for its "trouble," and writing a letter of apology. Similarly, the Canadian Corporation Methanex included a national treatment

Everything from water services, electric utilities, schools, hospitals, television and newspapers, to prisons could be privatized under Order #39.

complaint in its suit against the United States after California mandated the removal of MTBE from gasoline sold in the state because it also pollutes ground water and is believed to be a human carcinogen. The case is pending. If the United States loses, we will either have to eliminate the ban or pay Methanex nearly \$1 billion for the right to regulate its chemical.

Given corporate success in challenging such laws in Canada, the United States, and Mexico, it is likely that Iraq's environmental, health, and public interest laws—or those that any new government may wish to enact—will be at risk.

(4) UNRESTRICTED REPATRIATION OF PROFITS

Order #39 authorizes foreign investors to “transfer abroad without delay all funds associated with [their] investment, including: I) shares or profits and dividends” (this list goes on). Foreign investors can put their money wherever they like and take it out whenever they want to, “without delay.” No money needs to be reinvested locally to service the floundering Iraqi economy. No investment needs to be targeted to help specifically damaged regions, communities, or services. All the profits can go home with the foreign owners and they can take out their investments at any time.

The potential costs of this provision on the Iraqi economy are monumental, as evidenced by the impact of the same rules on other economies around the world. Joseph Stiglitz, the former Vice President of the World Bank, among others, has blamed similar rules imposed by the International Monetary Fund as a primary cause of the East Asian financial crisis of 1997–1988 and the financial collapse of Argentina in 2000. The rules eliminate all government regulation on how much foreign investment can enter an economy, where it can be invested, how long or how much money must stay in the economy. Such rules are critical to ensure that foreign investment in Iraq benefits the Iraqi economy, not just the foreign investors.

(5) FORTY YEAR LEASES

Order #39 specifies that Iraq will be locked into its contracts under these rules for forty years, with an option of unlimited renewal. If the contracts are broken, the Order gives the companies the legal authority to enact any international trade agreement of which both countries are party.

Bremer Order #40: Banking

Order #40 turns the banking sector from a state-run to a market-driven system overnight by allowing foreign banks to enter the Iraqi market and to purchase up to 50 percent of an Iraqi bank. A similar provision included in NAFTA paved the way for Citigroup to purchase Mexico's largest commercial bank, Banamex. In Aotearoa/New Zealand, similar provisions left every one of the nation's banks, including the Bank of New Zealand, under foreign control. Affordable financial services and low-cost loans quickly dried up—so much so that the government proposed setting up a new bank, the People's Bank, to be

Top 10 U.S. Contractors in Iraq and Afghanistan



Note: Numbers rounded to nearest million.

Source: Based on contracting data obtained from the Pentagon, USAID, and other sources by the Center for Public Integrity

owned and operated by the government itself in order to redress the inequities of the foreign-owned banks.

JPMorgan, the second-largest bank in the United States, which was implicated in the Enron scandal, has been awarded a contract to run a consortium of thirteen banks from thirteen countries that will constitute the Trade Bank of Iraq.

Bremer Order #37: Taxes

Order #37 implements a flat tax in Iraq by providing for a marginal income tax rate of 15 percent for both corporations and individuals. While the order is vague, and leaves open the possibility that Iraqis could face different levels of taxation, Grover Norquist, head of Americans for Tax Reform and a Bush administration ally has said, “They told me it’s a flat rate and it appears as though it’s a flat rate.”

A flat rate means that there is just one rate of taxation for everyone—in this case, 15 percent, regardless of how much you earn or how you earn it. Thus, an Iraqi earning 50 cents per hour will pay the same tax rate as another earning \$1 billion an hour. Usually, a flat rate will reduce the tax burden on the poorest in the economy, increase the burden on

the middle class tremendously, and drastically reduce the taxes paid by the wealthiest in society.

Maybe most disturbing is that the Administration is using Russia as a model for Iraq's tax reforms. In 2001, Russia set a 13 percent flat tax on individual income. While such a shift may have been positive for the wealthiest crime families in Russia, poverty rates soared from only 2 percent of the population living in poverty at the end of the Soviet period, to almost 50 percent, with more than half of Russia's children living below the poverty line after the full market "reforms"—including the new tax code—were put into place.

Bremer Order #12: Trade Liberalization

On June 12, Bremer signed the "Trade Liberalization Policy," suspending until December 31, 2003 "all tariffs, customs duties, import taxes, licensing fees and similar surcharges for goods entering or leaving Iraq, and all other trade restrictions that may apply to such goods." Thus, the United States can import and export all the goods it needs into and out of Iraq without paying any duties. There are many exceptions, however, to these rules. This Order is just the beginning. The long-term plan has the United States bringing Iraq's laws into full compliance with WTO obligations and then joining the WTO. The Bush Administration's plans then extend to the entire region. On May 9, President Bush himself announced plans for a U.S.-Middle East Free Trade Area (MEFTA) by 2013. The Middle East, insulated by oil revenue, has not had much need for free trade agreements in the past. But, with the invasion and occupation of Iraq, the Bush Administration demonstrated that it will defy global public opinion and the United Nations to use military force when it deems necessary. Thus, it can now return to the more traditional model of advancing corporate globalization, the free trade agreement.

The Bremer Orders are not merely temporary fixes for a country under occupation: they are designed to permanently revolutionize the Iraqi economy, yanking a state-run system into a model for global corporate capitalism by U.S. fiat. Experience with these same policies—and the corporations being used to implement them—demonstrate that the losers will be the people of Iraq (and potentially the rest of the region and the world).

What Should Be Done Instead

The Bremer Orders are illegal and immoral. They must be repealed. Even more, however, will need to be done to restore the Iraqi economy. The following alternatives are drawn from more detailed analysis provided by International Occupation Watch Center in Baghdad, the Institute for Policy Studies in Washington, D.C., and the International Forum on Globalization (IFG).

First, the military occupation of Iraq must end, and with its end a UN-commanded multilateral peacekeeping force should return to Iraq. Their mandate should be for a very

short and defined period, with the goal of assisting Iraq in reconstruction and overseeing the election of a governing authority.

As belligerent powers who initiated the war, the United States and the UK are obligated to provide for the humanitarian needs of the Iraqi people and to pay the continuing costs of Iraq's reconstruction, including the bulk of the cost of UN humanitarian and peacekeeping deployments. Washington should reverse the spending priorities of its \$87 billion request from Congress, and turn over to full UN authority (on behalf of the Iraqi people as a whole, not simply given to the U.S.-appointed Council) a starting grant of at least \$75 billion (the initial amount Washington spent on waging the war) for reconstruction in Iraq.

The \$15 billion (out of the \$87 billion) requested by the Bush administration for Iraqi reconstruction is insufficient to meet Washington's obligations under international law. The \$65 billion scheduled for the Pentagon to continue the occupation of Iraq should be challenged. The additional reconstruction funds should not come from ordinary taxpayers. They should be raised from (a) an excess profits tax on corporations benefiting from the war and post-war privatization in Iraq; (b) the Pentagon budget lines currently directed at continuing war in Iraq; and (c) a restored tax on the wealthiest 1 percent of Americans.

Reconstruction of Iraq should be based on rebuilding the economy to maximize fulfilling the needs of the Iraqi people. All contract processes should be completely transparent and accessible to Iraqis. Contracts should privilege local companies, towards the goal of strengthening and diversifying local production. Labor laws should ensure protection for local workers. Iraqi debts accrued by Saddam Hussein should be forgiven.

Iraq should be encouraged to join the worldwide movement for local sustainability by: moving away from export oriented economies that make trade and multinational corporations the basis of economic development. Government spending, taxes, subsidies, tariff structures, etc. should be reoriented to support local environmentally sustainable production that meets local needs. The limited global trade that does take place should occur in a fair trade system supported by a "decorporatized" United Nations Center for Trade in Development with operations that are transparent and democratic, and where trade is viewed as just one among many tools used to help achieve poverty alleviation, economic equality, environmental sustainability, and social justice.

Finally, against the Bremer Orders we must put forward a vision of *tikkun*.

To get more information, see IFG's new book, *Alternatives to Economic Globalization* at www.ifg.org or the Tikkun Community's Core Vision at www.tikkun.org; for information on how to participate in anti-occupation and anti-globalization organizing, go to www.actagainstwar.org. □

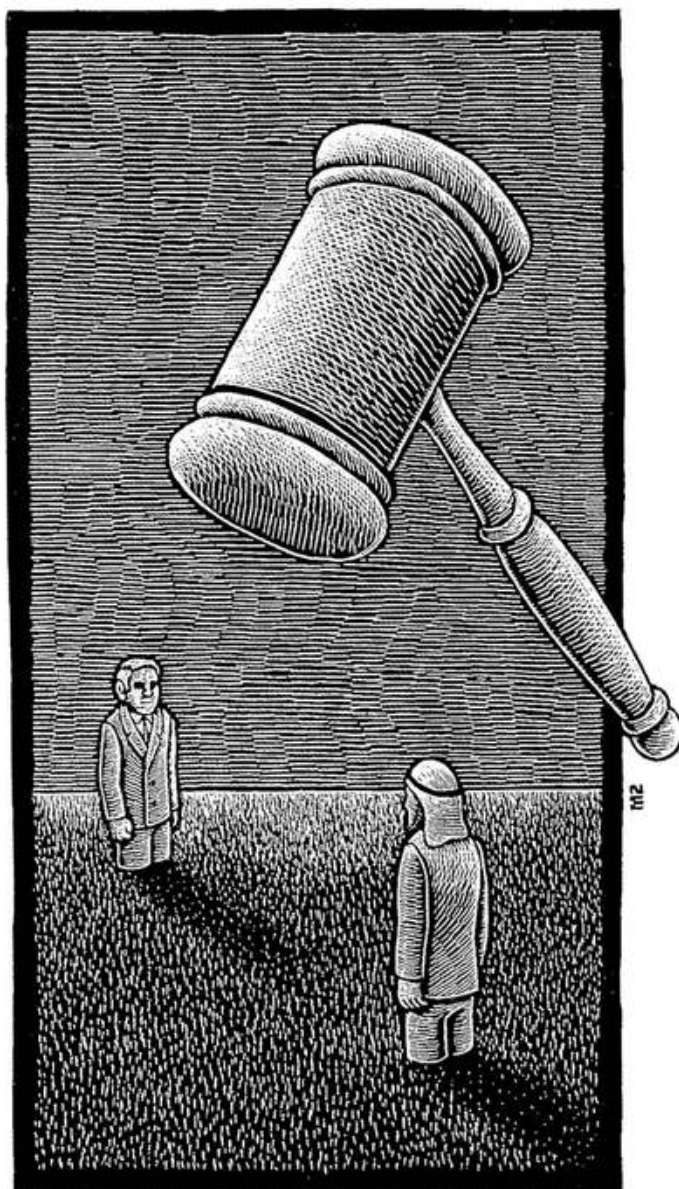
Human Rights, International Law, *and* Peace in the Middle East

Richard Cummings

The basic premise of the Middle East peace process is erroneous. No map, plan, path, or accord is going to resolve the fundamental issues at stake in this region. Given the history of the past decade, there is no basis for believing that Israel and the Palestinian National Authority will be able to negotiate a mutually acceptable solution to the ongoing crisis. Bush's "road map" is dead, notwithstanding a meaningless endorsement of it by the Security Council. Oslo, likewise, is a corpse. The new Geneva Accord does not have the support of the Sharon government and is not likely to get it because Sharon and his cabinet see this effort as a rehash of past failures as well as a product of the Israeli Left. Further, since the United States will continue to veto any Security Council resolution establishing a peacekeeping force, Sharon's implicitly restored policy of zero tolerance of violence before any negotiations can resume can never be satisfied.

At the heart of the conflict lies a clash of fundamental rights: the right of the Palestinian people to self-determination, and the right of Israel to security within defined borders. Any attempt to nullify either Israel's legitimacy or the rights of the Palestinians to their own homeland will be doomed to failure. Because Arafat and Sharon are incapable of reaching an essentially historic compromise, it becomes incumbent on the international community to reach it for them.

Because the two parties are themselves unable to reach agreement, what is at stake now in the Middle East is not just the rights and obligations of Israel and the Palestinian National Authority. It is the future of the international community. Can it find a way to implement the rule of law in settling disputes? Or will the international community revert to



the nineteenth-century principle of balance of power and the use of force to maintain world order? Must the entire world follow the Bush administration down the battle path?

The United Nations was founded in the aftermath of World War II, when it became clear that modern war in particular created an intolerable loss of human life and burden of human suffering. The Bush administration is relearning those lessons in the gory outcome of its attempted Pax Americana. In the last half-century, the United Nations has acted to promote, if not enforce, bloodless peace through the vehicle of its resolutions. Indeed, the history of UN resolutions on the Mideast is rich, as I will indicate below. Yet, as Stephen Zunes argued in *TIKKUN* (May/June 2003), the credibility of the United Nations has been dramatically undermined by its inability to find a solution to the Israeli-Palestinian crisis.

Where I disagree with Zunes is with regard to his view of the United Nations. The United Nations has not failed in promulgating potential solutions; it has failed by its unwillingness to enforce those resolutions that might lead to a solution. Since the World Court, in an advisory opinion,

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can not only state what the law is by relying on traditional sources of international law set out in its charter, it can also adopt provisional remedies. Thus, it has the capacity to fill this void. Consequently, sufficient international law exists as a basis for a judicial resolution of this crisis.

When parties to a dispute cannot resolve that dispute any other way, they go to court. And in the case of Israel and the Palestinians, there is a single remedy available. It is to get an advisory opinion by the International Court of Justice in the Hague that, under international law, can, in fact, be binding on the questions of law submitted to it. In what follows, I give the legislative history of the UN Resolutions concerning the Israel/Palestine conflict and show how by adopting a resolution calling on the World Court for an advisory opinion, the Court could implement them through a resolution of the crisis based on international law, including the adoption of provisional measures. By virtue of such a resolution, the Court would have jurisdiction to decide all questions of international law placed before it and could give definitive interpretations of the United Nations Resolutions as a matter of law.

I. A History of UN Resolutions

(For easy reference, all UN Resolutions mentioned in this section will appear in bold type).

During the years of the Palestine Mandate, from 1922 to 1947, large-scale Jewish immigration to what was then Palestine took place. Jews immigrated mainly from Eastern Europe, with their numbers swelling in the 1930s due to increasing Nazi persecution coupled with strict American quotas on Jewish immigration. Jewish American scholar Norman Cantor argues that were it not for the American quotas (quotas that were not lifted until 1964), Israel would never, in all likelihood, have come into existence, since European Jews fleeing Hitler and the Nazis would have gone to America.

Meanwhile, in Palestine, Palestinian demands for independence and resistance to Jewish immigration led to a rebellion in 1937, followed by continuing terrorism and violence from both sides during and immediately after World War II. Terrorism, at this time, was also directed against Jews in former British colonies in the Middle East, such as Egypt. Great Britain, which was responsible for the 1917 "Balfour Declaration" expressing support for "the establishment in Palestine of a national home for the Jewish people," tried to implement various formulas to bring independence to a land ravaged by violence, but in a half-hearted, ambiguous fashion by not setting timetables or making a serious effort to disengage itself from Palestine. In 1947, Great Britain, frustrated with the situation in Palestine and both unable and unwilling to create a solution, turned the problem over to the United Nations.

After looking at various possibilities, the UN proposed in General Assembly Resolution **181 (II)** of 1947 partitioning

Palestine into two independent States, one Palestinian Arab and the other Jewish, with Jerusalem internationalized. Following the passage of this Resolution, one of the two states envisioned in the partition plan proclaimed its independence as Israel, notwithstanding that General Assembly Resolutions are generally consultative and not legislative in nature. The Arab states considered Israel's Unilateral Declaration of Independence to be illegal, much as the International Court of Justice declared the later Rhodesian Unilateral Declaration of Independence illegal, because it bypassed the majority of the population. However, the Arab States were unable to obtain an advisory opinion from the World Court against this action—after all, a General Assembly that adopted the partition resolution was not likely to adopt a further resolution calling on the International Court of Justice to declare Israel's actions based on the first resolution a violation of international law. The Arab states canvassed the General Assembly and concluded that the votes were not there to get the required resolution requesting the advisory opinion by the World Court and ceased to pursue this approach. No individual Arab state could go directly to the Court in a suit against Israel, because it would have lacked standing, since none were directly affected by Israel's actions. Only the Palestinians could have done that, but as they did not constitute a state, and only states that have accepted the Court's charter can be parties to disputes before the Court (apart from the mechanism of advisory opinions, in which, technically, no state is a party), there was no role for the World Court at that time.

The result of Resolution **181 (II)** and Israel's Declaration was that war broke out in 1948. Israel won that war, and expanded to occupy 77 percent of the territory of Palestine. Israel also occupied the larger part of Jerusalem. Over half the indigenous Palestinian population fled or was expelled. Jordan and Egypt occupied the other parts of the territory assigned by the partition to the Palestinian Arab State, which did not come into being.

On December 11, 1948, the General Assembly adopted Resolution **194**, which "Resolves that the refugees wishing to return to their homes and live at peace with their neighbors should be permitted to do so at the earliest practicable date, and that compensation should be paid for the property of those choosing not to return and for loss of or damage to property which, under principles of international law or in equity, should be made good by the Governments or authorities responsible." Israel has repeatedly rejected General Assembly Resolution **194**, citing the United Nations Charter, which makes such resolutions non-binding. Yet it steadfastly relies on General Assembly Resolution **181 (II)** as the legal justification for its Unilateral Declaration of Independence.

An episode in the history of the Middle East followed that reinforced Arab fears that Israel would prove to be an outpost of French and British colonialism, and not a Middle Eastern State. Following Egyptian President Gamel Abdel

Nasser's nationalization of the Suez Canal in 1956, Israel, its forces led by Colonel Ariel Sharon, joined with Britain and France to invade Egypt, which had previously been a British fiefdom. Only decisive action by President Eisenhower, who sent U.S. naval forces to intercept the British and French fleets, prevented a takeover of Egypt, in what would have been a regressive colonial occupation. (It should be noted that Eisenhower was capable of neo-colonial acts through the covert action of the CIA, which he used to overthrow Mossadegh in Iran and to restore the Shah to the throne, thus returning the nationalized Anglo-Iranian oil company to British control, but he was opposed to blatant, overt acts such as Suez, which fed into the hands of the Soviet Union.) It is not unreasonable to conclude that the Suez action led inevitably to the war of 1967.

Convinced that Egypt, Syria, and Jordan were going to strike it first, Israel attacked them in 1967. In the ensuing "Six Day War," Israel occupied the remaining territory of Palestine, now known as the West Bank and Gaza Strip, which until then had been under Jordanian and Egyptian control. This territory included the remaining part of Jerusalem, which was subsequently annexed by Israel. The war also brought about a second exodus of Palestinians from Israel, estimated at half a million. During that same war Israel also annexed the Egyptian Sinai Peninsula, which was later returned to Egypt in the land for peace deal brokered by President Jimmy Carter, and the Syrian Golan Heights, over which Israel still retains control.

On November 22, 1967, only months after Israel occupied the West Bank, Gaza Strip, and East Jerusalem, the Security Council passed Resolution 242, which explicitly calls for "Withdrawal of Israel armed forces from (the) territories occupied in the recent conflict." (There is a subtle difference between the English and French texts (both official) which refer to withdrawal "from territories occupied" and "*des territoires occupés*" (from *the* territories occupied.) The former English phrase leaves it open as to which territories were actually occupied, while the latter French phrase makes it clear that specific territories are involved.

Israel did not return those territories, of course. In response to this intransigence in light of UN demands, the Security Council passed yet another milestone Resolution, number 338, on October 22, 1973. This resolution "Calls upon the parties concerned to start ... the implementation of Security Council resolution 242 (1967) in all of its parts."

In 1974, the General Assembly reaffirmed the inalienable rights of the Palestinian people to self-determination, national independence, and sovereignty, and also their right as refugees to return to property they had left behind in Israel. The following year, the General Assembly established the Committee on the Exercise of the Inalienable Rights of the Palestinian People. The General Assembly



conferred on the PLO the status of observer in the Assembly and in other international conferences held under United Nations auspices.

Israel still did not respond to UN dictates. So on March 1, 1980, the Security Council adopted Resolution 465, a measure designed to secure Palestinian rights which affirms "once more that the Fourth Geneva convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 is applicable to the Arab territories occupied by Israel since 1967, including Jerusalem." In the same resolution, it was determined that "all measures taken by Israel to change the physical character, demographic composition, institutional structure or status of the Palestinian and other Arab territories since 1967, including Jerusalem, or any part thereof, have no legal validity and that Israel's policy and practices of settling parts of its population and new immigrants in those territories constitute a flagrant violation of the fourth Geneva convention relative to the Protection of Civilian Persons in Time of War and also constitute a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East." The resolution reaffirmed both Resolutions 446 and 452, which, in turn, reaffirmed the Fourth Geneva Convention prohibiting an occupying power from transferring its civilian population onto lands seized by military force. As Zunes points out, Article 7 of Resolution 465 "forbids all member states from facilitating Israel's colonization drive."

With regards to the status of Jerusalem, the Security Council passed Resolutions 476 and 478 to reaffirm earlier resolutions 262 and 267 calling on Israel to rescind its annexation of Arab East Jerusalem and surrounding areas, seized in the aftermath of the Six Day war. Article 5 of Resolution 478 specifically requires member states of the UN to accept the terms of this resolution, which is the reason that most nations do not maintain embassies in Jerusalem, despite the fact that Israel refers to Jerusalem as its capital city.

II. Treating for Peace

With the support of the 1974 Resolution conveying international recognition to the PLO, that organization grew in stature. In response, in June 1982, Israel, led again by Ariel Sharon, invaded Lebanon with the declared intention to eliminate the PLO. A cease-fire was arranged. PLO troops withdrew from Beirut and were transferred to neighboring countries after guarantees of safety were provided for thousands of Palestinian refugees left behind. Subsequently, a large-scale massacre of refugees took place in the Camps of Sabra and Shatila by the Lebanese Christian Militia, for which Sharon was held indirectly responsible by the Israeli Supreme Court, which ordered his removal from his post as Defense Minister. Resentful of the Maronite Christians and their Phalange Party that had long ruled

Lebanon with French support, the Shiites formed Hesbollah to wage armed struggle against Israel's occupation of southern Lebanon and its alliance with the Christian militia.

In September 1983, the International Conference on the Question of Palestine, which was widely attended, adopted *inter alia* the Geneva Declaration containing the following principles: the need to oppose and reject the establishment of settlements in the Occupied Territory and actions taken by Israel to change the status of Jerusalem; the right of all States in the region to existence within secure and internationally recognized boundaries, with justice and security for all the people; and the attainment of the legitimate, inalienable rights of the Palestinian people.

With Israel still showing no sign of evacuating the Territories, the PLO began the first Palestinian Intifada in 1987. While Israelis say that these Intifadas show the Palestinians are terrorists and provide grounds for revoking their claims, there remains the question of the underlying legal issues with regard to the Occupation. If Israel is arguing that it must remain in control of the Territories as a means of self-defense against terrorism, that is precisely the sort of issue that needs to be adjudicated in an advisory opinion by the World Court. Presumably the Court could find Palestinian means to be crimes against mankind, while still finding that the Occupation is not legal. Perpetrators of such crimes could be arrested and sent to the Hague to be tried before the International Criminal Court as separate and distinct legal matters.

In the 1990s, partially in response to the Intifada, Israel made its first legal acknowledgement of the possible validity of some of the many UN Resolutions concerning the status of the Palestinian people and their rights as a people. In the aftermath of the successful 1991 Madrid Conference between Israel and the PLO, the two entities signed the Declaration of Principles on Interim Self-Government Arrangements on September 13, 1993. This Declaration made, in pursuit of a "just and lasting peace," led to the Oslo peace agreements. The Oslo agreements clearly accepted that there could be no substitute to UN resolutions 242 and 338, the "land for peace" proposals. Article I of the Madrid Declaration states that "the negotiations on the permanent status [of Palestine] will lead to the implementation of Security Council Resolutions 242 and 338."

A series of other negotiations during this same period culminated in the mutual recognition between the Government of the State of Israel and the PLO, the partial withdrawal of Israeli forces from the territories occupied in 1967, the election of the Palestinian council and the president of the Palestinian Authority, the partial release of Palestinian prisoners, and the establishment of a functioning administration in the areas under Palestinian self-rule. Following the 1993 Declaration of Principles, the General Assembly reaffirmed that "the United Nations has a permanent responsibility with respect to the question of Palestine until the question is resolved in all its aspects in a satisfactory

manner in accordance with international legitimacy."

Through this period, the outlook for a negotiated solution continued to improve. Oslo I and II provided for two-track negotiations between Israel and the Palestinians and Israel and its Arab neighbors: they provided for mutual recognition between Israel and the PLO, limited Palestinian self-rule, and a promise of a future settlement, presumably establishing a Palestinian state. As a result of these accords, Jordan and Israel reached a peace agreement, and Israel and the Palestinians continued to work towards full implementation, gradually expanding Palestinian self-rule. But a radical Jewish extremist assassinated Israeli Prime Minister Yitzhak Rabin in 1995 and rightist Benjamin Netanyahu's victory in the subsequent election slowed the process, though Netanyahu did agree to the Wye River Memorandum, which proposed steps for the transfer of lands in exchange for security guarantees.

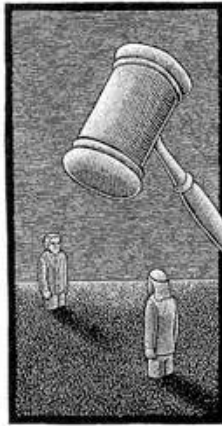
Peace activists hoped for more from Labor Party leader Ehud Barak, who defeated Netanyahu. Barak did finally pull Israeli troops out of Lebanon, but he was unable to continue the peace process outlined in Oslo and Wye—his "generous offer" to PLO leader Yassir Arafat was widely criticized by the Israeli Right as a capitulation to PLO demands, and by the Palestinians as "too little, too late" [For extensive discussions of Barak's offer, see TIKKUN's January/February 2001 and May/June 2001 issues, available at www.tikkun.org]. Barak was defeated by Ariel Sharon in 2001.

Shortly before his election as Prime Minister, Sharon made a provocative visit to Al-Haram al-Sharif, the sacred Islamic mosque on the Temple Mount, which resulted in the start of the Second Intifada. On October 7, 2000, the Security Council adopted Resolution 1322 condemning Israel's "excessive use of force against Palestinians, resulting in injury and loss of human life." And on October 19, 2000, the United Nations Human Rights Commission adopted a Resolution entitled "Grave and Massive Violations of the Human Rights of the Palestinian People by Israel," which condemned Sharon's visit to Al-Haram al-Sharif, "which triggered the tragic events that followed in occupied East Jerusalem and the other territories, resulting in a high number of deaths and injuries among Palestinian civilians."

The two Intifadas have led Israel to rethink all its prior treaties and agreements, including Oslo I and II, the Wye River Memorandum, and the Declaration of Principles of 1993. Israel now takes the position that its military actions, including assassinations and the expansion of settlements, are acts of self-defense, and that all United Nations resolutions must be interpreted in light of this right. Israel points to the Iranian shipment of arms it intercepted on its way to the PLO as an indication of the threat Israel faces.

Since 2000, there have been many proposed peace plans—the Mitchell plan, the Tenet plan, a plan from the Crown Prince Abdullah of Saudi Arabia, President Bush's "road map," and the recent, non-official Geneva Accords negoti-

ated by out-of-power Israeli and Palestinian politicians. None of them shows any sign that it is likely to succeed. An analysis of each of these plans would require its own article, but one only needs to look at how quickly one plan has succeeded the other to see that signs of success are slim. Israelis now are in a state of fear, believing they are faced with a new Hitlerian mentality that seeks to destroy them: Palestinians likewise believe they are fighting the last and most ferocious battle against their historic enemy, colonialism.



IV. The World Court

At this juncture, we are faced with a choice. Do we lapse back into the primitive balance of power approach that has always broken down and led to wider wars, or do we accept the legitimacy of Woodrow Wilson's vision of a just international order under the rule of international law? I would suggest that it is time to revive Wilson's legacy and turn to the International Court of Justice, which was brought into existence at the birth of the United Nations.

In the United Nations Charter, Article 92 provides for such a court: "The International Court of Justice shall be the principal judicial organ of the United Nations. It shall function in accordance with the annexed Statute, which is based on the Statute of the Permanent Court of International Justice and forms and integral part of the present Charter."

Its companion article, Article 96, states that "The General Assembly or the Security Council may request the International Court of Justice to give an advisory opinion on any legal question."

Article 65(1) of the Statute of the International Court of Justice provides that "The court may give an advisory opinion on any legal question at the request of whatever body may be authorized by or in accordance with the charter of the United Nations to make such a request." Four organs of the UN and sixteen specialized United Nations agencies are authorized to seek advisory opinions. They are the General Assembly, Security Council, Economic and Social Council, Trusteeship Council, Interim Committee of the General Assembly, and the Committee on Applications for Review of Administrative Tribunal Judgements, all of the United Nations. Other agencies that can bring matters before the Court are the International Labour Organisation (ILO), the Food and Agriculture Organization of the United Nations (FAO), the United Nations Educational, Scientific and Cultural Organization (Unesco), the World Health Organization (WHO), the World Bank, the International Finance Corporation (IFC), the International Development Association (IDA), the International Monetary Fund (IMF), the International Civil Aviation Organization (ICAO), the International Telecommunication Union (ITU), the World Meteorological Organization (WMO), the International

Maritime Organization (IMO), the World Intellectual Property Organization (WIPO), the International Fund for Agricultural Development (IFAD), the United Nations Industrial Development Organization (UNIDO), and the International Atomic Energy Agency (IAEA)

One prominent Palestinian American has already suggested that an opinion from the International Court would be the best way out of the current impasse. In an article titled "Has Israeli Occupation Become Legal in the Twenty-First Century?" (in the June 4, 2001, *Media Monitor*

Network, www.mediamonitors.net/sambahour4.html), Sam Bahour argues that "International Law must be defined by the world institutions that were established for the purpose, and not by the existing superpower or the party to the conflict that can hire the better public relations firm. The time has come for the General Assembly to request the International Court of Justice, based in The Hague, to make a definitive advisory opinion, on all matters of law regarding the rights of the Palestinian people and the Israeli actions in the Occupied Territories."

Unlike the International Criminal Court in the Hague, individual countries and organizations cannot bring claims to the International Court of Justice. The only bodies at present authorized to request advisory opinions of the court are the five organs of the United Nations and sixteen specialized agencies of the United Nations family listed above.

That means, in principle, the Court's advisory opinions are consultative in character and are therefore not binding as such on the requesting bodies. Certain instruments or regulations can, however, provide in advance that the advisory opinion shall be binding. Such an instrument is a General Assembly resolution requesting the International Court of Justice to give a binding advisory opinion on a particular matter.

Since 1946, the court has given twenty-four advisory opinions, considering *inter alia* admission to United Nations membership, reparations for injuries suffered in the service of the United Nations, territorial status of South-West Africa (Namibia) and western Sahara, judgments rendered by administrative tribunals, expenses of certain United Nations operations, applicability of the United Nations Headquarters Agreement, the status of human rights rapporteurs (observers), and the legality of the threat or use of nuclear weapons.

Bahour points out that an advisory opinion of the Court would carry much more weight than all the UN Resolutions combined if the General Assembly resolves, in bringing the case to the Court, that the opinion that issues from the case will be binding. He writes: "Unlike United Nations (Security Council) Resolutions, which are only quasi-legislative in nature, the opinion of the Court would be binding on the

(continued on page 65)

Some Questions Concerning Art and Suffering

Alan Shapiro

In the fall of 1999, my brother was dying of brain cancer, my marriage was falling apart, and I had just moved into the basement apartment of a house whose owner was an eighty-five-year-old woman with Alzheimer's who every few days would knock on my door and introduce herself. One night in the middle of this outbreak from the Book of Job I had a dream in which *The Oresteia* by Aeschylus, which I was translating at the time, had been adapted for the *Jerry Springer Show*. What I remember mostly were the characters as they came on stage: Agamemnon first—decked out in armor, spear in hand, horse hair bobbing from his helmet: as he strides to his chair, the caption on the screen reads: "Sacrificed Daughter to Stop Wind!" He's followed by Cassandra, who staggers out, babbling incoherently. The caption flashes: "*Thinks she's clairvoyant!*" Then Oedipus, not Clytemnestra, strides confidently to his seat, so confident in fact that he hasn't noticed that he's strayed in off the set of another tragedy while Jerry whispers to the home audience, "Slept with Mother, Murdered Father, Doesn't realize it yet!"

At this point, the dream gets really bizarre. Clytemnestra shows up next with Aegisthus in tow; she's dressed in fish-net stockings and a bowtie, he's wearing tennis whites. Agamemnon lunges for Clytemnestra, and in the melee he is stabbed to death. Aegisthus, now standing over Agamemnon's ravaged body, pulls out a copy of *Idylls of the King*, and asks, "Tennyson anyone?" Then, as Agamemnon is wrapped up in a red carpet and carried off, the audience isn't chanting, "JER-RY, JER-RY, JER-RY," as they usually do, but "DI-KE, DI-KE, DI-KE!"

Okay, so it wasn't a dream. I made the whole thing up. But if I'd had such a dream around that time, I would have wakened from it feeling purged, if not of all my fear and pity, then of any sense that Greek tragedy or art of any kind could have consoled me for my troubles, or made the pain of what I had to face more bearable.

Which is not to say that I don't love *The Oresteia*. Or that translating it at this particular time, in the midst of so much turmoil, wasn't one of the great joys of my writing

life. In fact, while I found it difficult to write my own poetry during this awful year, I had no trouble whatsoever working obsessively on the trilogy. I worked on it at home when I could, I worked on it between classes, I worked on it at the hospital in any number of waiting rooms while my brother had this or that procedure done. I even worked on it in my lawyer's office just after my wife and I split up a month or so before my brother died.

In one of his letters Keats remarks that in times of difficulty the objects of desire become a refuge as well as a passion. This was certainly true for me, though what does it say about *my* difficulties that I would seek refuge from them in the house of Atreus: what kind of person goes to the house of Atreus for a little R & R? The challenge of translating the richness and complexity of Aeschylus's language into a poetically charged but sayable English that was still faithful to the original Greek did indeed distract me from the pain that I was living through. It was like a monumental puzzle I could play with endlessly. It kept me hugely entertained, became a source of inexhaustible pleasure, at a time when life seemed nothing but a vale of tears.

I would like to say that working on *The Oresteia* at this particular time was more than a distraction, more than just a sensational escape from the shapeless sorrows of real life. For what I was living with and thinking about and puzzling over was a story depicting human beings in desperate situations, which (you would think) couldn't help but resonate with what I myself was going through. While the stylization of the language, the historical remoteness of the story, the dramatic conventions peculiar to another age, another culture, all insisted that this was not my story, the human drama itself and the portrayal of people caught in the toils of necessity, attempting to find some justification for all they do and suffer, insisted that I sympathize with them and think about the moral problems that their lives embody. I didn't do this, though, however much I expected to, or wanted to. At least not in any way that changed me, or blunted the pain of my family circumstances, or made those circumstances more endurable or meaningful. If there was consolation in *The Oresteia*, maybe that consolation only had to do with learning all about a family more dysfunctional than mine.

In any event, forget catharsis. Forget clarity. If nothing else, what translating *The Oresteia* gave me was respite from

Alan Shapiro's most recent book, Song and Dance, was published by Houghton Mifflin in 2002; his translation of The Oresteia appeared in 2003 from Oxford University Press.

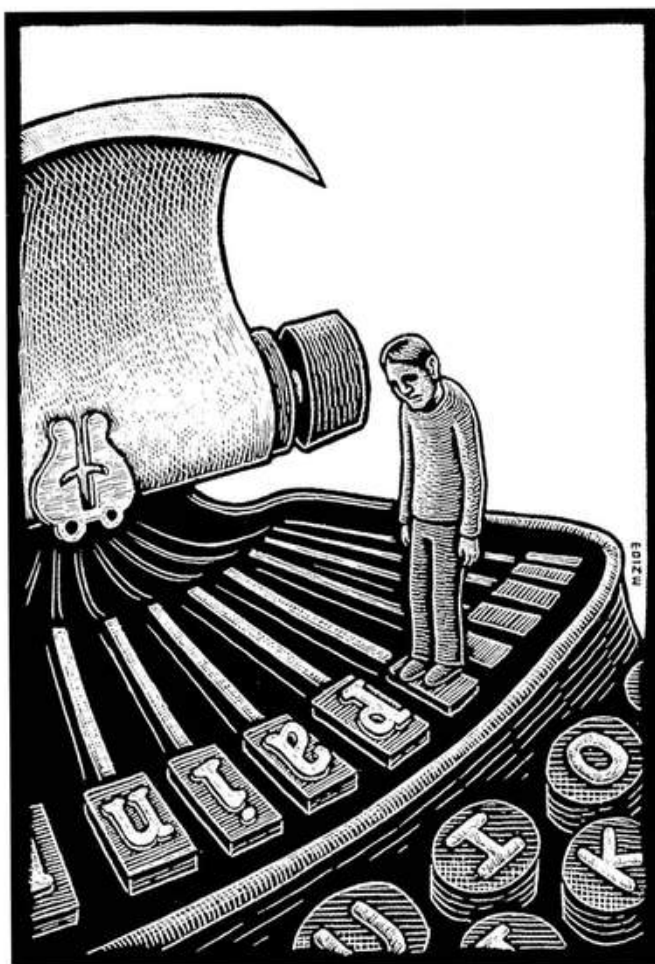
an unbearable experience which, precisely for the brief respite, seemed all the more unbearable when the respite was over.

The great pleasure I got from doing this work was partly a function of the distance between the world of the play and the messy particulars of everyday existence. A drama that dealt with human suffering in a more contemporary setting, that reflected my own circumstances too directly, might not have pleased me nearly as much. In fact, one of the unstated rules of Greek tragedy is that there be significant distance between the experience of the audience and the characters on stage, that the drama not engage the audience's personal circumstances too transparently. Phrynichus, a contemporary of Aeschylus, learned this the hard way. He produced a play about the Persian slaughter of the Milesians, a disaster that devastated the Athenians who were deeply partisan to the Milesian cause. The tragedy cut too close to home. The Athenians were so upset by the play that, according to Herodotus, they gave Phrynichus a stiff fine and passed a law forbidding anyone ever to stage this play again. The moral seems to be that it's better to show us someone else's troubles than our own, which reminds me of the joke about the old Jew on his deathbed who converts to Catholicism: when the priest asks him why, he answers, "Better one of you should die than one of us."

"It is certain," Hume tells us in *Of Tragedy*, "that the same object of distress which pleases in tragedy, were it really set before us, would give the most unfeigned uneasiness." In any representation of suffering, some degree of distance is required if the suffering is to be transformed into pleasure.

But now I wonder, why represent suffering at all? As the Herald asks in *Agamemnon*, the first play of *The Oresteia*, "Why must I tell the tale of all the lost, / and why should the living live it through again/in stories, groaning over old misfortune?" He does tell the tale, of course, at great length, and beautifully. In fact, so beautifully that the answer to his question is implicit in the telling of his story: the living live through old misfortune again because it feels good to do so. The Herald relishes the telling, and the chorus (as we do) eats it up. We all crave stories about terrible things happening to other people, bad people, good people, especially people who, like us, don't deserve to suffer as they do.

But to say that we're eager to hear about the hard lives of other people is still to beg the question, why? Why do we get pleasure from artistic representations of pain? And what is the nature of that pleasure? How does poetry or any art convert intractable sorrow into aesthetic joy that at the same time respects and even honors that intractability, without reducing pain to spectacle? How does it make attractive what we would turn away from in disgust if it were truly happening right in front of us? Distance may be part of the answer, but only part. How does art do this without falsifying or minimizing the harshness of the realities it's attempting to express and understand?



There are all kinds of answers to these questions, many of them true to some extent, none of them entirely satisfying. Good poems about misfortune please us by making us feel less alone; they console us by connecting us to others who have suffered what we've suffered or whose suffering reminds us of our frailties, our own helplessness. In this connection think of the opening scene of Sophocles's *Aias* in which Athena puts the reluctant Odysseus in the position of an audience member, forcing him to watch and listen to the still deluded, bloodstained Aias recount his disgraceful rampage of the night before, slaughtering cattle he mistook for the leaders of the Achaean army. Odysseus responds the way, I think, we are all meant to respond to tragic suffering: his first impulse is to avert his gaze, then to feel pity (even for his enemy), and pity in turn leads him to the recognition that "the same fate could be mine: we who live are all phantoms, fleeting shadows." Good poems about misfortune also flatter us by encouraging us to sympathize with people different from ourselves, and thus they make us feel less self-absorbed; they free us from our fears and anxieties by giving vent to them; they make us more keenly aware of how precious life is by reminding us of life's fragility (or as Joni Mitchell says, "Don't it always seem to go that you don't know what you've got till it's gone"). By converting irremediable loss, heartbreak, physical or spiritual despair into something beautiful, good poems about bad things make us feel less helpless in the face of what we can't control. And at

least while we read them, good poems that wrest aesthetic pleasure from bereavement and misery make us feel triumphant even when the sense of triumph emanates from lines that tell us that defeat is unavoidable.

The operative word of course is “good.” Bad poems can make us feel less alone, or be cathartic, or remind us of our vulnerabilities. Sentimental melodrama can elicit the “fearful horror and tearful pity and doleful yearnings” that Gorgias, the fifth century teacher of rhetoric, considered the typical effects of poetry at its best. They can do all the things that good poems do and yet still fail to give the essential and enduring pleasure good poems give. That essential and enduring pleasure can only come through artistry. This is what Yeats means when he says that “neither scholars nor populace have sung or read anything generation after generation because of its pain. Imagination must dance, must be carried beyond feeling into aboriginal ice.” Art as well as distance (or should I say art which is itself a function of distance) is essential to the transformation of suffering into aesthetic pleasure.

To say this, though, is not to say that content doesn’t matter, or that form is everything. In our culture (and I venture to say in all cultures), poems about the darker aspects of existence far outnumber happier works of art. The greatest poems, the masterpieces, are the ones about love lost, not loved gained, about deserved or undeserved bad luck, about sorrow, not joy, or if joy then joy recollected in a time of sorrow (and so thereby becoming another source of pain). The best poems confront the most difficult things. As Martha Nussbaum reminds us, “Great art plays a central role in our political lives because, showing us the tangled nature of our loves and commitments, showing us ourselves as flawed crystals, it moderates the optimistic hatred of the actual that makes for a great deal of political violence, moderates the ferocious hopefulness that simply marches over the complicated delicacies of the human heart.” Content matters. But content is only a necessary but never sufficient element of great art; the other crucial element is the form-giving imagination of the artist. The pleasure ultimately inheres in the artistry. And artistry is itself an act of attention, an act of witnessing that permeates every aspect of the language—the words, the changing shape of sentences, the dance of sentences through and across the lines.

The difference between what we suffer in our daily lives and the suffering enacted in a Greek tragedy has to do with how that suffering is shaped and ordered, and thereby invested with meaning that clarifies the lives depicted and by extension our own sense of what it means to be alive. Or as Oliver Taplin puts it, “the tragedies of real life, unlike those of the stage, are often shapeless, sordid, capricious, meaningless. But supposing this to be true (as I do), what then? It is not human to be content with this useless, even if ultimate, truth. We must try to understand, to cope, to respond. It is in this attempt that tragedy—that most great art—has its place.”

Bad poems are bad because they witness incompletely. They flinch in the face of crisis, seeking refuge in cliché or platitude, or even in BEAUTY that falsifies by failing to attend to the beauty-resisting, irreducibly complicated truths of hard experience. When we read a poem about some catastrophic illness, some devastating loss, or terrible injustice, we can only truly feel less alone if the poem honors the complexity of what we didn’t know we knew; we can only truly feel connected to others, to a community of fellow hostages to fortune, if the isolating inward force of pain has been countered by the outward social force of language brought to an unforgettable because pervasive state of intense responsiveness.

Or so at least the liberal humanist in me wants desperately to believe. But the postmodern skeptic who watched his sister and brother die so horribly and his family fall apart, and who now can’t help but see art as a necessary but woefully inadequate response to suffering and loss, can’t give his full assent. I can neither embrace the belief that art redeems our losses nor entirely renounce it. The humanist writer in me honors *The Oresteia* by translating it as faithfully and beautifully as I can. The postmodern skeptic thumbs his nose at all that great, high-minded artistry by imagining one of the cornerstones of Western civilization adapted to the *Jerry Springer Show*.

At the same time, I know that a strain of the same distrust and skepticism runs through the genre itself, and that the best tragedies both appeal to our desire that art redeem or make sense of the terrible things we suffer and acknowledge the improbability of doing so. I’m not suggesting here that tragedy, or art in general, makes nothing happen, or serves no purpose beyond itself. Some tragedies do arise in relation to political crises and attempt to keep in play imaginative and moral possibilities that may be threatened by political decisions or events. One can read Euripides’ *The Trojan Women* as a plea for compassion made in response to the Athenian decision to slaughter all the men on the Island of Melos and send all the women and children into slavery in punishment for the Melians’ refusal to become an ally of Athens in their war with Sparta. The play, of course, did not avert the atrocity (what work of art ever has?), but it did remind its audience of the humanity of people they were killing and dispossessing. That the atrocity does go forward in the play (as it did in the world of fifth century Athens, as it does today), in turn, reminds us that this is after all only a work of art. What tragedy can do, perhaps better than any other form of art, is to face up to the sheer, senseless awfulness of the world without pretending that the art itself makes anything better. If it exalts or affirms the human spirit, it does so by saying that we know what we’re up against and we can still live fully in the light of such knowledge. For all the monumental, totalizing claims made on their behalf, the best tragedies recognize the insufficiency of art even as they bring art to the highest level.

This dark but somehow exhilarating aspect of tragedy has shaped the way I think about art and suffering and profoundly influenced the poetry and prose I've written over the past six years. In my new book of poems about my brother's death from cancer, *Song and Dance*, I have tried to make a monument to my brother, a Broadway performer, a song and dance man; in the spirit of the elegiac tradition, I have tried to acknowledge the struggle he endured in his last months and to celebrate his courage. I wrote that book in the weeks and months after his death, in that basement apartment with the demented landlady and while still grieving for the break up of my own family. People have praised me for the courage it must have taken to write this book; they've remarked upon how lucky I was to have a tool like poetry with which to work through my grief and sorrow, to come to terms with what I've lost. Well, as I wrote those poems, I felt neither courageous nor lucky. While it may have looked from the outside like I was facing head on my own bereavement, I was in fact doing just the opposite. Writing was not therapy but the avoidance of therapy; it was not grieving, but the avoidance of grief, the deferral of grief, the transformation of what I passively suffered into something I could actively make. I suppose in that sense it was therapeutic. But only in that sense. I was making poems, I was making art. I was transforming an intractable sorrow into an aesthetic problem that the writing of the poems was a way to solve. But all I solved was the writing of the poems. I was not released from pain. And the pain itself, even as I wrote about it, had nothing to do with knowledge; it was only pain. The anger I wrote about did not release me from the anger; I felt no less enraged by the undeserved absurdity and waste of what had happened to my family. If I was happy while I wrote, that's because writing makes me happy, the sheer activity of it, even if what I'm writing about is how unhappy I am.

Only when the book was finished did the miserable, sorrowful, day-by-day work of grieving truly begin. The poems themselves continually return to the realization that the poetry is only poetry, however much it gives voice to the complexities of the experience, however much it tries confronting pain and making sense of it. The poems remind us that a represented pain is itself an aesthetic pleasure that has little to do with lived pain, that the solace or comfort that comes from giving shape to what we feel doesn't really free us from that feeling, or if it does free us it's only while we read the poem. Hence the title of the book—*Song and Dance*—which refers of course to the fact that my brother was a musical comedy star, but also to the pejorative expression, "Don't give me a song and dance, don't try to pull a fast one on me, this isn't going to do what the beauty and grace and formal symmetries suggest it will." I wanted this book to remind the reader at every turn that the division

*Writing was not
therapy but the
avoidance of therapy.*

between art and suffering is absolute, even as we still try helplessly to bridge it.

Yes, tragedy does shape and order suffering into monuments of unaging intellect. But monuments estrange us, don't they, from the perishable flesh they mean to honor; they displace the very people they memorialize. The kind of poetry I needed back in 1999 and frankly still need now, is one that wants to raise the dead, *literally*, that wants to bring the beloved back to life. It's a poetry that doesn't want to settle for a substitute, however beautiful, a poetry that recognizes the impossibility of what it nonetheless is helpless not to try to do.

One poem which raises if not the dead then many of the questions I've been raising here is "The Beautician" by Thom Gunn, from his great book about the AIDS epidemic, *The Man With Night Sweats*. The plot of the poem is simple. A beautician goes to the morgue to see the body of a dead friend. The friend's hair is all askew, and the beautician, being a beautician, beautifies it:

She, a beautician, came to see her friend
Inside the morgue, when she had had her cry.
She found the body dumped there all awry,
Not as she thought right for a person's end,
Left sideways like that on one arm and thigh.

In their familiarity with the dead
It was as if the men had not been kind
With her old friend, whose hair she was assigned
To fix and shape. She did not speak; instead
She gave her task a concentrated mind.

She did find in it some thin satisfaction
That she could use her tenderness as skill
To make her poor dead friend's hair beautiful
—As if she shaped an epitaph by her action,
She thought—being a beautician after all.

The woman's identity as beautician, or artist, is inversely proportionate to the immediacy of her grief. Only once she has had her private cry can she go to the morgue and carry out the public task assigned to her. It's not that she's no longer grieving when she assumes the role of artist to her dead friend; it's that she isn't merely grieving. She's turning passive grieving into active making, transforming a loss she suffers into an artifact she creates. As she concentrates her mind, she projects that merely personal and isolating grief into the social world of aesthetic action. The key word here is "concentrates," which means of course to focus, to move in toward the center and thus to narrow, but also, as a function of that narrowing, to intensify.

If the role of artist entails some distance or detachment from the immediacies of private feeling, that distance in turn provides her with a remarkably inclusive vision that is moral as well as aesthetic. As grieving friend she merely cries. As beautician/friend, she acts, thinks, and imagines in

a variety of ways: she thinks about what's right or proper for a person's end. She judges the morgue attendants for the insensitive way they handle her poor friend's corpse. At the same time, she understands how that insensitivity, that coarsening, derives from the nature of their job, from their being perhaps too familiar with the dead.

As beautician, the woman converts her sense of outrage and her own grief into active pleasure. In making her dead friend's hair beautiful, she makes an artifact, a monument, a substitute that memorializes both the friend's existence and the beautician's love. But the satisfaction the beautician takes in doing this is thin, in part, because she knows that in memorializing love she is also preserving her grief, her sense of loss, which otherwise would fade, and also, more importantly, because the "epitaph" is no substitute for the person himself. The art is necessary, unavoidable, and at its best inadequate. The epitaph she makes gives pleasure, but the pleasure turns her back to the grief from which it grows.

The epitaph, the work of art, the good poem, heals paradoxically; the distance necessary for memorialization, the distance that enables one to use one's tenderness as skill, the distance needed to create the space for artistic exercise, for forging a social response out of private grief, acknowledges in and through its pleasure and beauty the unredeemable loss and bodily anguish for which no artifact can compensate. The well-chiseled rhyming stanzas of this poem insinuate a monumental, elegiac tradition even while the words, the varying rhythms, the almost off-handed rhetorical diffidence of the closing lines ("as if" "she thought" "after all") prevent us from settling too comfortably into the comforts that tradition offers. The pleasure-giving, elegiac speech projected out of the grieving body at the same time reminds us of the body's unspeakable suffering.

This is, for me, the problem with conventional elegy, and with monumentalism in the arts in general: they all insist too smugly on their own importance; the beauty they all appeal to assumes that what it gives us in return for what we lose is equal to or better than the loss. Maybe this is also why I've come to prefer poems like Yeats' "Easter 1916," which acknowledge something terrible in the beauty, to poems like his "Sailing to Byzantium," which simply or uncritically celebrate the transformation of mutable experience into the immutable golden birds of art. Monumentalism feeds off the dead. It wants to replace the perishable flesh with imperishable stone; the bundle of accident that gets up for breakfast in the morning with the packed-in-salt immortal name. It wants us to feel that the transaction is a good one, that we've made a killing. And maybe we have.

I want to conclude by quoting from a poem called "Tourists" by the Israeli poet, Yehuda Amichai. This is a poem that illustrates in style and subject an anti-monumentalist aesthetic, one that refuses the consolations and rationales we all fall back on when we talk about art, culture, or history in relation to the suffering of those on whom that

art, that culture, that history, feed. Here are the closing lines, translated by Chana Bloch (that these lines are cast as prose, not "poetry," is itself an anti-monumental gesture that underscores Amichai's allegiance to the evanescent but fundamental particulars of daily life):

Once I sat on the steps by a gate at David's Tower, I placed my two heavy baskets at my side. A group of tourists was standing around their guide and I became their target marker. "You see that man with the baskets? Just right of his head there's an arch from the Roman period. Just right of his head." "But he's moving, he's moving!" I said to myself: redemption will come only if their guide tells them, "You see that arch from the Roman period? It's not important: but next to it, left and down a bit, there sits a man who's bought fruit and vegetables for his family."

Because it is the nature of everything we love and value—of everything we are—to disappear, all artists are alchemists: we're all trying, all of us, no matter what our medium or stated principles may be, to transmute the base matter of mere life into the imperishable gold of art. Lately, though, that gold has come to feel like fool's gold, at least in its attempt to compensate us for the sorrows it expresses. At the same time, being fool's gold doesn't make it worthless.

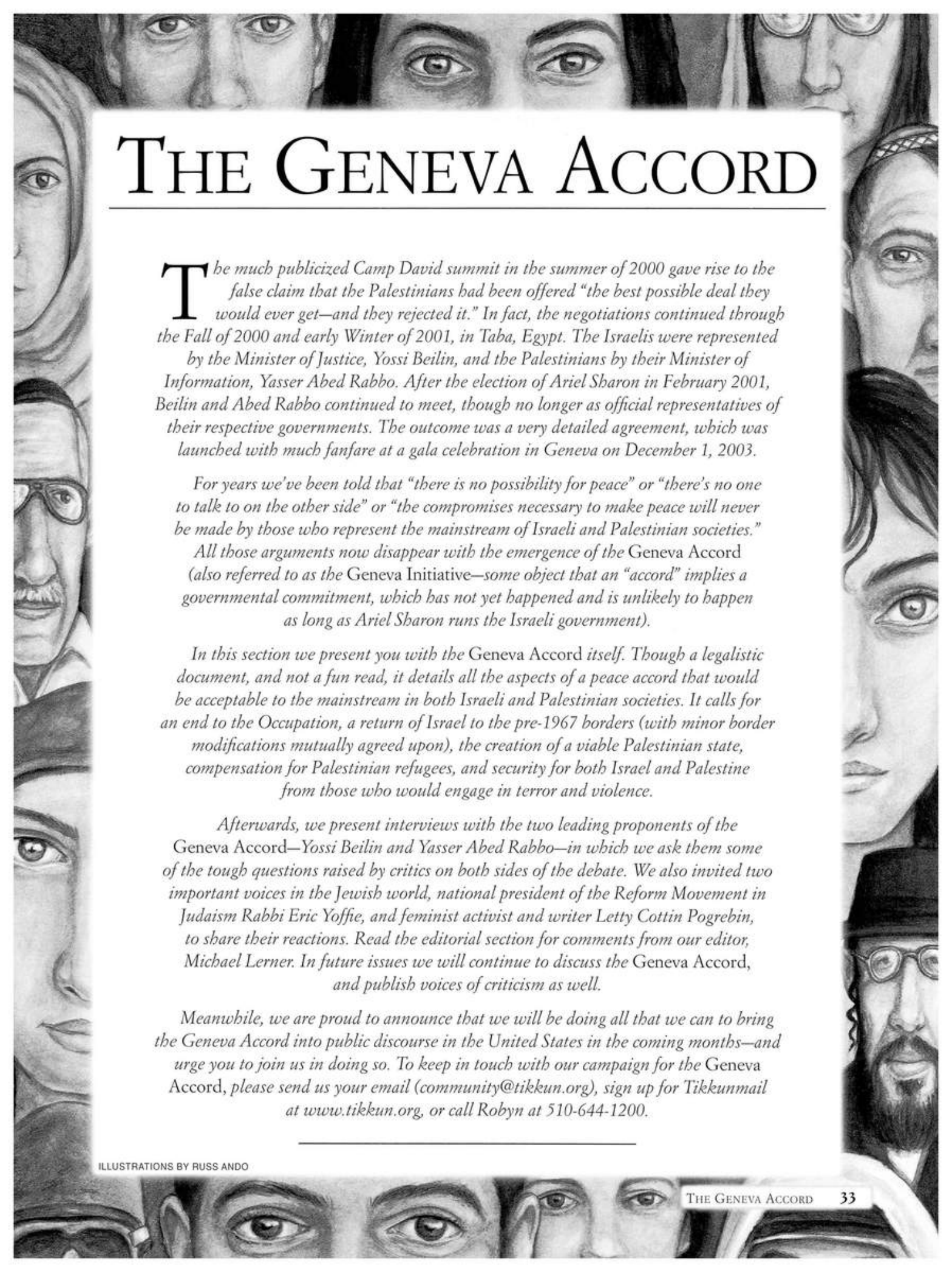
If death is the mother of beauty, then I want the kind of beauty that acknowledges the insufficiency of beauty. I want the kind of art that admits it's giving us a song and dance when it transforms suffering into pleasure, pain into insight, life into clarifying images of life; the kind of art that recognizes there is no good substitute for the precious flesh. And recognizing this apologizes for its own necessity. □

2004: POLITICS AS USUAL? (continued from page 15)

time and the accelerating pace of American politics will tell. But like Lincoln, circumstances and the intransigence of his imperial opponents may force Dean, or politicians who arise in the future, to take positions and formulate policies and programs that a few years before were unthinkable.

Make no mistake: The Dean campaign and its unanticipated popularity stands for something much more important than who's winning the latest opinion polls. Dean represents the assertion of an emerging new politics into the creaking status quo. That's why the energy. That's why the excitement. There's hope for change. The Empire of Oil is meeting an unlikely challenger.

His Democratic opponents, his critics on the Left, and the contemptuous slanderers on the Right now paint a picture of Dean as purveyor of nothing but his own ambitions. When push comes to shove, and presuming that Howard Dean has come from ex-Governor of Vermont to the presidency, will he pursue policies that reflect his belief that renewable resources are a matter of national security, to be nurtured and developed instead of launching yet another war for oil? Time will tell. □



THE GENEVA ACCORD

The much publicized Camp David summit in the summer of 2000 gave rise to the false claim that the Palestinians had been offered “the best possible deal they would ever get—and they rejected it.” In fact, the negotiations continued through the Fall of 2000 and early Winter of 2001, in Taba, Egypt. The Israelis were represented by the Minister of Justice, Yossi Beilin, and the Palestinians by their Minister of Information, Yasser Abed Rabbo. After the election of Ariel Sharon in February 2001, Beilin and Abed Rabbo continued to meet, though no longer as official representatives of their respective governments. The outcome was a very detailed agreement, which was launched with much fanfare at a gala celebration in Geneva on December 1, 2003.

For years we’ve been told that “there is no possibility for peace” or “there’s no one to talk to on the other side” or “the compromises necessary to make peace will never be made by those who represent the mainstream of Israeli and Palestinian societies.”

All those arguments now disappear with the emergence of the Geneva Accord (also referred to as the Geneva Initiative—some object that an “accord” implies a governmental commitment, which has not yet happened and is unlikely to happen as long as Ariel Sharon runs the Israeli government).

In this section we present you with the Geneva Accord itself. Though a legalistic document, and not a fun read, it details all the aspects of a peace accord that would be acceptable to the mainstream in both Israeli and Palestinian societies. It calls for an end to the Occupation, a return of Israel to the pre-1967 borders (with minor border modifications mutually agreed upon), the creation of a viable Palestinian state, compensation for Palestinian refugees, and security for both Israel and Palestine from those who would engage in terror and violence.

Afterwards, we present interviews with the two leading proponents of the Geneva Accord—Yossi Beilin and Yasser Abed Rabbo—in which we ask them some of the tough questions raised by critics on both sides of the debate. We also invited two important voices in the Jewish world, national president of the Reform Movement in Judaism Rabbi Eric Yoffie, and feminist activist and writer Letty Cottin Pogrebin, to share their reactions. Read the editorial section for comments from our editor, Michael Lerner. In future issues we will continue to discuss the Geneva Accord, and publish voices of criticism as well.

Meanwhile, we are proud to announce that we will be doing all that we can to bring the Geneva Accord into public discourse in the United States in the coming months—and urge you to join us in doing so. To keep in touch with our campaign for the Geneva Accord, please send us your email (community@tikkun.org), sign up for Tikkunmail at www.tikkun.org, or call Robyn at 510-644-1200.

THE GENEVA ACCORD

Preamble

The State of Israel (hereinafter "Israel") and the Palestine Liberation Organization (hereinafter "PLO"), the representative of the Palestinian people (hereinafter the "Parties"):

Reaffirming their determination to put an end to decades of confrontation and conflict, and to live in peaceful coexistence, mutual dignity and security based on a just, lasting, and comprehensive peace and achieving historic reconciliation;

Recognizing that peace requires the transition from the logic of war and confrontation to the logic of peace and cooperation, and that acts and words characteristic of the state of war are neither appropriate nor acceptable in the era of peace;

Affirming their deep belief that the logic of peace requires compromise, and that the only viable solution is a two-state solution based on UNSC Resolution 242 and 338;

Affirming that this agreement marks the recognition of the right of the Jewish people to statehood and the recognition of the right of the Palestinian people to statehood, without prejudice to the equal rights of the Parties' respective citizens;

Recognizing that after years of living in mutual fear and insecurity, both peoples need to enter an era of peace, security and stability, entailing all necessary actions by the parties to guarantee the realization of this era;

Recognizing each other's right to peaceful and secure existence within secure and recognized boundaries free from threats or acts of force;

Determined to establish relations based on cooperation and the commitment to live side by side as good neighbors aiming both separately and jointly to contribute to the well-being of their peoples;

Reaffirming their obligation to conduct themselves in conformity with the norms of international law and the Charter of the United Nations;

Confirming that this Agreement is concluded within the framework of the Middle East peace process initiated in Madrid in October 1991, the Declaration of Principles of September 13, 1993, the subsequent agreements including the Interim Agreement of September 1995, the Wye River Memorandum of October 1998 and the Sharm El-Sheikh Memorandum of September 4, 1999, and the permanent status negotiations including the Camp David Summit of July 2000, the Clinton Ideas of December 2000, and the Taba Negotiations of January 2001;

Reiterating their commitment to United Nations Security Council Resolutions 242, 338 and 1397 and confirming their understanding that this Agreement is based on, will lead to, and—by its fulfillment—will constitute the full

implementation of these resolutions and to the settlement of the Israeli-Palestinian conflict in all its aspects;

Declaring that this Agreement constitutes the realization of the permanent status peace component envisaged in President Bush's speech of June 24, 2002 and in the Quartet Roadmap process;

Declaring that this Agreement marks the historic reconciliation between the Palestinians and Israelis, and paves the way to reconciliation between the Arab World and Israel and the establishment of normal, peaceful relations between the Arab states and Israel in accordance with the relevant clauses of the Beirut Arab League Resolution of March 28, 2002; and

Resolved to pursue the goal of attaining a comprehensive regional peace, thus contributing to stability, security, development and prosperity throughout the region;

Have agreed on the following:

Article 1: Purpose of the Permanent Status Agreement

1. The Permanent Status Agreement (hereinafter "this Agreement") ends the era of conflict and ushers in a new era based on peace, cooperation, and good neighborly relations between the Parties.

2. The implementation of this Agreement will settle all the claims of the Parties arising from events occurring prior to its signature. No further claims related to events prior to this Agreement may be raised by either Party.

Article 2: Relations between the Parties

1. The state of Israel shall recognize the state of Palestine (hereinafter "Palestine") upon its establishment. The state of Palestine shall immediately recognize the state of Israel.

2. The state of Palestine shall be the successor to the PLO with all its rights and obligations.

3. Israel and Palestine shall immediately establish full diplomatic and consular relations with each other and will exchange resident Ambassadors, within one month of their mutual recognition.

4. The Parties recognize Palestine and Israel as the homelands of their respective peoples. The Parties are committed not to interfere in each other's internal affairs.

5. This Agreement supercedes all prior agreements between the Parties.

6. Without prejudice to the commitments undertaken by them in this Agreement, relations between Israel and Palestine shall be based upon the provisions of the Charter of the United Nations.

7. With a view to the advancement of the relations between the two States and peoples, Palestine and Israel shall cooperate in areas of common interest. These shall include, but are not limited to, dialogue between their legislatures



Yossi Beilin and Yasser Abed Rabbo celebrate the launch of the Geneva Accord, December 1, 2003.

and state institutions, cooperation between their appropriate local authorities, promotion of non-governmental civil society cooperation, and joint programs and exchange in the areas of culture, media, youth, science, education, environment, health, agriculture, tourism, and crime prevention. The Israeli-Palestinian Cooperation Committee will oversee this cooperation in accordance with Article 8.

8. The Parties shall cooperate in areas of joint economic interest, to best realize the human potential of their respective peoples. In this regard, they will work bilaterally, regionally, and with the international community to maximize the benefit of peace to the broadest cross-section of their respective populations. Relevant standing bodies shall be established by the Parties to this effect.

9. The Parties shall establish robust modalities for security cooperation, and engage in a comprehensive and uninterrupted effort to end terrorism and violence directed against each others persons, property, institutions or territory. This effort shall continue at all times, and shall be insulated from any possible crises and other aspects of the Parties' relations.

10. Israel and Palestine shall work together and separately with other parties in the region to enhance and promote regional cooperation and coordination in spheres of common interest.

11. The Parties shall establish a ministerial-level Palestinian-Israeli High Steering Committee to guide, monitor, and facilitate the process of implementation of this Agreement, both bilaterally and in accordance with the mechanisms in Article 3 hereunder.

Article 3: Implementation and Verification Group

1. Establishment and Composition

i. An Implementation and Verification Group (IVG) shall hereby be established to facilitate, assist in, guarantee, monitor, and resolve disputes relating to the implementation of this Agreement.

ii. The IVG shall include the U.S., the Russian Federation, the EU, the UN, and other parties, both regional and international, to be agreed on by the Parties.

iii. The IVG shall work in coordination with the

Palestinian-Israeli High Steering Committee established in Article 2/11 above and subsequent to that with the Israeli-Palestinian Cooperation Committee (IPCC) established in Article 8 hereunder.

iv. The structure, procedures, and modalities of the IVG are set forth below and detailed in Annex X.

2. Structure

i. A senior political-level contact group (Contact Group), composed of all the IVG members, shall be the highest authority in the IVG.

ii. The Contact Group shall appoint, in consultation with the Parties, a Special Representative who will be the principal executive of the IVG on the ground. The Special Representative shall manage the work of the IVG and maintain constant contact with the Parties, the Palestinian-Israeli High Steering Committee, and the Contact Group.

iii. The IVG permanent headquarters and secretariat shall be based in an agreed upon location in Jerusalem.

iv. The IVG shall establish its bodies referred to in this Agreement and additional bodies as it deems necessary. These bodies shall be an integral part of and under the authority of the IVG.

v. The Multinational Force (MF) established under Article 5 shall be an integral part of the IVG. The Special Representative shall, subject to the approval of the Parties, appoint the Commander of the MF who shall be responsible for the daily command of the MF. Details relating to the Special Representative and MF Force Commander are set forth in Annex X.

vi. The IVG shall establish a dispute settlement mechanism, in accordance with Article 16.

3. Coordination with the Parties

A Trilateral Committee composed of the Special Representative and the Palestinian-Israeli High Steering Committee shall be established and shall meet on at least a monthly basis to review the implementation of this Agreement. The Trilateral Committee will convene within 48 hours upon the request of any of the three parties represented.

4. Functions

In addition to the functions specified elsewhere in this Agreement, the IVG shall: i. Take appropriate measures



THE GENEVA ACCORD

based on the reports it receives from the MF, **ii.** Assist the Parties in implementing the Agreement and preempt and promptly mediate disputes on the ground.

5. Termination

In accordance with the progress in the implementation of this Agreement, and with the fulfillment of the specific mandated functions, the IVG shall terminate its activities in the said spheres. The IVG shall continue to exist unless otherwise agreed by the Parties.

Article 4: Territory

1. The International Borders between the States of Palestine and Israel

i. In accordance with UNSC Resolution 242 and 338, the border between the states of Palestine and Israel shall be based on the June 4th 1967 lines with reciprocal modifications on a 1:1 basis as set forth in attached Map 1.

ii. The Parties recognize the border, as set out in attached Map 1, as the permanent, secure and recognized international boundary between them.

2. Sovereignty and Inviolability

i. The Parties recognize and respect each other's sovereignty, territorial integrity, and political independence, as well as the inviolability of each others territory, including territorial waters, and airspace. They shall respect this inviolability in accordance with this Agreement, the UN Charter, and other rules of international law.

ii. The Parties recognize each other's rights in their exclusive economic zones in accordance with international law.

3. Israeli Withdrawal

i. Israel shall withdraw in accordance with Article 5.

ii. Palestine shall assume responsibility for the areas from which Israel withdraws.

iii. The transfer of authority from Israel to Palestine shall be in accordance with Annex X.

iv. The IVG shall monitor, verify, and facilitate the implementation of this Article.

4. Demarcation

i. A Joint Technical Border Commission (Commission) composed of the two Parties shall be established to conduct the technical demarcation of the border in accordance with this Article. The procedures governing the work of this Commission are set forth in Annex X.

ii. Any disagreement in the Commission shall be referred to the IVG in accordance with Annex X.

iii. The physical demarcation of the international borders shall be completed by the Commission not later than nine months from the date of the entry into force of this Agreement.

5. Settlements

i. The state of Israel shall be responsible for resettling the Israelis residing in Palestinian sovereign territory outside this territory.

ii. The resettlement shall be completed according to the schedule stipulated in Article 5.

iii. Existing arrangements in the West Bank and Gaza Strip regarding Israeli settlers and settlements, including

security, shall remain in force in each of the settlements until the date prescribed in the timetable for the completion of the evacuation of the relevant settlement.

iv. Modalities for the assumption of authority over settlements by Palestine are set forth in Annex X. The IVG shall resolve any disputes that may arise during its implementation.

v. Israel shall keep intact the immovable property, infrastructure and facilities in Israeli settlements to be transferred to Palestinian sovereignty. An agreed inventory shall be drawn up by the Parties with the IVG in advance of the completion of the evacuation and in accordance with Annex X.

vi. The state of Palestine shall have exclusive title to all land and any buildings, facilities, infrastructure or other property remaining in any of the settlements on the date prescribed in the timetable for the completion of the evacuation of this settlement.

6. Corridor

i. The states of Palestine and Israel shall establish a corridor linking the West Bank and Gaza Strip. This corridor shall: **a.** Be under

Israeli sovereignty. **b.** Be permanently open. **c.** Be under Palestinian administration in accordance with Annex X of this Agreement. Palestinian law shall apply to persons using and procedures appertaining to the corridor. **d.** Not disrupt Israeli transportation and other infrastructural networks, or endanger the environment, public safety or public health. Where necessary, engineering solutions will be sought to avoid such disruptions. **e.** Allow for the establishment of the necessary infrastructural facilities linking the West Bank and the Gaza Strip. Infrastructural facilities shall be understood to include, inter alia, pipelines, electrical and communications cables, and associated equipment as detailed in Annex X. **f.** Not be used in contravention of this Agreement.

ii. Defensive barriers shall be established along the corridor and Palestinians shall not enter Israel from this corridor, nor shall Israelis enter Palestine from the corridor.

iii. The Parties shall seek the assistance of the international community in securing the financing for the corridor.

iv. The IVG shall guarantee the implementation of this Article in accordance with Annex X.

v. Any disputes arising between the Parties from the operation of the corridor shall be resolved in accordance with Article 16.

vi. The arrangements set forth in this clause may only be terminated or revised by agreement of both Parties.

See maps on
the back cover of
the magazine.

Article 5: Security

1. General Security Provisions

i. The Parties acknowledge that mutual understanding and co-operation in security-related matters will form a significant part of their bilateral relations and will further enhance regional security. Palestine and Israel shall base their security relations on cooperation, mutual trust, good neighborly relations, and the protection of their joint interests.

ii. Palestine and Israel each shall: **a.** Recognize and respect the other's right to live in peace within secure and recognized boundaries free from the threat or acts of war, ter-

rorism and violence; **b.** refrain from the threat or use of force against the territorial integrity or political independence of the other and shall settle all disputes between them by peaceful means; **c.** refrain from joining, assisting, promoting or co-operating with any coalition, organization or alliance of a military or security character, the objectives or activities of which include launching aggression or other acts of hostility against the other; **d.** refrain from organizing, encouraging, or allowing the formation of irregular forces or armed bands, including mercenaries and militias within their respective territory and prevent their establishment. In this respect, any existing irregular forces or armed bands shall be disbanded and prevented from reforming at any future date; **e.** refrain from organizing, assisting, allowing, or participating in acts of violence in or against the other or acquiescing in activities directed toward the commission of such acts.

iii. To further security cooperation, the Parties shall establish a high level Joint Security Committee that shall meet on at least a monthly basis. The Joint Security Committee shall have a permanent joint office, and may establish such sub-committees as it deems necessary, including sub-committees to immediately resolve localized tensions.

2. Regional Security

i. Israel and Palestine shall work together with their neighbors and the international community to build a secure and stable Middle East, free from weapons of mass destruction, both conventional and non-conventional, in the context of a comprehensive, lasting, and stable peace, characterized by reconciliation, goodwill, and the renunciation of the use of force.

ii. To this end, the Parties shall work together to establish a regional security regime.

3. Defense Characteristics of the Palestinian State

i. No armed forces, other than as specified in this Agreement, will be deployed or stationed in Palestine.

ii. Palestine shall be a non-militarized state, with a strong security force. Accordingly, the limitations on the weapons that may be purchased, owned, or used by the Palestinian Security Force (PSF) or manufactured in Palestine shall be specified in Annex X. Any proposed changes to Annex X shall be considered by a trilateral committee composed of the two Parties and the MF. If no agreement is reached in the trilateral committee, the IVG may make its own recommendations.

a. No individuals or organizations in Palestine other than the PSF and the organs of the IVG, including the MF, may purchase, possess, carry or use weapons except as provided by law.

iii. The PSF shall: **a.** Maintain border control; **b.** Maintain law-and-order and perform police functions; **c.** Perform intelligence and security functions; **d.** Prevent terrorism; **e.** Conduct rescue and emergency missions; and **f.** Supplement essential community services when necessary.

iv. The MF shall monitor and verify compliance with this clause.

4. Terrorism

i. The Parties reject and condemn terrorism and violence

in all its forms and shall pursue public policies accordingly. In addition, the parties shall refrain from actions and policies that are liable to nurture extremism and create conditions conducive to terrorism on either side.

ii. The Parties shall take joint and, in their respective territories, unilateral comprehensive and continuous efforts against all aspects of violence and terrorism. These efforts shall include the prevention and preemption of such acts, and the prosecution of their perpetrators.

iii. To that end, the Parties shall maintain ongoing consultation, cooperation, and exchange of information between their respective security forces.

iv. A Trilateral Security Committee composed of the two Parties and the United States shall be formed to ensure the implementation of this Article. The Trilateral Security Committee shall develop comprehensive policies and guidelines to fight terrorism and violence.

5. Incitement

i. Without prejudice to freedom of expression and other internationally recognized human rights, Israel and Palestine shall promulgate laws to prevent incitement to irredentism, racism, terrorism and violence and vigorously enforce them.

ii. The IVG shall assist the Parties in establishing guidelines for the implementation of this clause, and shall monitor the Parties' adherence thereto.

6. Multinational Force

i. A Multinational Force (MF) shall be established to provide security guarantees to the Parties, act as a deterrent, and oversee the implementation of the relevant provisions of this Agreement.

ii. The composition, structure and size of the MF are set forth in Annex X.

iii. To perform the functions specified in this Agreement, the MF shall be deployed in the state of Palestine. The MF shall enter into the appropriate Status of Forces Agreement (SOFA) with the state of Palestine.

iv. In accordance with this Agreement, and as detailed in Annex X, the MF shall:

a. In light of the non-militarized nature of the Palestinian state, protect the territorial integrity of the state of Palestine.

b. Serve as a deterrent against external attacks that could threaten either of the Parties.

c. Deploy observers to areas adjacent to the lines of the Israeli withdrawal during the phases of this withdrawal, in accordance with Annex X.

d. Deploy observers to monitor the territorial and maritime borders of the state of Palestine, as specified in clause 5/13.

e. Perform the functions on the Palestinian international border crossings specified in clause 5/12.

f. Perform the functions relating to the early warning stations as specified in clause 5/8.

g. Perform the functions specified in clause 5/3.

h. Perform the functions specified in clause 5/7.

i. Perform the functions specified in Article 10.

j. Help in the enforcement of anti-terrorism measures.





THE GENEVA ACCORD

k. Help in the training of the PSF.

v. In relation to the above, the MF shall report to and update the IVG in accordance with Annex X.

vi. The MF shall only be withdrawn or have its mandate changed by agreement of the Parties.

7. Evacuation

i. Israel shall withdraw all its military and security personnel and equipment, including landmines, and all persons employed to support them, and all military installations from the territory of the state of Palestine, except as otherwise agreed in Annex X, in stages.

ii. The staged withdrawals shall commence immediately upon entry into force of this Agreement and shall be made in accordance with the timetable and modalities set forth in Annex X.

iii. The stages shall be designed subject to the following principles:

a. The need to create immediate clear contiguity and facilitate the early implementation of Palestinian development plans.

b. Israel's capacity to relocate, house and absorb settlers. While costs and inconveniences are inherent in such a process, these shall not be unduly disruptive.

c. The need to construct and operationalize the border between the two states.

d. The introduction and effective functioning of the MF, in particular on the eastern border of the state of Palestine.

iv. Accordingly, the withdrawal shall be implemented in the following stages:

a. The first stage shall include the areas of the state of Palestine, as defined in Map X, and shall be completed within 9 months.

b. The second and third stages shall include the remainder of the territory of the state of Palestine and shall be completed within 21 months of the end of the first stage.

v. Israel shall complete its withdrawal from the territory of the state of Palestine within 30 months of the entry into force of this Agreement, and in accordance with this Agreement.

vi. Israel will maintain a small military presence in the Jordan Valley under the authority of the MF and subject to the MF SOFA as detailed in Annex X for an additional 36 months. The stipulated period may be reviewed by the Parties in the event of relevant regional developments, and may be altered by the Parties' consent.

vii. In accordance with Annex X, the MF shall monitor and verify compliance with this clause.

8. Early Warning Stations

i. Israel may maintain two EWS in the northern, and central West Bank at the locations set forth in Annex X.

ii. The EWS shall be staffed by the minimal required number of Israeli personnel and shall occupy the minimal amount of land necessary for their operation as set forth in Annex X.

iii. Access to the EWS will be guaranteed and escorted by the MF.

iv. Internal security of the EWS shall be the responsibility of Israel. The perimeter security of the EWS shall be the responsibility of the MF.

v. The MF and the PSF shall maintain a liaison presence in the EWS. The MF shall monitor and verify that the EWS is being used for purposes recognized by this Agreement as detailed in Annex X.

vi. The arrangements set forth in this Article shall be subject to review in ten years, with any changes to be mutually agreed. Thereafter, there will be five-yearly reviews whereby the arrangements set forth in this Article may be extended by mutual consent.

vii. If at any point during the period specified above a regional security regime is established, then the IVG may request that the Parties review whether to continue or revise operational uses for the EWS in light of these developments. Any such change will require the mutual consent of the Parties.

9. Airspace

i. Civil Aviation

a. The Parties recognize as applicable to each other the rights, privileges and obligations provided for by the multilateral aviation agreements to which they are both party, particularly by the 1944 Convention on International Civil Aviation (The Chicago Convention) and the 1944 International Air Services Transit Agreement.

b. In addition, the Parties shall, upon entry into force of this Agreement, establish a trilateral committee composed of the two Parties and the IVG to design the most efficient management system for civil aviation, including those relevant aspects of the air traffic control system. In the absence of consensus the IVG may make its own recommendations.

ii. Training

a. The Israeli Air Force shall be entitled to use the Palestinian sovereign airspace for training purposes in accordance with Annex X, which shall be based on rules pertaining to IAF use of Israeli airspace.

b. The IVG shall monitor and verify compliance with this clause. Either Party may submit a complaint to the IVG whose decision shall be conclusive.

c. The arrangements set forth in this clause shall be subject to review every ten years, and may be altered or terminated by the agreement of both Parties.

10. Electromagnetic Sphere

i. Neither Party's use of the electromagnetic sphere may interfere with the other Party's use.

ii. Annex X shall detail arrangements relating to the use of the electromagnetic sphere.

iii. The IVG shall monitor and verify the implementation of this clause and Annex X.

iv. Any Party may submit a complaint to the IVG whose decision shall be conclusive.

11. Law Enforcement

The Israeli and Palestinian law enforcement agencies shall cooperate in combating illicit drug trafficking, illegal trafficking in archaeological artifacts and objects of arts,

cross-border crime, including theft and fraud, organized crime, trafficking in women and minors, counterfeiting, pirate TV and radio stations, and other illegal activity.

12. International Border Crossings

i. The following arrangements shall apply to borders crossing between the state of Palestine and Jordan, the state of Palestine and Egypt, as well as airport and seaport entry points to the state of Palestine.

ii. All border crossings shall be monitored by joint teams composed of members of the PSF and the MF. These teams shall prevent the entry into Palestine of any weapons, materials or equipment that are in contravention of the provisions of this Agreement.

iii. The MF representatives and the PSF will have, jointly and separately, the authority to block the entry into Palestine of any such items. If at any time a disagreement regarding the entrance of goods or materials arises between the PSF and the MF representatives, the PSF may bring the matter to the IVG, whose binding conclusions shall be rendered within 24 hours.

iv. This arrangement shall be reviewed by the IVG after 5 years to determine its continuation, modification or termination. Thereafter, the Palestinian party may request such a review on an annual basis.

v. In passenger terminals, for thirty months, Israel may maintain an unseen presence in a designated on-site facility, to be staffed by members of the MF and Israelis, utilizing appropriate technology. The Israeli side may request that the MF-PSF conduct further inspections and take appropriate action.

vi. For the following two years, these arrangements will continue in a specially designated facility in Israel, utilizing appropriate technology. This shall not cause delays beyond the procedures outlined in this clause.

vii. In cargo terminals, for thirty months, Israel may maintain an unseen presence in a designated on-site facility, to be staffed by members of the MF and Israelis, utilizing appropriate technology. The Israeli side may request that the MF-PSF conduct further inspections and take appropriate action. If the Israeli side is not satisfied by the MF-PSF action, it may demand that the cargo be detained pending a decision by an MF inspector. The MF inspector's decision shall be binding and final, and shall be rendered within 12 hours of the Israeli complaint.

viii. For the following three years, these arrangements will continue from a specially designated facility in Israel, utilizing appropriate technology. This shall not cause delays beyond the timelines outlined in this clause.

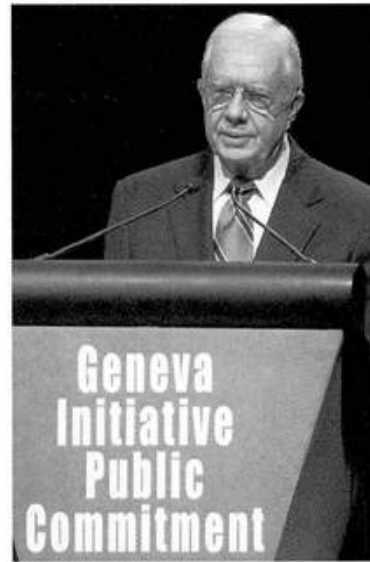
ix. A high level trilateral committee composed of representatives of Palestine, Israel, and the IVG shall meet regularly to monitor the application of these procedures and correct any irregularities, and may be convened on request.

x. The details of the above are set forth in Annex X.

13. Border Control

i. The PSF shall maintain border control as detailed in Annex X.

ii. The MF shall monitor and verify the maintenance of border control by the PSF.



Jimmy Carter at the launch ceremony for the Geneva Accord.

Article 6: Jerusalem

1. Religious and Cultural Significance:

i. The Parties recognize the universal historic, religious, spiritual, and cultural significance of Jerusalem and its holiness enshrined in Judaism, Christianity, and Islam. In recognition of this status, the Parties reaffirm their commitment to safeguard the character, holiness, and freedom of worship in the city and to respect the existing division of administrative functions and traditional practices between different denominations.

ii. The Parties shall establish an inter-faith body consisting of representatives of the three monotheistic faiths, to act as a consultative body to the Parties on matters related to the city's religious significance and to promote inter-religious understanding and dialogue. The composition, procedures, and modalities for this body are set forth in Annex X.

2. Capital of Two States

The Parties shall have their mutually recognized capitals in the areas of Jerusalem under their respective sovereignty.

3. Sovereignty

Sovereignty in Jerusalem shall be in accordance with attached Map 2. This shall not prejudice nor be prejudiced by the arrangements set forth below.

4. Border Regime

The border regime shall be designed according to the provisions of Article 11, and taking into account the specific needs of Jerusalem (e.g., movement of tourists and intensity of border crossing use including provisions for Jerusalemites) and the provisions of this Article.

5. al-Haram al-Sharif/Temple Mount (Compound)

i. International Group

a. An International Group, composed of the IVG and other parties to be agreed upon by the Parties, including members of the Organization of the Islamic Conference (OIC), shall hereby be established to monitor, verify, and assist in the implementation of this clause.

b. For this purpose, the International Group shall establish a Multinational Presence on the Compound,



THE GENEVA ACCORD

the composition, structure, mandate and functions of which are set forth in Annex X.

c. The Multinational Presence shall have specialized detachments dealing with security and conservation. The Multinational Presence shall make periodic conservation and security reports to the International Group. These reports shall be made public.

d. The Multinational Presence shall strive to immediately resolve any problems arising and may refer any unresolved disputes to the International Group that will function in accordance with Article 16.

e. The Parties may at any time request clarifications or submit complaints to the International Group which shall be promptly investigated and acted upon.

f. The International Group shall draw up rules and regulations to maintain security on and conservation of the Compound. These shall include lists of the weapons and equipment permitted on the site.

ii. *Regulations Regarding the Compound*

a. In view of the sanctity of the Compound, and in light of the unique religious and cultural significance of the site to the Jewish people, there shall be no digging, excavation, or construction on the Compound, unless approved by the two Parties. Procedures for regular maintenance and emergency repairs on the Compound shall be established by the IG after consultation with the Parties.

b. The state of Palestine shall be responsible for maintaining the security of the Compound and for ensuring that it will not be used for any hostile acts against Israelis or Israeli areas. The only arms permitted on the Compound shall be those carried by the Palestinian security personnel and the security detachment of the Multinational Presence.

c. In light of the universal significance of the Compound, and subject to security considerations and to the need not to disrupt religious worship or decorum on the site as determined by the Waqf, visitors shall be allowed access to the site. This shall be without any discrimination and generally be in accordance with past practice.

iii. *Transfer of Authority*

a. At the end of the withdrawal period stipulated in Article 5/7, the state of Palestine shall assert sovereignty over the Compound.

b. The International Group and its subsidiary organs shall continue to exist and fulfill all the functions stipulated in this Article unless otherwise agreed by the two Parties.

6. The Wailing Wall

The Wailing Wall shall be under Israeli sovereignty.

7. The Old City

i. *Significance of the Old City*

a. The Parties view the Old City as one whole enjoying a unique character. The Parties agree that the preservation of this unique character together with safeguarding and

promoting the welfare of the inhabitants should guide the administration of the Old City.

b. The Parties shall act in accordance with the UNESCO World Cultural Heritage List regulations, in which the Old City is a registered site.

ii. *IVG Role in the Old City*

a. Cultural Heritage (1) The IVG shall monitor and verify the preservation of cultural heritage in the Old City in accordance with the UNESCO World Cultural Heritage List rules. For this purpose, the IVG shall have free and unimpeded access to sites, documents, and information related to the performance of this function. (2) The IVG shall work in close coordination with the Old City Committee of the Jerusalem Coordination and Development Committee (JCDC), including in devising a restoration and preservation plan for the Old City.

b. Policing (1) The IVG shall establish an Old City Policing Unit (PU) to liaise with, coordinate between, and assist the Palestinian and Israeli police forces in the Old City, to defuse localized tensions and help resolve disputes, and to perform policing duties in locations specified in and according to operational procedures detailed in Annex X. (2) The PU shall periodically report to the IVG.

c. Either Party may submit complaints in relation to this clause to the IVG, which shall promptly act upon them in accordance with Article 16.

iii. *Free Movement within the Old City*

Movement within the Old City shall be free and unimpeded subject to the provisions of this article and rules and regulations pertaining to the various holy sites.

iv. *Entry into and Exit from the Old City*

a. Entry and exit points into and from the Old City will be staffed by the authorities of the state under whose sovereignty the point falls, with the presence of PU members, unless otherwise specified.

b. With a view to facilitating movement into the Old City, each Party shall take such measures at the entry points in its territory as to ensure the preservation of security in the Old City. The PU shall monitor the operation of the entry points.

c. Citizens of either Party may not exit the Old City into the territory of the other Party unless they are in possession of the relevant documentation that entitles them to. Tourists may only exit the Old City into the territory of the Party which they possess valid authorization to enter.

v. *Suspension, Termination, and Expansion*

a. Either Party may suspend the arrangements set forth in Article 6/7/iii in cases of emergency for one week. The extension of such suspension for longer than a week shall be pursuant to consultation with the other Party and the IVG at the Trilateral Committee established in Article 3/3.

b. This clause shall not apply to the arrangements set forth in Article 6/7/vi.

c. Three years after the transfer of authority over the Old City, the Parties shall review these arrangements.

These arrangements may only be terminated by agreement of the Parties.

d. The Parties shall examine the possibility of expanding these arrangements beyond the Old City and may agree to such an expansion.

vi. Special Arrangements

a. Along the way outlined in Map X (from the Jaffa Gate to the Zion Gate) there will be permanent and guaranteed arrangements for Israelis regarding access, freedom of movement, and security, as set forth in Annex X.

(1) The IVG shall be responsible for the implementation of these arrangements.

b. Without prejudice to Palestinian sovereignty, Israeli administration of the Citadel will be as outlined in Annex X.

vii. Color-Coding of the Old City

A visible color-coding scheme shall be used in the Old City to denote the sovereign areas of the respective Parties.

viii. Policing

a. An agreed number of Israeli police shall constitute the Israeli Old City police detachment and shall exercise responsibility for maintaining order and day-to-day policing functions in the area under Israeli sovereignty.

b. An agreed number of Palestinian police shall constitute the Palestinian Old City police detachment and shall exercise responsibility for maintaining order and day-to-day policing functions in the area under Palestinian sovereignty.

c. All members of the respective Israeli and Palestinian Old City police detachments shall undergo special training, including joint training exercises, to be administered by the PU.

d. A special Joint Situation Room, under the direction of the PU and incorporating members of the Israeli and Palestinian Old City police detachments, shall facilitate liaison on all relevant matters of policing and security in the Old City.

ix. Arms

No person shall be allowed to carry or possess arms in the Old City, with the exception of the Police Forces provided for in this agreement. In addition, each Party may grant special written permission to carry or possess arms in areas under its sovereignty.

x. Intelligence and Security

a. The Parties shall establish intensive intelligence cooperation regarding the Old City, including the immediate sharing of threat information.

b. A trilateral committee composed of the two Parties and representatives of the United States shall be established to facilitate this cooperation.

8. Mount of Olives Cemetery

i. The area outlined in Map X (the Jewish Cemetery on the Mount of Olives) shall be under Israeli administration; Israeli law shall apply to persons using and procedures appertaining to this area in accordance with Annex X.

a. There shall be a designated road to provide free,

unlimited, and unimpeded access to the Cemetery.

b. The IVG shall monitor the implementation of this clause.

c. This arrangement may only be terminated by the agreement of both Parties.

9. Special Cemetery Arrangements

Arrangements shall be established in the two cemeteries designated in Map X (Mount Zion Cemetery and the German Colony Cemetery), to facilitate and ensure the continuation of the current burial and visitation practices, including the facilitation of access.

10. The Western Wall Tunnel

i. The Western Wall Tunnel designated in Map X shall be under Israeli administration, including:

a. Unrestricted Israeli access and right to worship and conduct religious practices.

b. Responsibility for the preservation and maintenance of the site in accordance with this Agreement and without damaging structures above, under IVG supervision.

c. Israeli policing.

d. IVG monitoring

e. The Northern Exit of the Tunnel shall only be used for exit and may only be closed in case of emergency as stipulated in Article 6/7.

ii. This arrangement may only be terminated by the agreement of both Parties.

11. Municipal Coordination

i. The two Jerusalem municipalities shall form a Jerusalem Co-ordination and Development Committee ("JCDC") to oversee the cooperation and coordination between the Palestinian Jerusalem municipality and the Israeli Jerusalem municipality. The JCDC and its sub-committees shall be composed of an equal number of representatives from Palestine and Israel. Each side will appoint members of the JCDC and its subcommittees in accordance with its own modalities.

ii. The JCDC shall ensure that the coordination of infrastructure and services best serves the residents of Jerusalem, and shall promote the economic development of the city to the benefit of all. The JCDC will act to encourage cross-community dialogue and reconciliation.

iii. The JCDC shall have the following subcommittees:

a. A Planning and Zoning Committee: to ensure agreed planning and zoning regulations in areas designated in Annex X.

b. A Hydro Infrastructure Committee: to handle matters relating to drinking water delivery, drainage, and wastewater collection and treatment.

c. A Transport Committee: to coordinate relevant connectedness and compatibility of the two road systems and other issues pertaining to transport.

d. An Environmental Committee: to deal with environmental issues affecting the quality of life in the city, including solid waste management.

e. An Economic and Development Committee: to formulate plans for economic development in areas of





THE GENEVA ACCORD

joint interest, including in the areas of transportation, seam line commercial cooperation, and tourism.

f. A Police and Emergency Services Committee: to coordinate measures for the maintenance of public order and crime prevention and the provision of emergency services;

g. An Old City Committee: to plan and closely coordinate the joint provision of the relevant municipal services, and other functions stipulated in Article 6/7.

h. Other Committees as agreed in the JCDC.

12. Israeli Residency of Palestinian Jerusalemites

Palestinian Jerusalemites who currently are permanent residents of Israel shall lose this status upon the transfer of authority to Palestine of those areas in which they reside.

13. Transfer of authority

The Parties will apply in certain socio-economic spheres interim measures to ensure the agreed, expeditious, and orderly transfer of powers and obligations from Israel to Palestine. This shall be done in a manner that preserves the accumulated socio-economic rights of the residents of East Jerusalem.

Article 7: Refugees

1. Significance of the Refugee Problem

i. The Parties recognize that, in the context of two independent states, Palestine and Israel, living side by side in peace, an agreed resolution of the refugee problem is necessary for achieving a just, comprehensive and lasting peace between them.

ii. Such a resolution will also be central to stability building and development in the region.

2. UNGAR 194, UNSC Resolution 242, and the Arab Peace Initiative

i. The Parties recognize that UNGAR 194, UNSC Resolution 242, and the Arab Peace Initiative (Article 2.ii.) concerning the rights of the Palestinian refugees represent the basis for resolving the refugee issue, and agree that these rights are fulfilled according to Article 7 of this Agreement.

3. Compensation

i. Refugees shall be entitled to compensation for their refugeehood and for loss of property. This shall not prejudice or be prejudiced by the refugee's permanent place of residence.

ii. The Parties recognize the right of states that have hosted Palestinian refugees to remuneration.

4. Choice of Permanent Place of Residence (PPR)

The solution to the PPR aspect of the refugee problem shall entail an act of informed choice on the part of the refugee to be exercised in accordance with the options and modalities set forth in this agreement. PPR options from which the refugees may choose shall be as follows; i. The state of Palestine, in accordance with clause a below. ii. Areas in Israel being transferred to Palestine in the land swap, following assumption of Palestinian sovereignty, in accordance with clause a below. iii. Third Countries, in accordance with clause b below. iv. The state of Israel, in accordance with clause c below. v. Present Host countries, in accordance with clause d below.

a. PPR options i and ii shall be the right of all Palestinian refugees and shall be in accordance with the laws of the State of Palestine.

b. Option iii shall be at the sovereign discretion of third countries and shall be in accordance with numbers that each third country will submit to the International Commission. These numbers shall represent the total number of Palestinian refugees that each third country shall accept.

c. Option iv shall be at the sovereign discretion of Israel and will be in accordance with a number that Israel will submit to the International Commission. This number shall represent the total number of Palestinian refugees that Israel shall accept. As a basis, Israel will consider the average of the total numbers submitted by the different third countries to the International Commission.

d. Option v shall be in accordance with the sovereign discretion of present host countries. Where exercised this shall be in the context of prompt and extensive development and rehabilitation programs for the refugee communities.

Priority in all the above shall be accorded to the Palestinian refugee population in Lebanon.

5. Free and Informed Choice

The process by which Palestinian refugees shall express their PPR choice shall be on the basis of a free and informed decision. The Parties themselves are committed and will encourage third parties to facilitate the refugees' free choice in expressing their preferences, and to countering any attempts at interference or organized pressure on the process of choice. This will not prejudice the recognition of Palestine as the realization of Palestinian self-determination and statehood.

6. End of Refugee Status

Palestinian refugee status shall be terminated upon the realization of an individual refugee permanent place of residence (PPR) as determined by the International Commission.

7. End of Claims

This agreement provides for the permanent and complete resolution of the Palestinian refugee problem. No claims may be raised except for those related to the implementation of this agreement.

8. International Role

The Parties call upon the international community to participate fully in the comprehensive resolution of the refugee problem in accordance with this Agreement, including, inter alia, the establishment of an International Commission and an International Fund.

9. Property Compensation

i. Refugees shall be compensated for the loss of property resulting from their displacement.

ii. The aggregate sum of property compensation shall be calculated as follows:

a. The Parties shall request the International Commission to appoint a Panel of Experts to estimate the value of Palestinians' property at the time of displacement.

b. The Panel of Experts shall base its assessment on the UNCCP records, the records of the Custodian for Absentee Property, and any other records it deems

relevant. The Parties shall make these records available to the Panel.

c. The Parties shall appoint experts to advise and assist the Panel in its work.

d. Within 6 months, the Panel shall submit its estimates to the Parties.

e. The Parties shall agree on an economic multiplier, to be applied to the estimates, to reach a fair aggregate value of the property.

iii. The aggregate value agreed to by the Parties shall constitute the Israeli "lump sum" contribution to the International Fund. No other financial claims arising from the Palestinian refugee problem may be raised against Israel.

iv. Israel's contribution shall be made in installments in accordance with Schedule X.

v. The value of the Israeli fixed assets that shall remain intact in former settlements and transferred to the state of Palestine will be deducted from Israel's contribution to the International Fund. An estimation of this value shall be made by the International Fund, taking into account assessment of damage caused by the settlements.

10. Compensation for Refugeehood

i. A "Refugeehood Fund" shall be established in recognition of each individual's refugeehood. The Fund, to which Israel shall be a contributing party, shall be overseen by the International Commission. The structure and financing of the Fund is set forth in Annex X.

ii. Funds will be disbursed to refugee communities in the former areas of UNRWA operation, and will be at their disposal for communal development and commemoration of the refugee experience. Appropriate mechanisms will be devised by the International Commission whereby the beneficiary refugee communities are empowered to determine and administer the use of this Fund.

11. The International Commission (Commission)

i. Mandate and Composition

a. An International Commission shall be established and shall have full and exclusive responsibility for implementing all aspects of this Agreement pertaining to refugees.

b. In addition to themselves, the Parties call upon the United Nations, the United States, UNRWA, the Arab host countries, the EU, Switzerland, Canada, Norway, Japan, the World Bank, the Russian Federation, and others to be the members of the Commission.

c. The Commission shall: 1. Oversee and manage the process whereby the status and PPR of Palestinian refugees is determined and realized. 2. Oversee and manage, in close cooperation with the host states, the rehabilitation and development programs. 3. Raise and disburse funds as appropriate.

d. The Parties shall make available to the Commission all relevant documentary records and archival materials in their possession that it deems necessary for the functioning of the Commission and its organs. The Commission may request such materials from all other relevant parties and bodies, including, inter alia, UNCCP and UNRWA.

ii. Structure

a. The Commission shall be governed by an Executive Board (Board) composed of representatives of its members.

b. The Board shall be the highest authority in the Commission and shall make the relevant policy decisions in accordance with this Agreement.

c. The Board shall draw up the procedures governing the work of the Commission in accordance with this Agreement.

d. The Board shall oversee the conduct of the various Committees of the Commission. The said Committees shall periodically report to the Board in accordance with procedures set forth thereby.

e. The Board shall create a Secretariat and appoint a Chair thereof. The Chair and the Secretariat shall conduct the day-to-day operation of the Commission.

iii. Specific Committees

a. The Commission shall establish the Technical Committees specified below.

b. Unless otherwise specified in this Agreement, the Board shall determine the structure and procedures of the Committees.

c. The Parties may make submissions to the Committees as deemed necessary.

d. The Committees shall establish mechanisms for resolution of disputes arising from the interpretation or implementation of the provisions of this Agreement relating to refugees.

e. The Committees shall function in accordance with this Agreement, and shall render binding decisions accordingly.

f. Refugees shall have the right to appeal decisions affecting them according to mechanisms established by this Agreement and detailed in Annex X.

iv. Status-determination Committee

a. The Status-determination Committee shall be responsible for verifying refugee status.

b. UNRWA registration shall be considered as rebuttable presumption (*prima facie* proof) of refugee status.

v. Compensation Committee

a. The Compensation Committee shall be responsible for administering the implementation of the compensation provisions.

b. The Committee shall disburse compensation for individual property pursuant to the following modalities: 1. Either a fixed per capita award for property claims below a specified value. This will require the claimant to only prove title, and shall be processed according to a fast-track procedure, or 2. A claims-based award for property claims exceeding a specified value for immovables and other assets. This will require the claimant to prove both title and the value of the losses.

c. Annex X shall elaborate the details of the above including, but not limited to, evidentiary issues and the use of UNCCP, custodian for Absentees' Property





THE GENEVA ACCORD

and UNRWA records, along with any other relevant records.

vi. *Host State Remuneration Committee*

There shall be remuneration for host states.

vii. *Permanent Place of Residence Committee* (PPR Committee): The PPR Committee shall,

a. Develop with all the relevant parties detailed programs regarding the implementation of the PPR options pursuant to Article 7/4 above.

b. Assist the applicants in making an informed choice regarding PPR options.

c. Receive applications from refugees regarding PPR. The applicants must indicate a number of preferences in accordance with Article 7/4 above. The applications shall be received no later than two years after the start of the International Commission's operations. Refugees who do not submit such applications within the two-year period shall lose their refugee status.

d. Determine, in accordance with sub-Article (a) above, the PPR of the applicants, taking into account individual preferences and maintenance of family unity. Applicants who do not avail themselves of the Committee's PPR determination shall lose their refugee status.

e. Provide the applicants with the appropriate technical and legal assistance.

f. The PPR of Palestinian refugees shall be realized within 5 years of the start of the International Commission's operations.

viii. *Refugeehood Fund Committee*

The Refugeehood Fund Committee shall implement Article 7/10 as detailed in Annex X.

ix. *Rehabilitation and Development Committee*

In accordance with the aims of this Agreement and noting the above PPR programs, the Rehabilitation and Development Committee shall work closely with Palestine, Host Countries and other relevant third countries and parties in pursuing the goal of refugee rehabilitation and community development. This shall include devising programs and plans to provide the former refugees with opportunities for personal and communal development, housing, education, healthcare, re-training and other needs. This shall be integrated in the general development plans for the region.

12. The International Fund

i. An International Fund (the Fund) shall be established to receive contributions outlined in this Article and additional contributions from the international community. The Fund shall disburse monies to the Commission to enable it to carry out its functions. The Fund shall audit the Commission work.

ii. The structure, composition and operation of the Fund are set forth in Annex X.

13. UNRWA

i. UNRWA should be phased out in each country in which it operates, based on the end of refugee status in that country.

ii. UNRWA should cease to exist five years after the start of the Commission's operations. The Commission shall draw up a plan for the phasing out of UNRWA and shall facilitate the transfer of UNRWA functions to host states.

14. Reconciliation Programs

i. The Parties will encourage and promote the development of cooperation between their relevant institutions and civil societies in creating forums for exchanging historical narratives and enhancing mutual understanding regarding the past.

ii. The Parties shall encourage and facilitate exchanges in order to disseminate a richer appreciation of these respective narratives, in the fields of formal and informal education, by providing conditions for direct contacts between schools, educational institutions and civil society.

iii. The Parties may consider cross-community cultural programs in order to promote the goals of conciliation in relation to their respective histories.

iv. These programs may include developing appropriate ways of commemorating those villages and communities that existed prior to 1949.

Article 8: Israeli-Palestinian Cooperation Committee (IPCC)

1. The Parties shall establish an Israeli-Palestinian Cooperation Committee immediately upon the entry into force of this agreement. The IPCC shall be a ministerial-level body with ministerial-level Co-Chairs.

2. The IPCC shall develop and assist in the implementation of policies for cooperation in areas of common interest including, but not limited to, infrastructure needs, sustainable development and environmental issues, cross-border municipal cooperation, border area industrial parks, exchange programs, human resource development, sports and youth, science, agriculture and culture.

3. The IPCC shall strive to broaden the spheres and scope of cooperation between the Parties.

Article 9: Designated Road Use Arrangements

1. The following arrangements for Israeli civilian use will apply to the designated roads in Palestine as detailed in Map X (Road 443, Jerusalem to Tiberias via Jordan Valley, and Jerusalem in Gedi).

2. These arrangements shall not prejudice Palestinian jurisdiction over these roads, including PSF patrols.

3. The procedures for designated road use arrangements will be further detailed in Annex X.

4. Israelis may be granted permits for use of designated roads. Proof of authorization may be presented at entry points to the designated roads. The sides will review options for establishing a road use system based on smart card technology.

5. The designated roads will be patrolled by the MF at all times. The MF will establish with the states of Israel and Palestine agreed arrangements for cooperation in emergency medical evacuation of Israelis.

6. In the event of any incidents involving Israeli citizens and requiring criminal or legal proceedings, there will be full cooperation between the Israeli and Palestinian authorities according to arrangements to be agreed upon as part of the legal cooperation between the two states. The Parties may call on the IVG to assist in this respect.

7. Israelis shall not use the designated roads as a means of entering Palestine without the relevant documentation and authorization.

8. In the event of regional peace, arrangements for Palestinian civilian use of designated roads in Israel shall be agreed and come into effect.

Article 10: Sites of Religious Significance

1. The Parties shall establish special arrangements to guarantee access to agreed sites of religious significance, as will be detailed in Annex X. These arrangements will apply, *inter alia*, to the Tomb of the Patriarchs in Hebron and Rachel Tomb in Bethlehem, and Nabi Samuel.

2. Access to and from the sites will be by way of designated shuttle facilities from the relevant border crossing to the sites.

3. The Parties shall agree on requirements and procedures for granting licenses to authorized private shuttle operators.

4. The shuttles and passengers will be subject to MF inspection.

5. The shuttles will be escorted on their route between the border crossing and the sites by the MF.

6. The shuttles shall be under the traffic regulations and jurisdiction of the Party in whose territory they are traveling.

7. Arrangements for access to the sites on special days and holidays are detailed in Annex X.

8. The Palestinian Tourist Police and the MF will be present at these sites.

9. The Parties shall establish a joint body for the religious administration of these sites.

10. In the event of any incidents involving Israeli citizens and requiring criminal or legal proceedings, there will be full cooperation between the Israeli and Palestinian authorities according to arrangements to be agreed upon. The Parties may call on the IVG to assist in this respect.

11. Israelis shall not use the shuttles as a means of entering Palestine without the relevant documentation and authorization.

12. The Parties shall protect and preserve the sites of religious significance listed in Annex X and shall facilitate visitation to the cemeteries listed in Annex X.

Article 11: Border Regime

1. There shall be a border regime between the two states, with movement between them subject to the domestic legal requirements of each and to the provisions of this Agreement as detailed in Annex X.

2. Movement across the border shall only be through designated border crossings.

3. Procedures in border crossings shall be designed to facilitate strong trade and economic ties, including labor movement between the Parties.

4. Each Party shall each, in its respective territory, take the measures it deems necessary to ensure that no persons, vehicles, or goods enter the territory of the other illegally.

5. Special border arrangements in Jerusalem shall be in accordance with Article 6 above.

Article 12: Water

Still to be completed

Article 13: Economic Relations

Still to be completed

Article 14: Legal Cooperation

Still to be completed

Article 15: Palestinian Prisoners and Detainees

1. In the context of this Permanent Status Agreement between Israel and Palestine, the end of conflict, cessation of all violence, and the robust security arrangements set forth in this Agreement, all the Palestinian and Arab prisoners detained in the framework of the Israeli-Palestinian conflict prior to the date of signature of this Agreement, DD/MM/2003, shall be released in accordance with the categories set forth below and detailed in Annex X.

i. Category A: all persons imprisoned prior to the start of the implementation of the Declaration of Principles on May 4, 1994, administrative detainees, and minors, as well as women, and prisoners in ill health shall be released immediately upon the entry into force of this Agreement.

ii. Category B: all persons imprisoned after May 4, 1994 and prior to the signature of this Agreement shall be released no later than eighteen months from the entry into force of this Agreement, except those specified in Category C.

iii. Category C: Exceptional cases—persons whose names are set forth in Annex X—shall be released in thirty months at the end of the full implementation of the territorial aspects of this Agreement set forth in Article 5/7/v.

Article 16: Dispute Settlement Mechanism

1. Disputes related to the interpretation or application of this Agreement shall be resolved by negotiations within a bilateral framework to be convened by the High Steering Committee.

2. If a dispute is not settled promptly by the above, either Party may submit it to mediation and conciliation by the IVG mechanism in accordance with Article 3.

3. Disputes which cannot be settled by bilateral negotiation and/or the IVG mechanism shall be settled by a mechanism of conciliation to be agreed upon by the Parties.

4. Disputes which have not been resolved by the above may be submitted by either Party to an arbitration panel. Each Party shall nominate one member of the three-member arbitration panel. The Parties shall select a third arbiter from the agreed list of arbiters set forth in Annex X either by consensus or, in the case of disagreement, by rotation.

Article 17: Final Clauses

Including a final clause providing for a UNSCR/UNGAR resolution endorsing the agreement and superseding the previous UN resolutions.

The English version of this text will be considered authoritative. □



A CONVERSATION WITH Yossi Beilin

Michael Lerner and Peter Gabel

Yossi Beilin was the chief negotiator for Israel in the Oslo Accords. He has held ministerial positions in the governments of Yitzhak Rabin, Shimon Peres, and Ehud Barak. Most recently he served as Minister of Justice from 1999–2001. He is the author of several books, including *Israel: A Concise Political History*, *Touching Peace*, *The Manual for Leaving Lebanon*, and *Manual for a Wounded Dove*. Beilin is the chief Israeli negotiator of the Geneva Accord.

TIKKUN: Many people are saying that this Geneva Accord has nothing real to offer Palestinian refugees—it gives up the Right of Return but doesn't get much back.

Beilin: It's a package deal which in some way amounts to a joint concession of the "virtual right" of the Jews to have control over the Temple Mount and the "virtual right" of the Palestinians to a Right of Return. It was clear to most people in the Israeli world that our access to the Temple Mount was totally "virtual"—when the Moslem leadership didn't want Jews to visit, we couldn't visit. Similarly, the Right of Return is a "virtual right" which they can retain but never really exercise. There is no conceivable Zionist government of Israel that would grant a Right of Return, because the influx of millions of Palestinians would change the demographic balance in such a way that Jews would become a minority and there would no longer be a Jewish state. So no one on either side is really giving up something that they can exercise; both sides are giving up virtual rights.

Our agreement is not a book of history or a book of dreams. We did not enter the narrative, we did not enter into the wishes and the dreams. Jews do not have to give up on their dream of building a Temple in the time of Messiah and they will continue to pray for this Temple, and Palestinians are not being asked to say that they give up on the Right of Return. Rather, the Geneva Accord is something different: It is a solution, and everyone who reads it understands that no Palestinian refugee is going to be admitted to Israel on the basis of any "right" of return.

The Accords do have a fair solution. Every Palestinian refugee will get fair compensation for being a refugee and



for their assets. And there will be five venues for the permanent settlement of refugees:

1. The Palestinian State, which is the most important and should be the main place.
2. The territories that we will add to the Palestinian State as a result of swapping land around our Israeli settlements near the '67 borders for land that we will be giving to Palestine.
3. The countries where they live today—they can remain, and those countries will get financial aid to help the rehabilitation process.
4. Third countries that might invite them, like Canada, the United States, and some European countries.
5. Israel will admit some, according to its sovereign decision, and when it makes that decision it will be on the basis of the kinds of numbers that other third countries admit. So it will probably be something like a total of 30,000 people who will be admitted by Israel.

This is a fair solution, and those who criticize it are people who think that any solution is not acceptable.

TIKKUN: Once there really is a peace agreement, what right does Israel have to exclude people from returning to their homes when they were actually born there?

Beilin: I don't want to enter into that debate. The whole idea of the Palestinian State is a homeland for the Palestinian people. Once there is such a state, why should there be two such? Our agreement gives Palestinians a homeland and it gives one to the Jews as well.

TIKKUN: Is there anything that could be put into the Accord that would address the pain of the loss that Palestinians are going to have to accept as part of this agreement?

Beilin: There is mention in the agreement of funds for a museum to memorialize this experience. We don't want people to have to erase their memories. Once there is a permanent solution and real reconciliation, that will be the time to memorialize the experience of real loss that the Palestinian people went through after 1948.

TIKKUN: We've argued in TIKKUN that even when we in the peace movement have a great agreement not everyone will jump for joy. Resistance to these kinds of agreements is not just based on a rational assessment of risks, but also on the loss of meaning that the national struggle has given to some Israelis. Unless the peace movement can come up with a deeper vision of what is meaningful in life than "success in the marketplace"—which seems to be the dream of many in the peace movement...the dream of Israel as the Taiwan of the Middle East that energized Shimon Peres—won't many Israelis be unwilling to give any rational consideration to the Geneva Accords?

Beilin: I think this is a *very* important question. I don't pretend to have a good enough answer to this profound problem. I hope many Israelis understand that there is much for them—economic development, growth, employment will return in bigger dimensions. The first polls reported in *Yediot Achronot* show that 39 percent of the Israeli population already support the Geneva Accord—and that's truly amazing. People are thirsty for a solution. But that doesn't mean that we don't have to change the way that people define themselves. And I admit that in a society which has been living under threat for such a long time, people are used to defining themselves in ways that are connected to the ongoing emergency situation. It is the role of the leadership and the elites to create a new way of viewing themselves.

TIKKUN: There is this difficulty of an external solution being placed on top of an internal dynamic characterized by a legacy of humiliation and trauma on both sides. What processes can involve the redemption of Jewish compassion and the aspect of Judaism that asks us to love and respect the Other's humanity as a "Thou." In other words, how do we integrate into this strategy a way of making Judaism a locus of meaning that affirms peace and mutual reconciliation? In fact, in order to even get to the point where the Jewish people could accept the Geneva Accord and make the compromises required, isn't it crucial that we find a way to unlock the aspects of Jewish consciousness that would resonate to a more generous and caring view of the Other—by refinding and recrediting within our people the transcendent and loving aspect of what it is to be a Jew?

Beilin: The question is much better than my answer. I appreciate the question. I know that I have to take it into account. I'm thinking about it. But I don't know if it's up to me to give the answer. But I think it may be important

enough for people like me to understand that there is a problem and will help those who'd like to suggest ideas.

TIKKUN: Well we'd like to suggest some over the course of the next two years if you'd like to hear them.

Beilin: Yes, OK I will read what you send.

TIKKUN: The path to this recovery of the open-heart that is central to Jewish identity is through the pain, humiliation, and rage that is blocking our ability to reconnect to that aspect of our Jewish identity. So a process like that which happened with South Africa's Truth and Reconciliation

Commission may be needed for Israel, tailored to the specifics of the Israeli Palestinian situation—a process that allows the pain to come to the surface and be expressed, so that one can reconnect to the proud aspects of Jewish identity that go beyond nationalist defensiveness.

Beilin: I agree. With all the big differences between South Africa and us—and thank God we never had apartheid like them—there are important things to be

learned. We were in South Africa in a seminar with President Mubeki for three days with representatives of the white minority and the black majority, we were with Desmond Tutu and with Mandela, and generally it was a success story with many failures. The idea of a museum came from some of our experiences there. So we are trying to learn from other conflicts in which hostility filled the people with a misguided pride.

TIKKUN: Any public forum that is visible to the ordinary citizen on both sides and which reveals the humanity of the Other, any public process that does that, will allow for the longing that people have for mutual recognition to break through the layers of anger and humiliation.

Beilin: Yes, this is a direction we must explore further.

TIKKUN: What do you think of a campus movement for divestment in Israel to change Israeli policies?

Beilin: This is a big mistake. Calling upon the United States to punish Israel is the worst possible mistake. It would unite all Israelis against the peace approach. What is important is not to punish Israel but to convey to Americans the alternative perspectives that exist both within Israel and within the American Jewish community.

TIKKUN: But what do you say to people who watch the increasing repression of the Palestinian people as it grows from year to year—most recently manifested in the building of the Wall—and who want to do something to oppose what Israel is doing not because they hate Israelis or Jews, but because of their moral outrage at what is happening to the Palestinian people? What public action should they take to indicate the level of upset that some Americans feel at what Israel is doing?

Beilin: There is no substitute for efforts to find a peaceful solution. Any steps to get the United States to punish Israel

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simply creates animosity within Israel and is not helpful. The effort should be to help both parties get to a solution. Attempts to punish Israel only strengthen the argument of the Right wingers that “the whole world is against us” and hence that we need not listen to them.

TIKKUN: Some people on the Left say, “we used that tactic effectively against South Africa, why not also against Israel?”

Beilin: It is wrong to make this comparison. God forbid. This is not a situation of minority controlling a majority. We should do whatever is possible to prevent such a situation. Israel is a democracy, and there is a very strong opposition. Attempts to punish Israel will only make all of us unite—I would be on the front line against this, so what would these U.S. lefties have accomplished? Do you think I would support punishment against myself?

TIKKUN: Some argue that it is no longer appropriate for Israel to claim to be a democracy—it is a democracy within the pre-67 borders, but not a democracy when you take into account its rule over several million Palestinians in the Territories.

Beilin: Yes, it is not a democracy in the Territories. The only solution is to end the Occupation. But still this doesn't validate a strategy that would unite all Israelis against these peace voices.

TIKKUN: Some say that there is no movement inside Israel, and that peace only gets talked about when there is either external pressure or suicide bombers, and that the moment these two stop, as they have several times in the past years, Israelis simply fall back into self-satisfied focus on their own private lives, ignoring the Occupation. So, they argue, the only way to get Israelis to take criticisms seriously is to back them with some kind of force or power that will shake up Israelis.

Beilin: Stop arguing with them. If you want to tell me that the right way to convince me is to punish me, I would stop wanting to be in that conversation.

TIKKUN: Some people in the American peace movement like to focus primarily on stopping the Wall, or the house demolitions, or the building of settlements. While we at TIKKUN share their criticism of these activities, we've argued that a peace movement should focus less on what's wrong with the Occupation and trying to stop specific outrages—which in any event we are unable to do—and instead focus on a solution to the overall conflict—as the Tikkun Resolution for Middle East Peace and the Geneva Accord do.

Beilin: Exactly—you are right.

TIKKUN: Some people are arguing that it's too late for a two-state solution, given the expansion of Israeli settlements and now the Wall. They say that we should instead focus on a one-state solution—a democratic binational Israel/Palestine.

Beilin: If you give up on a two-state solution you give up on Zionism, and I'm not ready to do that.

TIKKUN: What do you say to younger Jews who are saying, “Jews don't need a separate state anymore—it may have been needed when Jews faced external dangers, but today the main danger to the Jewish people derives from the existence of a specifically Jewish state, and since we don't support a one-religion state in the United States, why should we ask for it for Jews in the Middle East, particularly when doing so has only increased Jewish vulnerability?”

Beilin: This opens up the whole file of whether Zionism is still needed. I'm speaking about people in Israel who take Zionism as their basic assumption. Of course it is legitimate to question everything, but most Israelis take it as a major assumption. I'm not interested in an Israel that is not both democratic and Jewish, but I can understand that others want a different kind of reality. If I don't live in a state with a Jewish majority, I don't think my preference would be to live

in the Middle East. People are entitled to think that Zionism is wrong. But I'm not in that debate. They can't dictate to me to live as a minority within my own country—this is something I won't allow to happen. Only under a Jewish majority can you be sure that there is a state which will be open to Jews who may find themselves made refugees by their own country. If, for example, there is a problem in Argentina, there is only one place that Jews can be able to come, and this is an advantage that people like me will never give up.

TIKKUN: Do you think that support for the Refuseniks is a good way to focus attention on the errors of the Occupation?

Beilin: I believe soldiers are entitled to refuse certain orders which are illegitimate in their view. Collective refusal, however, is very dangerous. The pilots who took the decision not to serve did it as a last resort. I respect their courage but not necessarily the way they did it. They could take an ad saying that they are veteran pilots who believe that the policy of Israel is wrong. But when you add to it the collective refusal to obey orders—this is very problematic. Their deed has to take into account that there will be punishments, though I think it would be wiser not to punish them.

TIKKUN: What would your new party do if this were to happen when you are in power in Israel?

Beilin: We would immediately make peace and hence make Refusal unnecessary. Here again the Geneva Accords are the positive alternative to all this chatter about what's wrong with Israel. People can discuss their criticisms forever, if that's what they wish to do, but there is now a very positive alternative: they can build public support for the Geneva Accords and pursue this positive direction. I'm grateful that the Tikkun Community is doing that, and I look forward to working with you on this project in the period ahead. □

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AN INTERVIEW WITH Yasser Abed Rabbo

Yasser Abed Rabbo is the former Minister of Information and Culture of the Palestinian Authority. He has played a leading role in peace negotiations with Israel since 1991, when he served as a member of the Palestinian delegation to the Madrid Peace Conference. He is the chief Palestinian negotiator of the Geneva Accord.

TIKKUN: Critics of the Geneva Accord argue that it gives Israel the right to maintain between 200,000 and 300,000 settlers where they are right now, and in exchange for the acquisition of the land that those settlements are on, the Palestinians get land in the Negev that is not particularly useful for the Palestinian state.

RABBO: Anyone who knows the geography will know that this land is to the East of Gaza. It's not a desert—it's agricultural land. We're not talking about a desert, about sand. We're talking about fertile agricultural land and we are talking about expanding Gaza and an area to the East of Hebron where the corridor between Gaza and the West Bank will become closer. When we thought of this land swap we thought of the future of Gaza as part of the Palestinian land. Gaza is the most populated area on earth today, and in a few decades it will be so crowded that it will need this expanded area. We wanted to find a practical solution to the problem of the settlements. This was our intention when we drew this map. Most of the Israeli settlements will be evacuated. What will be annexed to Israel are settlements in three blocs that are adjacent to Israeli territory, and that have become practically part of Israel because of their proximity to it. But this is not a real estate issue. This is a question of the future of a nation, and every piece of land is precious.

TIKKUN: The second objection we've heard raised is that Israel will retain its army and will have an army presence inside Palestine, but Palestine will not have any armed force or right to build an army for itself. This leads to a fundamental inequality that some Palestinians object to.

RABBO: That's not true at all. There will be a small Israeli unit within the international forces on the border for a very short period of time, and it will not be an independent unit—it will be part of the international forces and under the command of these forces. This will be for a limited period of time



according to the agreement. There will also be two positions in the West Bank for observation posts and they are present now. During Camp David, these posts were agreed upon on the Palestinian side. There were three posts and we've reduced them to two. These monitoring posts will be reviewed after fifteen years and will require the acceptance of the Palestinian State to let them stay there. I don't think this will affect the sovereignty of the Palestinian State at all.

There have been other agreements between occupying powers and the countries which have received their independence and there were bases in these countries that were rented by the occupying power for decades, sometimes for centuries; and this didn't affect the sovereignty and independence of the new state. These posts will be under the supervision of an international group and there will also be Palestinians inside these posts to guarantee that they will not be turned into military bases, but will remain posts for observation. This is the maximum we can get.

The main issue is sovereignty—and there will be no effect on the sovereignty. But to have an army or not—I don't believe this is a problem. Japan and other countries did not have an army for a very long time and they became independent states. But it will have a security force and the borders of this state will be guarded by international forces against any external aggression. This will give this state more safety and more guarantees for its sovereignty—maybe more than

GENEVA ACCORD

any other state in the world today. This will balance the absence of a regular army.

TIKKUN: Because the arrangement does not provide a path to economic independence for Palestine, some are arguing that Israel will continue to control Palestine economically. The vast majority of Palestinians will have to seek jobs inside of Israel, so its independence will be *de jure* but not *de facto*. In other words, there will remain an economically imperialistic relationship between Israel and Palestine.

RABBO: This argument does not stand at all because we are totally dependent today on Israel. We don't have any kind of economic independence today. Israel has total control over our economy—it's controlling our water, our electricity, our infrastructure, everything. We are worse than a colony today. But what kind of economic relations we have in the future, and what will be the economic system between us and Israel, will be agreed upon between two independent, equal states, on an equal basis. So how can anyone say that we will still be under Israeli control and we'll be only exporting workers to Israel, etc.? The main thing is that we will have our own independence and our own sovereignty over our own state.

We are going to prepare an Annex on economic relations between these two states in the coming few months on the basis of this assumption: that we are two independent and equal states. We will not be able, from a realistic point of view, to cut our ties with Israel just for the sake of declaring we are sovereign. We can do it politically, but economically it will take a period of time, and gradual arrangements; otherwise, it will be a disaster and a catastrophe. Our currency is the Israeli currency. Our whole economy is shaped by the Israelis.

TIKKUN: The most significant objections that are made have to do with the status of Palestinian refugees. Some Israelis support this agreement in part because they believe it ends the Right of Return issue. Some Palestinians don't support it for the same reason. So, does this agreement, in fact, end the Right of Return issue? And if so, how?

RABBO: This issue has become a kind of vicious circle for both sides. We are trying to break this cycle. The Israelis claim that the return of four million Palestinians is a dire threat to the very existence of their state. And the Palestinians believe that without the Right of Return there will be no solution to the Palestinian question. What we did was to combine the approach that was agreed upon by all the Arab states, including the Palestinian authority, in the Arab Peace Initiative which was agreed upon at the Arab Summit in Beirut, Lebanon two years ago which says that the Arab states seek a solution, an *agreed upon* solution with Israel, for the Palestinian refugee problem on the basis of UN General Assembly Resolution 194. This approach was very important for us, which is why we mentioned 194 and the Arab Peace Initiative.

Resolution 194 recognizes that there is a major issue, which is the Palestinian refugee issue, and this issue has to

be solved either through the Return or through compensation for those who do not want to return. People who criticize us forget that the PLO accepted UN Resolution 242 over fifteen years ago, and accepted the two-state solution, which means that one state will be Israel with a Jewish majority, or a Jewish state, and the other state is the Arab Palestinian state. So Palestine will be the homeland for the Palestinian people. We took a very pragmatic approach following Clinton's parameters. First is a limited and controlled return to Israel. Then the unlimited and uncontrolled option of returning to the Palestinian state, or the return to the area that will be swapped between Israel and Palestine. There is also the option to have citizenship in the current host country, if this country accepts; or to move to a third country and, of course, the sovereignty of the country is guaranteed. These are pragmatic approaches, and they were accepted by us when they were introduced to us by Clinton. I was the person who took them directly from the President at that time in the White House when he gave us the first copy of his proposal.

But I want to ask those who speak just in general terms about the Right of Return to specify what they mean by it and how they want to implement it. The basic thing is that we wanted to guarantee the right of the Right; but the implementation of this Right will not be open, but will be implemented in a very controlled and pragmatic manner, taking into consideration all the changes that have occurred in the past five decades. Otherwise there will be no solution between us and Israel at all.

TIKKUN: Yossi Beilin has said in public that he imagines that Israel will decide to allow about 30,000 Palestinians to return.

RABBO: I don't know. Look, I'm not here to speak about 30,000 or 50,000 or 100,000 refugees. Arafat told Clinton and Barak that our priority is to solve the problem of the refugees of Lebanon. If we solve that problem, the problems with other refugees are easier and we will be able to find a practical and possible solution for them in accordance with the parameters of Clinton. So, I'm not going to deal with the figures now, but I believe that we wanted to find the maximum possible solution for the refugees. If anybody has a clear and detailed solution for the issue of refugees, that will be accepted—and here I'm not talking about Sharon—by a moderate future Israeli government, and by the Palestinian leadership in the foreseeable future, in the coming decades, let him tell us what the solution will be. This is the maximum we can get as a solution in order to keep the formula and balance of the solution in the interest of both sides. On the one hand, Israel wants to keep itself as a Jewish majority state; and on the other hand, we want to have an independent, sovereign Palestinian state within the 1967 borders.

TIKKUN: There are some people, both Palestinians and others in the United States, who are now saying that because the settlements seem unlikely to be moved, the alternative is

a one-state solution or a binational state. This has recently been put forward by Tony Judt in the *New York Review of Books* as well as in other publications. People are saying it's too late for a two-state solution and that the only chance of Palestinians achieving their rights is a one-state solution. What do you say to that?

RABBO: Well, this is a simplification which I hate very much. What's behind it is a way to escape from real solutions and the compromises that are required in order to achieve a real resolution. People hide behind such ideas to justify the status quo or to justify their escape from facing serious positions and accepting serious compromises. I'll tell you, this [one state] will not be a binational state. This will be an apartheid state. It will be a state where Israel controls most of the land, as Sharon is planning now, building a wall around the most populated Palestinian areas, and dividing the West Bank into four cantons separated from each other on 42 percent of the land while Israel annexes the rest. This is Sharon's solution. This area might have its own internal self-rule, because Israel is not interested in being involved in running our social, economic, cultural institutions. Why do they need to bother with these things? Let these conditions deteriorate more and more. They don't care about it. This will be an apartheid system and not a binational state system with full equality of all its citizens. We should not discuss now such a possibility.

The main thing in front of us is to work to prevent the building of this wall. By the way, Israel insists, and some American media insist, on calling this a "fence" or a "barrier," as if we are talking about a fence between two gardens. No, it's a wall around thirty feet high, being built not for security reasons, but to define and determine the borders of our cantons. Lately, in the past few days, Sharon and his advisors are declaring that they intend to draw unilaterally the borders, and the wall will be the border, and this will be the solution. Of course, this will not be a solution. This will complicate the conditions more and prevent solutions and postpone it maybe for decades. It will also poison the atmosphere in the whole of the Middle East and will destroy the possible relations, if not also the existing relations, between Israel and the Arab states. For this reason, let people who support Palestinian rights not escape from the real solutions, which need real concessions and real compromises, into imaginary solutions, where the Palestinian people will suffer much more than they are suffering now in this so-called binational state, where one state is controlling the majority



of the land, and the other state is deteriorating and decaying within its cantons.

TIKKUN: But those who are in favor of a binational state say they are in favor of a struggle to give Palestinians the vote inside Israel, including Palestinians throughout the Occupied Territories.

RABBO: Do these "one-state solution" people imagine that if Israelis do not accept the return of a few hundred thousand refugees to Israel (because of their concern about the demographic balance) that they will accept adding over three and a half million Palestinians in the West Bank and Gaza as voters in the coming Knesset? This is not possible. I'm arguing that this will not be a realistic option. This option might be implemented, and Sharon is trying to implement it in fact, with the minimum land, and with the majority of Palestinians inside the minimum amount of land, in his scheme for creating this South African Bantustan-style system inside of the borders of greater Israel.

TIKKUN: Do you believe that the majority of Palestinians would accept the two-state solution, or do they want a binational state?

RABBO: We are not talking about these issues in a theoretical manner or as an absolute issue. If I ask a Palestinian, "What do you choose—a binational state with equal rights or a two-state solution?" maybe the majority of Palestinians would accept theoretically a binational state with full and equal rights. But, is it feasible? Is it possible? Is it a realistic option? Of course not. We have over thirty years experience of struggling for the right of our people and we are passing through the most critical moment in the history of our people since 1948. Our role is not to sit and relax and say, "What is the best solution we can imagine for our people?" Our role is to find what is possible and at the same time the solution that guarantees the basic needs and rights of our people without contradicting the basic—and I emphasize the word basic—needs and interests of the Israelis. In the Geneva

GENEVA ACCORD

Accord, we tried to find this point of meeting between the two interests—where the Palestinian state within the borders of 1967, and a practical solution for the issue of the refugees do not contradict the military security or the demographic security that is required by Israel within their borders. This is the balance. The balance is very complicated, but it's also very simple. Ending the Occupation is the key for solving all the issues related to this conflict. This is what we wanted to solve in this document.

TIKKUN: Will the Palestinian Authority accept the Geneva Accord as it is?

RABBO: I cannot say that it will be accepted or rejected as it is. But the Palestinian Authority gave a very significant signal—it declared two days after we signed this agreement in October that the Palestinian Authority supports the efforts and the results we had reached. I do not guarantee that every single item in the text will be agreed upon. Maybe there will be some remarks here or there, but what we believe now is that we did a historic achievement. We have outlined a formula that in any future official negotiations, nobody can neglect or exceed. This formula shows that less than this solution, the Palestinians will not accept; and more than this solution, the Israelis will not accept. Through this margin, through these two limits which we have defined, lies the solution.

TIKKUN: We at TIKKUN are building a national campaign to support the Geneva Accord. What is your advice about the best way that the United States, and Americans who are trying to influence the policy of the United States, could best support the Geneva Accord?

RABBO: Well, this is the first document of its kind. It's the first document that can prove that a solution is possible. Before this document, there were attempts, and these attempts have failed or they reached a kind of deadlock. We tried to find a balance between the interests of both sides. We cannot speak about absolute justice—there is no such thing. Those who seek absolute justice will not achieve a solution. So, either we have absolute justice or we have a solution.

The United States should take this opportunity because never before was there such a clear chance and possibility. The United States can declare, as Mr. Powell hinted in a letter to me and to Yossi Beilin, that in the end, only the Israelis and the Palestinians can make a detailed solution to the conflict. This could be considered as the complementary part of the Road Map. The Road Map in its third phase does not include a detailed solution for the final status. I believe that the American Jewish community can play a very important and effective role, in spite of their differences, if they see this historical opportunity. Ending the Occupation will not only liberate us, it will liberate Israel from the Occupation. On the other hand, Israel could turn into an apartheid state.

This will destroy the dream of all those Jews who wanted to have Israel as a flourishing democratic, independent state that will carry their values and their beliefs and will implement them through the experience of this state. For that reason, we all should join our ranks in order to face the policy of extremists on both sides.

TIKKUN: What should we ask the United States government to do right now?

RABBO: To adopt officially this document as a complementary part to the Road Map.

TIKKUN: What would you call upon Palestinian Americans to do?

RABBO: I believe that they should look at it as a historical opportunity. For the first time in history we need for people to come and try to create and impose the solution. In the past, even with the Oslo Accord, it was the leaders at the top who negotiated—most of the time secretly between themselves, to impose a solution. This was the history of our accords since

the beginning of the twentieth century. There were either foreign powers or some groups inside our peoples who made these solutions. This is a solution that needs the backing of the people themselves.

TIKKUN: So what would you ask Palestinian Americans to do?

RABBO: To see that in spite of the difficult concessions we might make; in spite of the fact that we will have to depart from our past positions and slogans, that we are heading toward a different future—a future that will guarantee for our people, and for the coming generations, an independent, sovereign state that will be able to develop and flourish and be part of a peaceful and developing Middle East. They should see this, basically, in order to really support the cause of their people at home, and their people in the refugee camps. The Palestinian community should unite behind this position. I don't want this peace accord to create new differences among the Palestinians. I need them to work with all of those who are ready to act together in the Jewish community in order to ask the American administration to give more serious attention to this document and to the conditions in general, because if the American administration doesn't intervene now to stop the war, all of our efforts now—including this document—will be in vain, and we are heading towards the unknown and towards the disaster that Sharon is going to bring to both nations and to the whole region with this wall he is trying to build. □

**Come see Yasser Abed Rabbo speak at
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How Much Do We Really Want Peace?

Letty Cottin Pogrebin

Following is the text of the acceptance speech delivered by Letty Cottin Pogrebin upon receiving the Patricia Barr Peace Award at the Americans for Peace Now Annual Benefit, October, 2003, in New York City.

Lately, I've been reminded of the old Jewish joke about the journalist in Jerusalem. Every day when the journalist wakes up, he looks out his window and sees the same old man praying at the Western Wall. At night, when the journalist goes to bed, the guy is still down there daavening at the Wall. This guy must be a story, the journalist thinks. So he goes over to the man and asks what he's been praying for. "Peace," answers the old man. "That's what the Torah says we have to do. I'm praying for peace." "How does it feel to do this every single day?" asks the journalist. The man shrugs his shoulders, "Like I'm talking to a wall."

Many of us who care about peace and who desperately want to see an end to the Israeli-Palestinian conflict—supporters of Americans for Peace Now, the Tikkun Community, and all of us who follow events in the Middle East with increasing pain and dread, we who agonize, and organize, and write articles, and speak out, and petition our leaders—we, too, often feel like we're talking to a wall.

It wasn't always this way. As chair of Americans for Peace now, I was privileged to sit on the White House lawn on September 13, 1993 and witness the historic handshake and the euphoria that can only be fueled by hope. Subsequently, we all witnessed the start of many joint ventures between Jews and Arabs—business enterprises, cooperative science projects, educational and cultural exchanges. Then there was a huge spike in Israeli tourism, and a virtual end to violence in the region and to the knee jerk excoriation of Israel in the international community. We watched a dozen formerly hostile nations give diplomatic recognition to Israel, a roll-back of the Arab boycott, democratic elections in the Palestinian areas, joint security patrols—phenomena that were unimaginable just a few months before.

In 1994, I was among the long-time peace activists who flew to Amman with President Clinton for the signing of the Israel-Jordan peace treaty, another event that is all the more poignant in retrospect. I'll never forget that glorious day in the Arava desert when the Israeli Army orchestra played the

Jordanian national anthem and the Jordanian Army orchestra played "Hatikva," and two little girls—granddaughters of soldiers who'd fought each other in the 1967 war—came up on the stage. With thousands in the audience weeping, the little Jordanian girl presented a bouquet of flowers to Prime Minister Rabin; and the little Israeli girl presented her bouquet to King Hussein, and great bags of balloons were released, thousands of them in the colors of the two countries' flags. And as we looked up, the balloons mingled their colors in the sky, just as we, Jews and Arabs, mingled on the desert floor, talked to each other, shook each others' hands, even hugged each other, all of us, like the balloons, buoyant with the prospects of peace.

It's different now. Now we're talking to a wall. And lately, we're also talking about a wall—the so-called "security fence," up to twenty-eight feet high in some places; the fence that looks a lot more like a political wall than a security wall as it gobbles up disputed territory that is supposed to be negotiated in a peace treaty, and zig-zags through the countryside to protect settlements while siphoning off resources from the mainstream Israeli population; the fence Israel is erecting in the West Bank at an estimated cost of \$3 billion; the fence that's ignoring internationally recognized borders and slicing Palestinian villages in half, separating families, cutting off farmers from their fields, workers from their jobs, children from their schools; the fence that will further strain the already overstretched Israel Defense Forces and ask young men and women to die to defend it.

And Prime Minister Sharon and his right-wing supporters have erected an even higher barrier—a wall of intransigence on the issue of settlements. No matter how much they cost in blood and treasure, the Jewish settlements in the West Bank and Gaza keep claiming an increasingly disproportionate share of Israeli resources. The government spends \$556 million a year on the settlements, about \$2,200 per settler, while it shrinks the budgets for such basics as health care, child allowances, and disability benefits for all Israelis.

That \$556 million represents more than half of the U.S. economic assistance grant to Israel. Put another way, of every \$8.38 of American tax money that goes into the coffers of the Sharon government, he gives \$5.56 to Jews who've decided they want to live on the other side of the Green Line.

Letty Cottin Pogrebin, a founding editor of Ms. magazine, is the author of nine books, most recently Three Daughters, her first novel, and Getting Over Getting Older, a memoir. She is former chair of Americans for Peace Now.

GENEVA ACCORD

However mind numbing, certain statistics are important to absorb: 60 to 70 percent of Israeli Jews support evacuation of the settlements in the context of a peace treaty. 75 percent of the Jewish settlers in the territories are not religious or national extremists but economic settlers, lured there because of housing subsidies and quality of life considerations, and current surveys indicate that the overwhelming majority of them would be willing to move back inside Israel proper, if they could afford it.

They could be moved back with the assistance of a fund comprised of moneys deducted from U.S. loan guarantees. Americans for Peace Now has proposed that the United States pay a dollar into the fund for every dollar that Mr. Sharon expends on the settlements. This would be a great start. And, were peace in the offing, more money could be raised for this purpose from other countries and private sources.

Speaking of walls—more than anything else it is the settlements that stand like a barrier between the average Israeli and a Jewish democratic future. A total of 230,000 Jews live in 145 official settlements and 120 unauthorized outposts in the West Bank and Gaza that have been meticulously documented by Shalom Achshav's (Peace Now in Israel) Settlement Watch Project.

If the Sharon government continues to expand settlements, occupy Palestinian towns, and expropriate their lands, then there are only two possible fates for the fabled Zionist experiment: an end to democracy, or an end to the Jewishness of the State.

This fact is commonly known as the Demographic Time Bomb. Within five to eight years, given the higher Arab birthrate, Palestinians will constitute the majority in the land between the Mediterranean and the Jordan River. If Israel keeps all that land and continues to rule over the Palestinians, it's the end of democracy. If Israel gives them the vote, it's the end of the Jewish State. Simple as that.

The rational alternative is, as it has always been—a two-state solution (despite articles to the contrary in recent issues of the *Nation* and the *New York Review of Books*). We know what these two states would look like because the outlines of coexistence were spelled out at Camp David and Taba. Though these, and Oslo, and other prior agreements have been nullified by the last three years of horrific violence, and though the Road Map is stalled, and though so many people feel paralyzed by frustration and despair, still, I find some reason for hope.

Why? For one thing, because of the indefatigable work of groups like Brit Tzedek v'Shalom, the Tikkun Community, Americans for Peace Now, and of the revitalized Left in Israel. And for another thing, because some die-hard peace seekers have not just been talking to a wall but to each other.

After two and a half years of meetings, two teams of prominent Israelis and Palestinians—former government

ministers, security experts, policy makers, military officers, writers, and scholars—have reached an agreement known as the Geneva Accord. The document, released last October, has engendered vigorous debate in Israel but you may be forgiven for not knowing much about it since it has received minimal coverage in the U.S. media—and discussion of it in the mainstream Jewish community has been effectively smothered by Sharon supporters in the so-called American Jewish leadership.

Every American should read the Geneva Accord; it is a remarkable, specific, hopeful, pragmatic, visionary document. Yes, it's only a draft. And yes, the signatories are not in power now. But they were once, and they may be again, and, in this time of dead-ends and defeatism, no viable peace proposal can, in good conscience, be ignored.

The crucial point is that the Geneva Accord has proven that there is someone to talk to on the other side. On its face, it is extraordinary that a large group of smart, prominent Israelis and Palestinians have managed to come to terms on every contentious issue including borders, settlements, refugees, Jerusalem, demilitarization, fighting terror, you name it.

Anyone can argue with these terms. Pick apart this clause or that. But everyone must engage the specifics—Palestinian and Israeli leaders, grassroots activists, mainstream organizations, U.S. politicians, presidential candidates, as well as the UN, the European community, and Russia. The Geneva Accord is not an end but a beginning. It should be viewed as a gift, not a threat. It's a question of attitude, of how much all of us really want to find a way out of this miasma. How much do we really want peace?

We must want it as much and as badly as the great Israeli poet, Yehuda Amichai, does in his poem, "I, May I Rest in Peace":

I, may I rest in peace—I, who am still living, say, / May I have peace in the rest of my life. / I want peace right now while I'm still alive. / I don't want to wait like that pious man who wished for one leg / Of the golden chair of Paradise, I want a four-legged chair / Right here, a plain wooden chair. I want the rest of my peace now.

Sadly, Amichai died before he could get his wish. How many more Israelis and Palestinians must be killed before their leaders end up where we know they must—at the negotiating table, talking to one another, compromising, listening.

There is something profound to be learned from the story I heard about a Native American child who was terrified by the 9/11 attacks. He came to his grandmother, a wise woman of the tribe, and asked how she felt about the tragedy. "I feel as if I have two wolves fighting in my heart," she said. "One wolf is the vengeful, angry violent one. The other wolf is the loving, compassionate one."

The grandson asked her, "Which wolf will win the fight in your heart, Grandma?" The wise woman answered, "The one I feed." □

The Geneva Accords

Why I Like Them and Why I Don't

Eric H. Yoffie

Why I Like Them

When the Palestinian leadership launched the Intifada after rejecting the Clinton/Barak peace proposals, Israelis rallied around their government. Appalled by violence against civilians and concerned for the safety of their children, Israelis have been prepared for more than three years to support a tough policy against terror in the hope that it would somehow lead, if not to peace, then at least to a measure of security and quiet.

But the security that was promised has not come. And Israel's government has not offered a clear plan as to what will bring it closer. Its policy can be summed up in a single sentence: there will be no diplomatic contacts until the terror stops. But what if the terror never stops? In the meantime, it has continued to build settlements, thus making any negotiated peace with the Palestinians that much more difficult to achieve.

As a result, the broad consensus that supported the policies of Israel's government has collapsed. Tommy Lapid, head of the Shinui Party and Israel's Minister of Justice, acknowledged that the government in which he sits has simply failed to offer hope or a clear direction. The result is that a variety of groups and individuals from both the Right and the Left have rushed forward to fill the vacuum that has been created. As of this writing in late November, Lapid's Shinui Party is putting together its own blueprint for peace, and Deputy Prime Minister Ehud Olmert of Likud is speaking of the need for a partial, unilateral withdrawal to strengthen Israel's security. Other signs of revolt against the status quo have come from Israel's Chief of Staff, who strongly criticized the government's treatment of Palestinians; from four former heads of the Shin Bet Security services, who in a dramatic interview condemned the current and previous governments for wrongheaded policies that endanger Israel's very existence; from Ami Ayalon and Sari Nusseibeh, who have initiated a grassroots petition drive for a peace settlement; and from Avraham Burg, former Speaker of the Knesset, who wrote a scathing attack on Israel's leaders

The Accords have sparked a long overdue political debate.

that was widely distributed in the Israeli and foreign press.

But of all that has been written, the Geneva Accords have received by far the most attention. The most obvious reason for this was the role of Yossi Beilin, the main architect of the document. Much reviled in rightwing circles, Beilin is an energetic activist and indefatigable optimist, and he deserves tremendous credit for persevering, even in the darkest times, to reach this agreement. The painstaking detail of the

Accords and the prominence of both its Israeli and Palestinian signatories have attracted support from leaders around the world, including Colin Powell. Most important of all, the Accords, while drawing the wrath and the scorn of the right, have accomplished what the other proposals have not: they have sparked a

long overdue political debate and prodded all the major players, including Israel's usually pathetic and passive opposition, to join in the discussion and to offer alternatives to the current stalemate.

And what of the claims that Beilin and his associates, supported by Switzerland, were improperly "interfering" with the right of the elected Israeli government to conduct Israel's diplomatic affairs? This claim is nonsense. The rules of the political game shifted forever in the early 1990's when Yossi Ben-Aharon, who had been Director General of the Prime Minister's office under Yitzhak Shamir, joined with Yigal Carmon and Yoram Ettinger in openly lobbying the United States Congress against the policies of the government of Yitzhak Rabin. It was widely assumed that Ben-Aharon acted with the tacit approval of Likud. And this much is certain: despite the protests of Rabin, the Likud leadership offered not a peep of protest against Ben-Aharon, whose example has been followed by leaders of all political persuasions in subsequent years. It is hardly appropriate, therefore, for those who have been silent about rightwing lobbying in Washington to see Beilin's ties to European governments as somehow illegitimate.

Why I Don't Like Them

As impressive an achievement as the Accords are, and as much as we welcome the debate that they have generated, there is no escaping a fundamental truth: there is

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GENEVA ACCORD

virtually no conceivable scenario that would lead to their implementation.

Over the last thirty-five years, doves have met with regularity in living rooms in New York, London, and Tel Aviv, and have discussed various plans to end the conflict and to establish a just peace between Israelis and Palestinians. The Geneva Accords are an impressive achievement, but it is important that we not make the mistake that we have made so often before and assume that there is a connection between the dreams of would-be peacemakers and the realities on the ground in the Middle East. The killing continues and the demographic clock is ticking. We cannot waste precious time on ideas that will almost certainly lead nowhere.

For years, the Right has insisted that “there is no partner for peace.” Signatories of the Accords now insist that the existence of partners has been proven beyond doubt. But has it? Even Israelis who accept every word of the Accords will need to believe that the Palestinian leadership can implement them by putting an end to violence, reigning in Hamas and other terrorist groups, and putting in place a functioning government. But I am a skeptic in this regard, and I suggest that the radicalization of Palestinian society and the volatile state of Palestinian culture make such developments unlikely. I do not deny that Israel bears some responsibility for this, but that does not change the grim reality, and there is little in our recent experience to suggest that Palestinian leaders will have the courage to confront and disarm the terrorists of Hamas and Islamic Jihad.

The wording of the Accords troubles me as well. The Accords represent the outer limit of what any Israeli government could ever accept, and acceptance would be unthinkable unless it included an unequivocal abrogation by Palestinian representatives of the Right of Return to Israel. Yet this point is precisely the point that has generated confusion. Without entering into the complicated details of how this is handled in the text, this much is beyond doubt: when the Accords were released, Israeli representatives proclaimed that the Palestinians had renounced the Right of Return and the Palestinians immediately responded that they had done no such thing. Yet how can there be any agreement without clarity on this point?

My fear, in short, is that the admittedly moderate Palestinians who signed the Accords may simply not be moderate enough to endorse an agreement that most Israelis could live with; and even if they are, it is unlikely that they will have the support among their own people to enforce such an agreement. In other words, as much as we might yearn for the peace that the Accords promise, it may be that such a comprehensive peace is simply not possible now.

What then are we to do? We all know that the current situation is morally and politically untenable. We all know that the killing and terror must stop, the Occupation must end, Israelis need security arrangements that protect their borders, and Palestinians need control over their own destiny. But if I am correct that a true peace is unattainable at the moment, we may have to settle for something that gets us part of the way but falls short of what Yossi Beilin and his associates seek.

My proposal: American Jewish doves should work with

parties of the Right and the Left in Israel in support of a significant but partial unilateral Israeli withdrawal from the Territories that would involve the following steps: dismantling many but not all of the settlements; an absolute end to any additional settlement building; and the construction of a security fence the

location of which would be determined by security needs and that would be close to, but not identical to, the 1967 borders. Palestinians would assume control of most of their territory, and would be free to establish there a government of their choosing. Israel would announce that: a) any terror attacks launched from Palestinian territory would be responded to with the full might of Israel’s military forces; and, b) the security borders established by the fence are not the final borders, and that when the Palestinians are prepared to abrogate the right of return, put an end to terror, establish a democratic government, and live in peace with the Jewish state, Israel would be prepared to open negotiations and arrive at a final peace agreement.

The advantage to this proposal is that it offers an interim arrangement that would minimize terror and provide far greater security for Israel than she currently enjoys; it would also substantially, although not completely, end the Occupation and restore dignity to Palestinian lives. All other issues would be left open and negotiable, with the burden on the Palestinians to demonstrate a desire for normal relations with Israel. With proper political preparation and help from Diaspora Jewry, it would be acceptable to the United States, and would dramatically improve Israel’s international standing. And, most important, it would be achievable politically—not easy, but achievable. For example, a coalition of Likud, Labor, and Shinui—which all three parties would have reason to support—might conceivably agree on such a package, with Barak, Lapid, and Olmert leading the way.

Yossi Beilin is a hero who deserves our gratitude for his courage and daring. But we need to focus on the possible, and the Palestinians are probably not ready for the peace that Beilin dreams of and all of us want. So no more waiting. The time has come for the State of Israel, with the backing of the Jewish people everywhere, to do what it can on its own to end the nightmare. □

*It may be that such a
comprehensive peace is
simply not possible now.*

Meditations and Reflections for the Tu B'shvat Seder

Abby Caplin

Imagine gathering with friends and/or family on a cold winter's night around a table filled with a rich variety of fruit and nuts, the food of the Garden of Eden. This night is the "New Year of the Trees," a holiday which has evolved from its practical and spiritual origins in the time of the Temple to today's spiritual and practical imperatives. On Tu B'shvat, "the 15th of [the month of] Shvat," we celebrate our connection to the Source of Life and the renewal of life that begins in the dead of winter, as trees prepare their buds for Spring. We are reminded of our place in relationship to the planet, our partnership with God in Tikkun Olam, our connection to Torah (The Tree of Life), and our commitment to ourselves and other living beings, which can only be healed by living in right relationship.

This year, Tu B'shvat falls on Saturday, February 7, 2004. It is one of the four "New Years" recognized in Judaism. Designated in the Talmud as the time of renewal of budding trees, the date was used to determine how long a tree had lived, so that the tithed offerings of fruit to the community's Temple would be gathered from appropriately-aged trees. After the destruction of the Second Temple and the Jewish exile, the day was commemorated by eating the traditional fruits of the region, based on Deuteronomy 8:8, describing the land of Israel as a "land of wheat and barley, of vines, figs and pomegranates, a land of olive trees and [date] honey." Almonds and carob fruit were also popular, since they could survive the long trip from Israel to the Jewish communities in the Diaspora.

During the sixteenth century, the mystical Kabbalists of Tsfat developed the ritual of the Tu B'shvat seder, loosely modeled on the Passover seder. They believed that the ritual eating of fruits and nuts, if done with proper intention (*kavanah*), would cause hidden sparks of holy light to be released and returned to their Divine source, thereby

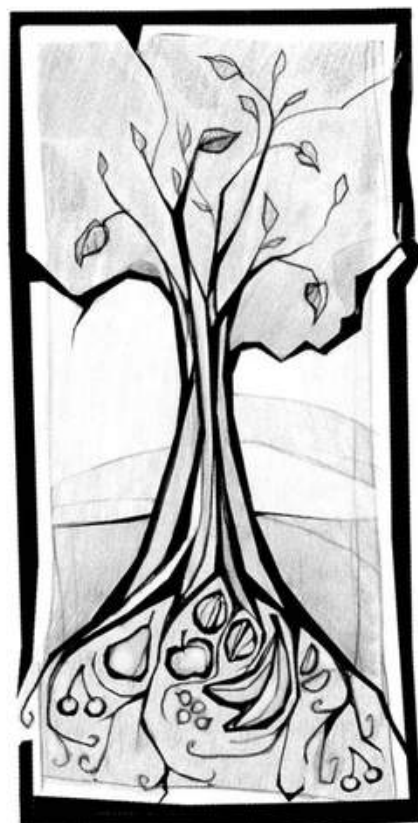
incorporating human action as a way to repair the shattering of God's primordial vessel. They also regarded trees as a manifestation of God's abundant nature, symbolic of the Tree of Life (Torah), returning many blessings to the world.

Rabbi Arthur Waskow, in the book *Trees, Earth and Torah*, teaches that the holiday of Tu B'Shvat has "itself grown like a tree. It has sometimes sprung to life in joyful abandon, sometimes suffered centuries of winter, and then sprung anew from what seems a barren trunk to flourish as a rich and fruitful festival, the delight of Jewish mystics and of those who love the earth." Today, we experience the Tu B'shvat seder as a way to reconnect with our spiritual selves and to renew our commitment to Tikkun Olam, the healing and repair of a much desecrated planet.

It is in this spirit that I am offering meditations and reflections that can be used as part of a Tu B'shvat seder. As with the Passover (Pesach) seder, the Tu B'shvat seder follows a specific order, allowing individuals to gather and recite blessings over the fruits of the trees in a sacred manner. Using a Tu B'shvat *haggadah* (guidebook for the seder) we read traditional and creative selections, meditate, sing, and dance.

Following are sample meditations which can be adapted to fit the interest of your community and used as a supplement to the Tu B'shvat *haggadah* of your choice. Attention should be paid to creating a meditative environment in which to celebrate this sacred ceremony.

The seder is divided into four parts, representing the four "Worlds" of Kabbalistic thought: the worlds of "Action," "Formation/Emotions," "Creation/Thinking," and "Emanation/Spirit." A more detailed explanation can be found in resources such as *Trees, Earth and Torah*, an anthology edited by Elon, Hyman and Waskow, or *A Person is Like a Tree: a Sourcebook for Tu B'shvat* by Yitzhak Buxbaum.



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Tu B'shvat Seder

(Please note that the traditional blessings have been provided here. However, the various names for addressing God may be substituted according to preference.)

The First World

Ha'olam Ha'asivah—The World of Action

As we recall the "First World" (Action or *Asivah*), platters are presented which are filled primarily with nuts that have a hard shell and soft center (walnuts, almonds, coconuts, pine nuts, pomegranates, etc.). These foods can represent the ways in which vulnerability is both protected and concealed by a hard outer shell. Such protection is often necessary in order to function in the world of Doing. We reflect upon the nuts and fruits in detail, make the blessing over them, and then eat. White wine is poured and blessings are recited to honor the Winter season.

Meditation (to be read aloud to the group):

Now choose one of the fruits or nuts listed for this part of the seder, preferably a whole one. Hold it in your non-dominant hand, the hand that you do not write with, and then let your other hand be free of any papers, haggadot, etc. Relax into your chair and, if you feel comfortable, I invite you to close your eyes and take three deep breaths, and then just float on top of your breath a few moments.... As you breathe in the oxygen, a gift of all plant life to you, take in all that is supportive and life-affirming. And as you breathe out, let go of the carbon dioxide, which you no longer need, but which you give to the plants, as they need this for their support ... a continuous cycle and flow from one to another....

Imagine the vulnerable center inside, what it looks like.... Think about yourself this past year. In what ways have you felt vulnerable or at risk, either physically or emotionally? In what ways did you protect yourself? What did that protection look like? What did you do? Did you do so in a loving way or in a way that imprisoned you?

Feel again the shell of the nut you are holding. Let yourself know that in order for the vulnerable seed to germinate and grow, the shell must fall away. How will your shell fall away?

Now, let us say the blessing before we take into our bodies these holy sparks of potential growth.

Let us say together now:

Baruch ata, Adonai Eloheinu, melech ha olam, borei pri ha eitz. May You be blessed, Holy One, Source of Life and Life of All Worlds, who creates the fruit of the tree.

We may now eat....

Now gently bring your awareness back into the room and, when you are ready, open your eyes....

Lift your cup of clear white wine and shift your awareness to the winter season, rich with invisible possibility, as we recite the blessing together:

Baruch ata, Adonai Eloheinu, melech ha olam, borei pri ha eitz. May You be blessed, Holy One, Source of Life and

Life of All Worlds, who creates the fruit of the vine.
We now drink the wine.

The Second World

Ha'olam Ha'yetsirah—The World of Formation/Emotions

For the "Second World" (Formation or *Yetsirah*), soft fruit with hard centers (olives, dates, cherries, persimmons, peaches, etc.) are again considered in detail, God is blessed and the fruit is eaten. Such fruits are vulnerable to the environment, and at the same time exposed to the warmth of the sun. We draw parallels to our own lives: our emotions, vulnerability, creative potential, connection to God, and our frequent wrestling with the hard pits of ego. White wine, this time with a dash of red, is poured and blessed to represent a changing of the season and the blossoming of flowers in the Spring.

Meditation:

Now choose another one of the fruits or nuts listed for this part of the seder. Again, hold it in your non-dominant hand, the hand that you do not write with, and let your other hand be free of any papers, haggadot, etc. Allow yourself to feel comfortable in your chair and, again, I invite you to close your eyes and take three deep breaths, this time letting yourself relax at the end of each exhalation.... And we imagine that God breathes the breath of life back into us at just the right time.... Imagine being supported by God in this way, as surely as God supports the return of Spring....

Keeping your eyes closed, bring the fruit up to your nose and breathe in its fragrance. Remember the flower that was once this fruit. Imagine that fragrance entering your body and seeking out the part of you that most needs attention ... perhaps a part that has, in some way, been wounded. Maybe you already have a sense of where you might actually be carrying this wound in your body.... Now breathe deeply into that place. Allow the gift of the fruit, through its fragrance, to begin the healing that you need....

Let us gently say the bracha [blessing] together....

Baruch ata, Adonai Eloheinu, melech ha olam, borei pri ha eitz. May You be blessed, Holy One, Source of Life and Life of All Worlds, who creates the fruit of the tree.

We may now eat....

Now gently bring your awareness back into the room and, when you are ready, open your eyes....

Lift your cup of white wine, mixed with a dash of red wine, and remind yourself of the coming Spring season with its promise of healing, as we recite the blessing together:

Baruch ata, Adonai Eloheinu, melech ha olam, borei pri ha eitz. May You be blessed, Holy One, Source of Life and Life of All Worlds, who creates the fruit of the vine.

We now drink the wine.

The Third World

Ha'olam Ha'briyah—The World of Creation/Thinking

The "Third World" (Creation or *Briyah*) is connected to soft fruits that can be eaten whole (strawberries, figs,

carobs, pears, etc.) and are meditated upon, blessed, and eaten. These fruits, being completely edible and open to the elements, teach us something about the creative process of the mind. Red wine, with a dash of white, reminds us of the deepening colors of the fruits as the season changes, reflecting the warmth and ripening of Summer.

Meditation:

Again, choose one of the fruits or nuts listed for this part of the seder, preferably a whole one. Hold it in your non-dominant hand, the hand that you do not write with, and then let your other hand be free of any papers, haggadat, etc. Let yourself feel relaxed and comfortable in your chair and, once again, I invite you to close your eyes, just allowing yourself to float on top of your breath for a few moments.... And let yourself sink in a little deeper.... Taking in oxygen from the trees, giving carbon dioxide back to them.... So interconnected at every moment....

Now inhale the fragrance of the fruit you are holding. We are in the world of thoughts. I invite you to think about a beautiful garden, like the Garden of Creation.... It could be a garden that you have seen or one of your imagination. Simply let yourself be there.... What colors do you see? How does the sunlight play on the leaves? What sound do you hear? How does the air feel on your skin? What other signs of life are present?

Please gently bring yourself back into the room, feel your feet on the floor and take a few deep breaths. Let us say together,

Baruch ata, Adonai Eloheinu, melech ha olam, borei pri ha eitz. May You be blessed, Holy One, Source of Life and Life of All Worlds, who creates the fruit of the tree.

We may now eat....

Now gently bring your awareness back into the room and, when you are ready, open your eyes....

Lift your cup of red wine, this time mixed with a dash of white wine, and remember the warmth of Summer, a time of ripening, as we recite the blessing together:

Baruch ata, Adonai Eloheinu, melech ha olam, borei pri hagafen. May You be blessed, Holy One, Source of Life and Life of All Worlds, who creates the fruit of the vine.

We now drink the wine.

The Fourth World

Ha'olam Ha'atsilut—The World of Emanation/Being

The "Fourth World" (Emanation or *Atsilut*) is the world of Spirit and cannot be represented by any fruit. In this World, we come as close as possible to the essence of Tu B'shvat. Pure red wine, with a single drop of white, is poured and blessed, representing the Autumn in its full bloom, before the onset of Winter.

Meditation:

This time, please put your haggadat down and hold *nothing* in your hands. If you are able, rise quietly to a standing position with your knees shoulder-width apart and slightly

bent. Gently close your eyes, and, again, just float on top of your breath a few moments.... As you breathe in the oxygen, a gift of all plant life to you, take in all that is supportive and life-affirming. And as you breathe out, let go of the carbon dioxide, which you no longer need, but which you give to the plants, as they need this for their support ... a continuous cycle and flow from one to another.... Allow your feet to feel rooted to the ground. As you breathe in, imagine taking in Divine energy through the top of your head and, as you breathe out, send that Divine energy down through the bottoms of your feet.... Imagine your body like the trunk of a tree, with roots extending deep into the earth.... Now imagine that branches extend out over your head which are covered with leaves.... As you breathe in, the leaves reach out to the sun, taking in energy and sending healing warmth through you and down into the earth.... Allow your body to become the connection for Divine intention....

Gently become aware of your breath, hear the sound in the room and, when you are ready, you may open your eyes....

As we drink the fourth cup of pure red wine, may we carry within us our connections to the trees, which support all animal life. May we allow the tiny seeds of hope and action within us to grow, blossom and bear fruit.

Baruch ata, Adonai Eloheinu, melech ha olam, borei pri hagafen. May You be blessed, Holy One, Source of Life and Life of All Worlds, who creates the fruit of the vine. □

HUMILIATION, RETALIATION, AND VIOLENCE (from page 17)

to disputes, as opposed to it being the only way of managing disputes. (The fact that we English speakers have not come up with our own word for "macho" speaks to the incomplete integration and awareness of male violence as an aspect of our culture.) To demean communication, listening, speaking, compromising, as ways of approaching conflict is part of a larger tendency to devalue traditionally feminine ways of being. The alpha male among primates is commonly thought to be the one who can humiliate his potential rivals, forcing them to sue for peace by exposing their soft underbellies. However, it has recently been found that the alpha male in many species is the one who is most socially skilled, as opposed to being physically the strongest. The heightened awareness of gender-linked behavior that has been a gift of the feminist movement has increased our ability to reflect on, and thus perhaps transcend, violent behavior that had previously been thought of as biologically given.

What is needed in the Middle East to break the cycle of humiliation and violence is the capacity to listen and to speak, to engage in dialogue as a manifestation of the respect on which any true peace must be built. To my mind, TIKKUN's approach is the best example we have at the moment of a solution that strives to see both the Israeli and Palestinian points of view simultaneously, creating the only kind of psychological environment in which mutual respect and lasting peace can arise. □

A Warsaw Mystic in Newton

The Kabbalistic Thought of Arthur Green

Lawrence Fine

In the last fifteen years or so, we've witnessed an explosion of interest in Jewish mysticism at the popular level, reflected in a spate of books about this subject. Kabbalah and neo-Hasidism have become virtually mainstream in many quarters of American Judaism, along with a profound interest in Eastern meditation. The latter, once a phenomenon on the fringes, is quickly making its way into "normative" Jewish circles, with implications yet to be fully understood. While the quantity of popular writing about Jewish mysticism has been very great, the quality, alas, has been very mixed. Numerous books have been written that purport to represent Jewish mystical traditions and to illuminate their meaning for our day. Some of these are excellent (I'm thinking, for example, of Lawrence Kushner's important and influential corpus of writing), but far too many leave an awful lot to be desired. Often written by folks who have little depth of learning or understanding of these traditions, Kabbalah and Hasidism are frequently misrepresented, bowdlerized, and trivialized beyond recognition. And this is not to mention those who would reduce Kabbalah to a glossy, commercialized product, trading primarily in magic and superstition.

In light of all this, it seems to me to be extraordinarily important that we have interpreters of Kabbalah who bring to it intimate knowledge of the original sources, sophisticated historical perspective, and true depth of mystical insight. In Arthur Green, one of the world's foremost scholars of Jewish mysticism as well as a respected theologian, this combination of talents come together in a beautifully wrought and unsurpassed way.

From its origins in ancient Israel, Jewish religious thought has been characterized by a taut, dialectical tension in which God is simultaneously conceived and experienced as both transcendent and immanent, "far" and "near." Perhaps the most striking example of this is found in the narratives describing Moses' encounter with God at Sinai. We learn that "YHWH would speak to Moses face to

face, as a man speaks to his neighbor" (Exod. 33: 11), only to hear God caution Moses a few verses later that "You cannot see my face, for no human can see me and live!" (Exod. 33:20). The God of Israel is above and beyond nature—which He alone created—yet His awesome presence is plainly palpable in the thunder and lightning that accompanies divine revelation, and in the cloud of glory that accompanies Israel on its journeys.

In the Middle Ages, this religious paradox finds its most profound expression in the kabbalistic tradition. As *Ein Sof* (the "Infinite"), God is utterly nameless, beyond all human imagining and comprehension; yet, mysteriously, out of the deepest wellsprings of *Ein Sof* there emerge ten *sefirot*, the many "faces" or "names" of God, visible in every facet of reality, in nature, upon the human visage, and in Torah. In the emanationist language of medieval Neoplatonism, the One (the "Infinite") gives birth to the Many (the "*sefirot*"), with the two inextricably bound to one another in an ongoing dialectic of ascent and descent.

It is this paradox of divinity near and far—particularly in its mystical articulation—that lies at the heart of Arthur Green's spiritual quest and religious approach. In religious writing that goes back to the 1970s, Green has struggled with the question of how we humans apprehend the divine. What is the relationship between the Infinite source of all existence and the world in which we live? What is the connection between the holiness that we encounter in and through this world, on the one hand, and the God who is beyond all naming, on the other? Such questions reveal Green's conviction that the point of departure for religious life is not to be found in theological abstractions, but in the ground of human experience.

In *Seek My Face, Speak My Name: A Contemporary Jewish Theology*, originally published by Jason Aronson in 1992 (republished by Jewish Lights in 2003 under the title *Seek My Face*), we have Arthur Green's most expansive discussion of Jewish theology. Here he asserts that "theology is ... an attempt to articulate that intangible we call 'religious experience' ... Religious experience is the starting-place of all theology, the most basic datum with which the theologian has to work." Clearly echoing his most influential teacher, Abraham Joshua Heschel, with whom he studied at the Jewish Theological Seminary in the late 1960s, Green

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tells us that "Religion begins not with doctrine, not with tradition, but with the need to pray. Theology comes only later, the mind's reflection on what the heart already knows."

With his insistence on the priority of personal experience and human intuition, Green stands in the tradition of a long line of Jewish thinkers for whom religious life has everything to do with *heartfelt* devotion and the power of the *inner* life. This tradition includes those teachers who encouraged practitioners to fulfill their formal religious obligations (*kevah*) with sincerity of heart (*kavanah*); the medieval Hebrew poets who spoke with such passion of the *love* of God; Bahya ibn Pakuda, whose *Duties of the Heart* places a premium on religious devotion grounded in interiority of feeling; and, most importantly for Green, the Hasidic masters of Eastern Europe and certain of their "neo-Hasidic" successors, for whom emotion and personal inspiration were critical. Indeed, Green made explicit his spiritual lineage for the first time in print in an important essay of 1994 called "New Directions in Jewish Theology in America" (David W. Belin Lecture in American Jewish Affairs, Frankl Center for Judaic Studies, University of Michigan):

I see myself as a theologian in the tradition of an East European school of Jewish mystical theology, itself the heir of the kabbalistic and Hasidic traditions. The chief figures in this school ... in the twentieth century were Judah Loeb Alter of Ger, author of the *Sefat Emet*; Abraham Isaac Kook, chief rabbi of Palestine during the British mandate; Hillel Zeitlin, teacher and martyr of the Warsaw Ghetto; and my own teacher, Abraham Joshua Heschel.... This school is defined by a sense that the starting point of theological reflection is the cultivation of inwardness and the opening of the soul to God's presence throughout the world. The members of this group may all be characterized as experientialist mystics. Each of them celebrates inward religious experience, his own as well as that provided by literary or historic example ... I want to make it clear that I see theology as a significant undertaking only in a devotionalist context, i.e., a context where prayer (in the broadest sense), a cultivation of interiority, and awareness of divine presence in all of life are given primacy.

Green believes, however, that emotion and intuition are not sufficient, and that religious life also requires intellectual honesty and clarity of thought. In his recent book, *EHYEH, A Kabbalah for Tomorrow* (Jewish Lights, 2003), Green expects his readers "to stretch to new ways of thinking, an exercise that involves both heart and mind and, indeed, one that seeks to heal the breach between them that is so much a part of our intellectual life." Here he appears to resist an approach to Judaism that is *all* feeling, that lends itself to intellectual glibness. In addition to his Eastern European heritage, Green is, of course, a thoroughly contemporary American figure. The particular form of self-awareness that characterizes his thinking, his humanistic



and universalistic convictions, his need for individual freedom and choice, his concern for and celebration of the natural world, and his awareness that Judaism is only one among many traditions to contribute to the evolution of spiritual consciousness, suggest ways in which he is a product of late twentieth-century American culture.

If experience is the starting point for religious understanding and the spiritual quest, what kind of experience does Green have in mind, and where is its locus? It begins for him not in the stratosphere of ecstatic or mystical experience, but in the world of ordinary existence:

In the midst of life—perhaps in a great moment of confrontation with birth or death, in seeing great beauties of nature, in love and sharing with another, or in profound aloneness—but sometimes without any provocation at all—a moment of holy and awesome presence comes upon us. It may come as a deep inner stillness, quieting all the sound that usually fills our inner chambers, or as a rush and excitement that fills us to overflowing.... For some it may be evoked by music, or by awe before a great work of art. For others—far too few—it is evoked in a place of worship. We open our eyes, as it were, after such a moment, and that which we see or hear or know may be just a bit more intense and more "real" than it was before. Life has become more animated; it seems that an extra measure of energy has flowed into the scene before us. The world is the same world, but we see it with renewed vision. The vision moves us to pray: "Blessed are You, Y-H-W-H our God, eternal

hidden ruler, who opens the eyes of the blind." Thanks to the One who opened our eyes once again, who has allowed us to *see*.

In his later book, *EHYEH*, Green speaks in an even more personal voice. Tying the experience of God's nearness to one's awareness of the present moment, he writes that "living in the present moment means paying attention to *all* that is happening right here and now. The sunlight streaming in the window as I write these words, the clicking of keys on my computer keyboard, the quiet rhythms of my own breathing—to notice all of these is also to notice God, the One that lies behind the many masks of sensation that pass before us in any moment."

In all this we encounter one of the two pivotal foundations of Arthur Green's religious approach, a mystical *immanentism*, according to which the divine is to be found in the here and now, in the realm of material existence and everyday life. This by itself, of course, is no innovation, but a contemporary recasting of a mysticism of immanence that Green's aforementioned kabbalistic and Hasidic forbears taught. According to Hasidic teaching, we only need to truly open our eyes and become *aware* of the endless ways in which the sparks of divine light are concealed in every dimension of being. This concealment is ontological, that is, it is in the nature of things, the way in which the divine locates itself in our world, but it is also a matter of subjectivity in the sense that we have the capacity to see what is otherwise hidden. One also cannot help but hear Heschel's voice in Green's use of the language of wonder, awe, and grandeur in articulating his own sense of divine nearness, as when he writes in *Seek My Face* that "Such moments tell us that the natural world itself may be a source of endless wonderment, unfathomable beauty, inexplicable but overwhelming joy ... our hearts fill with love for the world around us and with awe before its grandeur. Nothing spectacular needs to happen in order for us to be overwhelmed by the sense of an ineffable presence that fills the universe and binds us to it. We have only to be present, to be open to the miraculous bounty of life that ever surrounds us."

In *Seek My Face*, Green speaks of the above as "the lower unity, the outer gate, the one *within* the many" in which "we encounter God's oneness *in* and *through* the world, not despite it." In this dimension of awareness and experience, "existence is celebrated in variety, in specificity, rather than in vast sameness." But this intimate awareness stands in dialectical relationship to "the higher unity, the inner gate of oneness." Green takes as his example the central Jewish prayer, the Sh'ma, which praises the Oneness of God. For Green, the lesson is that "God after creation and God before creation are one and the same.... Infinity goes on as though our world, with all its variety and beauty, with all its suffering and crises, makes not the slightest bit of difference. The garbing of divine energy in the countless forms of existence is naught when seen from the point of view of

infinity. There, only the One is real. All else, all variation, all distinction, all separation, are but illusion."

For Green, the awareness of these two dimensions of reality and experience is ultimately a single insight, one upon which all true and meaningful spiritual life depends. In language that could not be more forthright Green teaches that "Life is about these two truths. We realize that all around us, all we do, even our own lives themselves, are emptiness and vanity, that everything but the ultimate One is mere illusion. At the same time, we know that each moment in our lives and every person and object we encounter exists through the One, as a bearer of its presence.... Our religious task is to see through to the oneness of these two truths, to recognize that the one beyond and the one within are the same One." This, in a nutshell, is the metaphysical and psychological/spiritual ground upon which Green stands. Everything else in his thinking flows from this perspective, everything else is commentary: "We are then charged to create a human community that lives and witnesses an ongoing response to that insight. This is what it means to be a Jew. Nothing less" (*Seek My Face*).

In *Seek My Face*, Green's theology is grounded in kabbalistic and Hasidic conceptions, but for the most part these remain beneath the surface. In *EHYEH*, however, Green has decided to speak explicitly in the language of Kabbalah and Hasidism. In this somewhat more "popular" project he reveals himself to be *both* a kabbalist and a hasid. Much of classical Hasidism relegated the metaphysical complexities of earlier Kabbalah to the background in favor of a much simpler, personal approach. As Green himself has pointed out in his scholarly writings, Hasidic teachers were more interested in the personal and psychological dimensions of the *sefirot*, for example, than they were in relating to them as cosmic principles.

Green is interested in the *sefirot* as symbols signifying dimensions of (divine) being and consciousness as well as aspects of human *being* and consciousness. In his refusal to reduce Jewish mysticism merely to personal spiritual and moral traits, he betrays the degree to which he is himself a mystic, deeply aware of the ways in which these two realms are ultimately indistinguishable. If each human being is a microcosm of the divine, and filled with divine "abundance" (*shefa*), then ultimately one cannot draw absolute distinctions between God as being, and being human. His "guided meditation" on the upper *sefirot*, *Hokhmah* and *Binah*, is good evidence of this. Green begins with the theological, describing *Hokhmah* metaphysically as "the inner mind of God" and *Binah* as the palace in which the pure thought of *Hokhmah* is refracted and reflected, before encouraging his readers to cultivate these qualities experientially through meditation.

Still, it is true that when it comes to the seven lower *sefirot*, more easily understood in terms of the cultivation of

spiritual and moral traits, Green is more the Hasidic master, eager to convey the way in which these apply to our personal lives. Thus, *Hesed* and *Gevurah* may be, respectively, the cosmic principles of God's absolute compassion, balanced by restraint and limits, but we experience these *sefirot* more directly in personal terms: "*Hesed* in the soul is our love of God and all of God's creatures, our ability to continue this divine flow, passing on to others the gift of love," while "*Gevurah* represents our awe before the majesty and magnificence of the cosmos, the smallness we feel as we open ourselves to the totality of Being." Perhaps more than any other writer on this subject, Green manages to bring the *sefirot* to life by suggesting in deep and often subtle ways how the structure of the *sefirot* as divinity correspond to the structure of the human personality, and inform the dialectical tensions which characterize our psychological, spiritual and moral lives.

So, too, in his exploration of the kabbalistic categories of the "four worlds" (*olamot*), as well as God's names (*shemot*), Green finds valuable and meaningful ways of taking the traditional language of kabbalistic theology and interpreting it in terms of human experience and inner growth. Here Green is unafraid to preserve the integrity of Jewish language, which other liberal theologians often find theologically or "politically" incorrect. For example, in speaking of the lowest of the "four worlds," the world of *asiyah* (making) as pertaining to the aspect of God whom we *fear*, Green writes that while this language "may seem distant in our age ... to begin the spiritual journey with *yir'ah* (fear) and divine kingship is to acknowledge a power beyond the self. Submission plays a vital role in the growth of spiritual awareness. As long as we are dominated by the ego's endless cycles of pride and insecurity, we will not achieve inner peace." Similarly, he writes of the world of *yetsirah* (formation) as expressing the experience of God as Parent, a traditional trope that many innovating Jewish theologians find archaic at best, and infantilizing at worst. But for Green, "the God of *yetsirah* knows and loves us fully, the way only a parent can love a child. This is a God who accepts us as we are, with all of our shortcomings. However, the God of *yetsirah* is also a parent who cares enough to make demands on us."

In a time of unparalleled Jewish experimentation and innovation by way of ritual, liturgy, and theology, we sometimes find language that is virtually shorn of distinctively Jewish qualities. Green's writing is characterized by a self-conscious struggle to preserve traditional language as far as possible, while reclaiming it on his own terms, that is, in

terms of a thoroughly contemporary mystical theology. In doing so, Green is not concerned with the literal "truth claims" of tradition so much as he is attracted to the "richness of its language." For Green, taking traditional Jewish language seriously is a postmodern gesture, a freely chosen act of *naming*: "We recognize that our religious language is not the only one in which the reality we encounter could be captured or celebrated. We choose, in response to that very real encounter, to invoke the name of God. But we also remain aware that it is we—as contemporary seekers—who perform the act of choosing and naming."



Arthur Green's act of choosing to invoke the name of God is evident as well in his approach to the revelation at Sinai and the meaning of Torah. Perhaps nothing represents more of a divide in contemporary Jewish religious life than contested views about the nature of divine revelation and whether we are *obligated* as Jews to live according to the *mitzvot*, the commandments that regulated traditional Jewish life. On one side stands Orthodoxy, in its various manifestations, and Conserva-

tive Judaism, which, at least in theory, subscribes to the (more or less) complete observance of the *mitzvot*. On the other stands the Reform and Reconstructionist movements, whose essential attitude may be captured, broadly speaking, in the Reconstructionist mantra that "Tradition has a vote not a veto."

We know, of course, that historically the Kabbalists were wedded to traditional Jewish practice, even as they added to it by way of innovation. Indeed, the practice of the *mitzvot* was absolutely central to the kabbalistic understanding of religious life, the commandments being themselves a vast structure by which to ascend to the realm of divine being and unify a ruptured cosmos. Here, too, as just about everywhere else, Green walks a tightrope. In *Seek My Face*, he writes that personally "I have come to recognize the need for *submission* to God as a part of religious devotion," and that "religious awareness only becomes constant in life through the regularity of religious discipline." And yet, he is wary of a religious practice that is too tightly wound around a commitment to strict Jewish law or *Halakha*, fearing that for some it can lead to obsessive or compulsive behavior, that it may come at the expense of "true joy and exultation," and perhaps most importantly, that it can become an end in itself, rather than a means to a life lived as far as possible in the moment to moment presence of God. While Green himself "chooses to stay at home" by way of religious practice (although not in an Orthodox way by any stretch of the imagination), he tells us that he has "seen too much

of the dark and dangerous side of religion to dare prescribe submission for anyone but myself."

In *EHYEH* he sums up his current thinking about these questions in one of the items on his personal list of *banhagot* (acts of piety), practices that ought to characterize "a simple serious Judaism for today." He encourages his readers to "live the rhythm of the sacred calendar—Shabbat, holidays, seasons—as rich with traditional forms or as simply as your spirit desires. Remember that it is you who has to fill those forms with God's presence. It is the joy of your spirit that brings them to life!" Thus, while Green holds on to the ancient rabbinic dialectic of *kevah* and *kavanah*, outward form and inner heart, in the spiritual guidance he offers those seekers to whom his book is addressed, he focuses primarily on the value of devotion of the heart. In this regard he departs from his spiritual forbears described earlier. While they too were infused with the spirit of personal devotion, they were each committed to the *mitzvot* in a highly traditional manner. What happens to kabbalistic and Hasidic traditions—with their tendencies towards religious enthusiasm, when they are more or less severed from the ground of *halakhic* practice?

If Green does not insist on necessarily expressing one's spiritual life through the traditional forms of Jewish practice, but "as simply as your spirit desires," what other kinds of concrete, practical teaching are recommended in *EHYEH*? Among his recommendations is to find your own personal *mitzvah*, a practice that belongs to the particular root of one's soul, "the place where you will shine a great light that is unique to who you are." Additionally, he offers fourteen guidelines for behavior. These, however, are more attitudinal—reflecting his general teaching of living with holy awareness—than they are highly specific. None of them have any particularly kabbalistic feature to them. One exception to this may be found in his discussion of prayer. Here Green does, indeed, apply his understanding of the *sefirot* to aspects of Jewish liturgy in a more technical kabbalistic manner. Generally speaking, though, while he *does* apply his spiritual notions to various questions such as interpersonal relations, the idea of community, the environment, the problem of evil, the nature of this application tends to be rather broadly expressed.

The kind of mystical approach described here is not everyone's cup of religious tea. Some Jewish feminists may look for greater attention to questions having to do with the challenges still faced by women in contemporary Judaism. Those who want their theology to emphasize above all social and political activism may feel that Green doesn't pursue these matters with enough vigor, although his serious treatment of environmental issues is certainly an exception. Others may argue that Green gives short shrift to questions of the Holocaust and Israel. And theological rationalists by nature have a hard time warming up to talk of religious feeling and mystical "oneness." But none of this should be too

surprising or dismaying. Judaism is a multi-textured culture, and people have different interests and sensibilities.

In a fascinating scholarly article, "Three Warsaw Mystics" (*Jerusalem Studies in Jewish Thought*, vol. XIII, Jerusalem, 1996) Green studies at length the most important members of the spiritual lineage with which he himself identifies: Judah Leib Alter of Ger, Hillel Zeitlin, and Abraham Joshua Heschel. (While not a Warsaw mystic, Nahman of Bratslav is another crucial figure for Green.) Noting that Jewish religious thought in the nineteenth and twentieth centuries is identified almost entirely with *Western* thinking, dominated particularly by German Idealism, Green seeks to uncover a secret, namely, the importance of an Eastern European mystical tradition that goes back to Hasidism and that has contributed not only to a form of popular piety, but also to Jewish religious thought at the deepest levels.

In some final remarks comparing these Warsaw mystics, Green suggests that they are all individuals who, although living in a post-kabbalistic universe, "are nourished by the writings of the Kabbalah, especially by the Zohar." Moreover, they "each have an attraction to the teachings of the earlier Hasidic masters," and "all are observant Jews, affirming of the normative tradition, but all three see their real interest to be in the spiritual aspect of Judaism rather than in the halakhah itself." Each of them worked "to maintain their faithfulness to the most personalist and transcendent language of their Biblical heritage, while seeking to share and teach the ready access to God within the natural world and within the soul that they knew from their own lives." Beyond this, each of them had a powerful sense of *ahavat Yisrael*, love for the Jewish people, seeking through both the written and spoken word "to influence large numbers of Jews." As Green says, even though it has been gone for more than half a century, Jewish Warsaw has left us a rich legacy "contained in the writings of these men and others, and continuing to shape the lives of seeking Jews who live far from that city on the Vistula, once the home of so much Jewish life and spirit."

Without saying as much, of course, with these words he has captured his own life thus far as a student of Judaism, as a teacher, as a seeker. Green's career has expressed itself in ways that are many: Arthur Green, one of the "counter-culture" founders of Havurat Shalom in the late 1960s; Rabbi Arthur Green, the former president of the Reconstructionist Rabbinical College, and now dean of the new rabbinical school of Boston Hebrew College; Professor Arthur Green, at the University of Pennsylvania and in recent years at Brandeis, and author of numerous scholarly books and articles; Arthur Green the theologian; and Art Green, well-known to so many in the Jewish community as he crisscrosses the country and the world to teach and lecture. Yet, in all these various guises it's possible to discern one face, that of a Warsaw mystic in Newton whose life continues to be animated by a quest for the presence of God. □

HUMAN RIGHTS, INTERNATIONAL LAW, AND PEACE IN THE MIDDLE EAST

(continued from page 27)

United Nations and affiliated international organizations as to matters of law that it decides. As a result, the opinion defines the rights and obligations of member states to the United Nations and entities with observer status [such as the PLO]. Thus, failure to adhere to the Advisory Opinion decision on any matter of law decided can result in appropriate action in the General Assembly."

Failure by a United Nations member or entity with observer status to adhere to the advisory opinion on any matter of law could specifically give rise to a suspension by the General Assembly of its voting rights or cause the entity with observer status, such as the PLO, to lose that status. Such an example is when South Africa was in violation of an advisory opinion of the World Court and lost its voting rights.

One ruling of the International Court of Justice is particularly applicable to the Israel/Palestine impasse. On March 9, 1988, the Court was asked by the General Assembly (via Resolution 42/229B) to offer an advisory opinion on whether the United Nations Headquarters Agreement preempted the United States Anti-Terrorist Act of 1987, which came into force on March 21, 1988. Using the Anti-Terrorist Act, the United States attempted to shut down the PLO Mission to the United Nations in New York City, claiming that the PLO constituted "a terrorist organization and a threat to the interests of the United States, its allies and to international law and should not benefit from operating in the United States." The Court was asked to adjudicate between the laws of the United States, which as the host of the United Nations claimed the right to protect its land and people and implement its national laws, and the United Nations itself, as an international body. In its opinion, the Court found that the United States was obliged to enter into arbitration with the United Nations.

Of particular interest was a related ruling on whether the Court could also suggest "provisional measures," that is, remedies to address the matters of law submitted to it. The court noted that the General Assembly Resolution requesting the advisory opinion did not "constitute a formal request for the indication of provisional measures." However, the Court, in observing that "it is not appropriate in the circumstances of the case, for the Court to consider whether or not provisional measures may be indicated in a request for an advisory opinion," went on to adopt provisional measures as it deemed appropriate based on General



Assembly resolution 42/229A "by which it 'Calls upon the host country to abide by its treaty obligations under the Agreement and to provide assurances that no action will be taken that would infringe on the current arrangements for the official functions of the Permanent Observer Mission of the Palestine Liberation Organization to the United Nations of New York.'" (Applicability of the Obligation to Arbitrate Under Section 21 of the United Nations Headquarters Agreement of 26 June 1947, 1988 I.C.J. 3, Request for an Advisory Opinion, March 9). Implicit in this ruling is that the Court recognized the legitimacy of adopting provisional measures in an advisory opinion where appropriate.

If the UN did authorize the Court to suggest provisional measures, that would give the Court leeway to intervene in a significant way in the current situation. For example, one such provisional measure could be to instruct the General Assembly that the establishment of a peacekeeping force would be appropriate. In the past, the UN has tried to establish such a force but has been prevented from doing so by virtue of a continuing American veto of any such resolution. However, an opinion from the Court would be sufficient to override such a veto, under the provisions of Article 14, which provides that "the General Assembly may recommend measures for the peaceful adjustment of any situation, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations, including situations resulting from a violation of the provisions of the present Charter setting forth the Purposes and Principles of the United Nations." That is, if the Court had ruled that a peacekeeping force was necessary to counter a violation of UN Purposes or Principles, then a Security Council veto could not prevent such a recommendation from proceeding, if the Court's decision were backed up by a Uniting for Peace Resolution by the General Assembly, as a way of enforcing the opinion. While it would be possible to go directly to the General Assembly for a Uniting for Peace Resolution, without an advisory opinion such a resolution could not be definitive on matters of international law. With the advisory opinion in hand, the General Assembly would be in a much stronger position.

Indeed, the United States would be hard-pressed to object to this strategy. When, during the Korean war, the Soviet Union ceased its boycott of the Security Council and vetoed resolutions that would have continued United Nations support for the multinational force, the United States successfully obtained a "Uniting for Peace" resolution in the General Assembly to support the force, under Article

14 (UN General Assembly Resolution 377A, November 3, 1950). In this case, because the initial action had been authorized by the Security Council in the Soviet Union's absence, the subsequent Uniting for Peace Resolution had sufficient force in law. As the United States would continue to veto any peace keeping force in the Security Council, the advisory opinion would remedy the deficiency of a previous Security Council resolution, which, unlike General Assembly resolutions, have a quasi-legislative nature.

The advisory opinion procedure is actually engaged from countries around the world including the United States, through the authorized United Nations organs and specialized agencies, to clarify what is legal and what is not as it relates to international law. Such a motion for a resolution in the General Assembly would not call into question the right of Israel to exist within fixed borders. Neither would it compel a right of return that would undermine the Jewish character of Israel, since this could be settled realistically through negotiations. Instead, it would call on the Court to decide matters of law pertaining to the Middle East conflict of fundamental norms of international law binding on all members of the international community, including entities with observer status to the General Assembly, such as the PLO. Attempts by militant states to introduce a counter-resolution with such provisions could easily be defeated by a coalition of countries seeking a legitimate, legal solution. Obviously, this would require a sophisticated strategy in the drafting process to assure that there would be sufficient support for the more moderate resolution. As moderate Arab states have indicated that they are prepared not to press for the right of return, the possibility of a Syrian or Iranian supported resolution becomes highly unlikely.

Who would call for such an advisory opinion? One logical party would be the European Union, which has a stake in the quick settlement of the conflict. If the European Union acted affirmatively in support of such a resolution, it would overcome its image as an increasingly anti-Semitic continent. The E.U. poll that found Israel to be the greatest threat to world peace would be discredited by a shifting of the conflict to the most important, non-partisan international legal tribunal. Certainly, the United States would oppose a General Assembly resolution calling for the advisory opinion, but this would give Europe a chance to act affirmatively in support of such a resolution defining the Geneva Accord as the basis of a solution to the seemingly endless crisis. Israel is a tiny country. That Europeans consider it the greatest threat to world peace borders on farce. The challenge for Europe is to act constructively, not to point and criticize while doing nothing. By leading the General Assembly in adopting the resolution calling for an advisory opinion based on the Geneva Accord, it can give legitimacy to its goal of being a world leader independent from American imperial ambitions, without making Israel a scapegoat.

The ghost that haunts Europe is no longer Communism. It is the ghost of anti-Semitism, as Jean-Paul Sartre understood. In his final interviews with Benny Levy, who turned from Marxism to Messianic Judaism (collected in the 1996 book, *Hope Now*), Sartre insisted that the basis for all politics must be an enlightened ethics that define the relationship between individuals. So it must be between Israelis and Palestinians. The great Jewish tradition is the rule of law based on ethics. The reality of a Jewish experience in a hostile world can be translated into a vision of hope based on the rule of law, a model for the settlement of international disputes which are bound to occur in the future.

Armed with an International Court of Justice advisory opinion, the General Assembly could once and for all move to make its opinions binding on the parties involved, thus bypassing the Security Council that is perpetually blocked by the veto of the United States, which it invokes in pursuance of its own agenda unrelated to the needs of the rest of the world. To quote Sam Bahour, "the clear and unequivocal end to Israeli occupation, in all its forms, has the power to bring justice, security and stability to a region on the verge of self-destruction."

V. Conclusion

The United States' willingness to trample UN interests in Iraq, and its disregard for UN rulings about steel, may make it seem implausible that it would listen to a Geneva Accord or a Uniting for Peace resolution of the UN. With the Bush administration's reliance on military might and with Israel holding the atomic bomb, changing Israeli policy represents a substantial policy challenge. However, an International Court strategy could galvanize the Israeli peace movement by giving the authority of international law to the Geneva Accord without undermining its momentum as a grass roots movement.

The very detailed Geneva Accord, based primarily on UN Resolutions 242 and 338, would be strengthened considerably by an advisory opinion, since both Resolutions have been interpreted by both sides to differing conclusions. Once the World Court has said what the law actually is, in the spirit of *Marbury vs. Madison*, there may be a lessening of fear by many Israelis, who lost faith in the United Nations when the General Assembly infamously equated Zionism with racism. Since many leaders of the Israeli peace movement are Zionists and look to a two-state solution, the eradication of this fear is essential in restoring trust in the United Nations. The memory of Arab opposition to Jewish refugees coming to Palestine lingers as a serious obstacle to negotiations between the parties. Once the World Court, in an advisory opinion, declares the two-state solution to be a matter of international law, serious negotiations based on the Geneva Accord will be possible, lifting the fear of a terrible past from the consciousness of Israel, while permitting the Arab world an honorable basis for the rejection of that past. □

Canon Fodder

Sidra DeKoven Ezrahi

- *The Cambridge Companion to Jewish American Literature*, edited by Hana Wirth-Nesher and Michael Kramer. Cambridge University Press, 2003.
- *Producing the Modern Hebrew Canon: Nation Building and Minority Discourse*, by Hannan Hever. New York University Press, 2002.

The two books under review have been brought together in an attempt to construct a dialogue that should have taken place, but didn't. In imagining that dialogue, or in diagnosing the mutual deafness or autism that pre-empted it, we can identify a major loss in contemporary Jewish letters. True, the disconnect is largely due to the fact that the Jews of America, like the Jews of Israel, have become so naturalized in their respective national cultures that the sense of a common Jewish civilization and a (sometimes bitterly-contested but consequential) cultural agenda has been either relinquished altogether or relegated to the rituals of religious or political solidarity. Still, it is hard to believe that just one hundred years after H.N. Bialik's poetic response to the Kishinev pogrom generated a global Jewish reaction, we have little left but a dialogue of the deaf. On the overleaf of the *Cambridge Companion to Jewish American Literature*, the series editors note the "important roles" that Jews have played in the



"development of American literature." The trajectory of Hannan Hever's monograph, *Producing the Modern Hebrew Canon*, moves from Eastern Europe to Israel, with a stress on local cadences and local lacunae—though his theoretical framework belongs more to the western European/American axis. Let me, then, as they do, consider each of them as separate universes—while noting the absent synapses.

Whether the *Cambridge Companion*, a volume of essays by fourteen literary scholars, is meant to represent an inquiry into one particular ethnic strand within the larger weave of American culture, or an exploration of one chapter in the history of Jewish lit-

erature written in what Rashi might have called the American "*lo'azit*" [vernacular], is, in fact, never explicitly stated. It does emerge, however, from the essays themselves, that this very difference in emphasis is at the heart of the cultural debates that have engaged Jews since they became articulate in America around the time of the Revolutionary War. If, as Hana Wirth-Nesher and Michael Kramer, the editors of this volume, claim, we cannot conceive of areas of achievement in America without Jews ("landmarks of modern and contemporary American culture are products of Jewish American experience"), is that a tribute to Jewish talent and imagination? Or to the fertile ground that America provided for its ethnic communities to realize their potential as both discrete cultures and springboards for individual self-fulfillment? While

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BOOK REVIEW

the subject of each essay in this volume dictates its own focus, it is never really clear whether the mandate of the entire project was to examine ways in which Jews have contributed to a polyphonic *American* literature or the ways in which America has contributed to a polyphonic *Jewish* literature. Okay, you might well ask; but does it, after all, make a difference?

If we view this volume as companion to the anthology edited a few years ago by Wirth-Nesher, entitled *What is Jewish Literature?*—or as companion to its putative Hebrew-speaking interlocutor—it does make a difference. As such, it is significant that *difference itself* is invoked as the definitive parameter in *The Cambridge Companion: Jews “flourished differently” in America than elsewhere, and different generations and ethnic subgroups in America created different “usable pasts” and literary traditions. Over the generations, Jewish American English is seen to have evolved out of many vernaculars, inflections, and multilingual layers as well as the epiphenomena of American Hebrew and Yiddish (Wirth-Nesher, Alan Mintz, David Roskies). To underscore the plurality and dynamism of approaches, periods, themes, languages, genders, genres, and cultural levels, the editors have titled their introductory essay, “Jewish American Literatures in the Making.” Candidacy for membership in the American branch of the Club seems to be as flexible as it can possibly be, limited to no exclusivist definitions, uniform thematic burdens, or linguistic discipline. And this may prove to be Jewish America’s most lasting contribution to the Jewish conversation, as it is America’s most valuable contribution to world culture: a lowering of the gate-keepers’ bar on ethnic, religious, and linguistic communities of practice.*

This respect for open-mindedness and open-endedness, this porosity at the borders, is, then, one of the most refreshing dimensions of the editorial voice in this volume. Sometimes, granted, it does invite a kind of eclecti-

cism in both organization and critical discourse. The volume is structured as a series of essays introduced by a *Chronology* of such (literary?) events as: “1492: Expulsion of Jews from Spain”; “1860: Jewish Population Rises to 150,000; Abraham Lincoln elected President”; “1931: The Marx Brothers star in S.J. Perelman’s, *Monkey Business*”; “1934: Baseball star Hank Greenberg decides not to play for Detroit Tigers on Yom Kippur”; “1950: *Your Show of Shows* premieres on NBC”; “1996: President Bill Clinton attends funeral of slain Israeli Prime Minister Yitzhak Rabin.” The year 1973 alone includes, among others, the following events: “Erica Jong, *Fear of Flying*”; “*The Jewish Catalogue: A Do it Yourself Kit*,” and “Henry Kissinger is first Jew to be appointed Secretary of State.”

But if that is the price to pay for the fascinating detours from the high road of American Jewish cultural criticism, it is well worth it. Not all the essays take such detours; there are the conventional thematic treatments of, for example, the Holocaust in American Jewish fiction (Emily Budick) or the (all male) Jewish American Renaissance (Ruth Wisse). Those that do, however—Alan Mintz’s exploration of Native American epics in Hebrew literature or Susan Gubar’s discussion of “Jewish American women writers and the race question”—know that they run the risk of diverting attention from the “mainstream” or generic definition of these writers as Hebrew writers, or as women writers; nevertheless, they succeed in illuminating a turn of the imagination rooted in American opportunity. Mintz argues that while they might otherwise appear as quirky, the adaptations of Native American epics can also be seen as “an elite experiment within the context of Jewish American cultural history”—and, with touching hyperbole, even claims for the Hebrew writers in the inter-war period, who were being displaced by the vibrancy of the Hebrew center in Palestine, a “resonant affinity between the high nobility and sad fortunes of the Indians and those of

the dwindling tribe of Hebrew writers on the American continent.” For Gubar, women, and especially lesbian writers, are the site of the most interesting “tensions and ironies implicit not only in their own but in the very concept of ‘hyphenated’ identities.” Her essay takes us to the most fundamental connection between internal and external identity; the place where, for example, Irena Klepfisz remembers for the sake of her fellow (African) Americans the words spoken to an eight-year-old Jewish child hiding with Polish Catholics during the war: “Never admit who you are!” In fact, many of these essays demonstrate that as Jews come to celebrate their “invisibility” in the landscape of American Otherness, it is the African Americans who become their primary foils—sometimes through silent dialogue and sometimes ventriloquized through Jewish throats or pens.

By defining the principles of difference and of changing norms and parameters as distinctly American yet somehow compatible with the Jewish temper, Wirth-Nesher and Kramer avoid the vituperative rhetoric that characterizes the culture wars of our time—but they do so, unfortunately, without acknowledging the degree to which these wars continue to polarize the Jewish academy and its satellite journals, pulpits, educational and cultural institutions. This is symptomatic of the autism I identified earlier. Even if the different parties to the debate are not talking to each other or reaching across the globe to communicate, canon debates on the qualities and boundaries of Jewish literature, the sad remains of a once-vibrant trans-continental “conversation,” have become as ideologically fraught as the debate over “Who is a Jew?”—particularly where citizenship in a “republic of letters” is not bounded by language or territory. Among the most egregious examples of this are Ruth Wisse’s essentialist presentations of the modern Jewish canon in her book by that name, in which, for example, Kafka remains *in* because, she claims, his German is employed

with self-conscious scorn as the default language of a displaced Jew, conveying “the permanently inhibiting effect of German on the Jew’s ability to be at home in it,” and Malamud is *out* because he “nudges” his fiction “toward Christianity.” That Malamud fares rather better in Wisse’s essay in the present volume, even if he does “identify the Jewish condition exclusively with suffering and guilt,” might actually be attributable to the open spirit that the editors imparted to their writers.

This “democratic” spirit could, then, have been offered as explicit alternative to the contentious rhetoric in which the battles of our time are being fought. Only by admitting these debates and privileging the active search for an alternative can the critic effect a disclosure of his/her own hidden agendas and unexamined biases, while formulating a higher objective for critical discourse in a newly formatted conversation. One of the most elastic models for such an enterprise is Robert Alter’s slim volume, *Canon and Creativity*, which tries to go beyond a rigid essentialism by focusing on the primary canonic text, the Bible, as both prototype and source for wide-ranging, heterogeneous acts of literary originality by modern writers as diverse as Bialik, Kafka, and Joyce. The national identity of each of these writers, like their “paternal” affiliations, are not incidental to the analysis, but neither are they confining. Alter’s main argument with Harold Bloom’s portrait of the successive generations that constitute a literary canon is “that it depends so heavily on a tense clash of wills between writers and their masterful predecessors, assuming the model of Oedipal conflict to which [Bloom] has long been committed.” Alter offers us as alternative both “a strong sense of continuity” and “the exuberant playfulness of art.”



The anachronism of exclusivist claims and agonistic models of canon formation are indirectly acknowledged by a number of the contributors to the *Cambridge Companion to Jewish American Literature*, who are at times uncomfortable even with their own taxonomies, given the fluid, constructed, and disputed nature of contemporary understandings of identity in general and of Jewish identity in particular. Tresa Grauer puts it endearingly when she reframes questions of identity as questions of “how ... we represent ourselves.”

No less refreshing than the exploration of “Jewish,” “American” and even “women writers” as permeable categories, are the essays that look critically at the sociological language by which the process of acculturation or “Americanization” has been described by generations of scholars, writers, and politicians (Priscilla Wald), or at the evolution of a generation of left-wing writers and thinkers who were, essentially, “left out” of the Cold War intellectual discourse (Alan Wald). And yet, certain well-worn themes like the “price of assimilation” bubble to the surface as tendentious conclusions to several of these essays: the bottom line for Priscilla Wald is that resolution in life and in letters is not in the rupture with the past but in some kind of “return and reconciliation.” Wisse sees in Philip Roth’s *The Human Stain* a kind of existential apotheosis; Coleman Silk becomes in this reading a stand-in for the Jew who tries to pass in America—and “no American novel has ever exacted such a high price from its protagonist for betraying his origins.”

With exceptions like the above, it is a healthy discontent with the very terms of critical reference and well-worn truisms and self-congratulatory definitions of “identity” that informs the most lively of these essays, as well

as the editorial overvoice (and this is a well-edited volume with a flow of cross-references among chapters, suggesting an ongoing internal discussion rather than discrete products of individual research). But if the first two terms that make up the title of this volume, *Jewish American Literature*, are probed, questioned, and only tentatively accepted as protean objects of inquiry, the third, equally elusive and slippery, is never granted the same attention: What, in this context, is “literature”? If on the very same page Sholem Aleichem’s Mottl addresses his presumed readers and Moses Seixas, warden of the Hebrew Congregation in Newport, Rhode Island, addresses George Washington, even if the subject (freedom from bigotry and persecution) is common, aren’t we missing an opportunity to try to define the vagaries of something we might call the *Jewish imagination* or a *poetics of Jewish experience*?

The primary literary question I would pose to this group of scholars would be generic: Can we say that America in its various centuries was or was not fertile soil for the development of a Jewish *poetic* imagination—like, say, Andalusia in the twelfth century—or for the development of a prosaic, *novelistic* imagination—like, say, Israel in the 1960s and ‘70s? Or perhaps for something we could loosely refer to as a “theatrical” or “performative” imagination? The essays by Michael Kramer, Tresa Grauer, Shira Wolosky, Meeira Schreiber, and Susannah Heschel point toward possible responses to that (unasked) question, in the different ways they invoke narrativity and a poetic or figural engagement with the material world. Kramer identifies two “narratives” of Jewish consciousness in America—the inherited exegetical narrative establishing continuity between earlier and belated texts and the more American narrative of rupture, discontinuity, and self-invention. Along similar lines, Grauer says we need the “mediation of narrative” to know who we are.

BOOK REVIEW

Meeira Schreiber's essay sets as its objective to probe possible bridges between ethnic and aesthetic orientations. Isolating problematic connections between "history," "metaphor," and the "feminine" in Jewish American poetry, Schreiber in effect begins and ends with Yiddish. She traces a poetic arc that stretches from the Yiddish modernists of the beginning of the century, whose homeland was Yiddish—and whose expulsion from that homeland took just one generation of amnesia to accomplish, but whose poetry was embalmed as a relic of marginality—to Irena Klepfisz, whose "deterritorialized" Yiddish words remain safe in her English verses as a poetic dreamscape.

Shira Wolosky's essay is concerned with the ways Jewish writers and thinkers such as Geoffrey Hartman, Harold Bloom, John Hollander and Sacvan Bercovitch—mainly originating from Yale and mainly focusing on poetry and poetics—have been engaged in reconciling contemporary literary theory and Jewish hermeneutics by what she calls "the figural power of language ... the way language, on many different levels, is made of figures (or tropes) that 'represent' in many different ways." America provides both "physical site and cultural place" for what these writers regard as the "Jewish core of their theories."

For Susannah Heschel, "imagining America" is an act embedded largely in theological discourse, in which Judaism and Christianity, America and Europe are the players in the great and changing epic of emancipation and redemption. Hana Wirth-Nesher's essay actually demonstrates how a particular American version of that Christian-Jewish encounter is narrativized in contemporary fiction, through an analysis of the bilingualism and biculturalism in Grace Paley's short story, "The Loudest Voice." Wirth-Nesher calls attention to the subtle religious heist that takes place when, in the Christmas pageant as acted by the Jewish children of immigrants in a New York public school, both the Crucifixion and the Resur-

rection are essentially denied, with the effect of (re)colonizing the Passion as a vaudevillian story of Jewish survival. Because America is the only country where Judaism can compete in the open marketplace of ideas and practices, it may also be the first place in two thousand years where a genuine exchange or even amalgamation can take place, and something we used to refer to as the Judeo-Christian tradition can flourish. Paley is one of the pioneers in casting this "tradition" as a comic narrative. And it is here that we may identify the most significant departure in Jewish letters that has taken place on the American continent.

Implicit in many of the essays in this volume, in fact, is a far-reaching theory of the American Jewish imagination as the theatre of Jewish comedy. If we recognize that particular forms of Jewish theology evolved in America consonant with—or reactive to—some of the deepest forces in both modern Christianity and the western democratic ethos, it is not surprising that peculiar turns of the literary imagination also belong to the coincidence of deep-seated Jewish impulses and the particular contextual forces prevailing in twentieth-century America. I would go so far as to suggest that American Jewish comedy (stand-up and sit-down) replicates, *mutatis mutandis*, the comedy and parody that Jews evolved in their earliest diasporic moments (see, for example, Erich Gruen's *Diaspora*, a study of parody in the time of the Graeco-Roman exile, of which *Megillat Esther* is the most lasting canonic expression). Like the Shekhinah, the comic muse followed the Jews into exile.

The essays of Ruth Wisse, Donald Weber, and David Roskies half recognize the salience, if not the radical value, of such a development. Though she does not explore it here, Wisse claims that Jewish writing in America from the 1930s onward is "largely a comic literature," representing the "comic incongruities of the Jewish

American condition." It is in popular culture, according to Weber, that the "longings"—as well as the "fears" and "dissent"—of a subculture are exposed. Weber traces the "genealogy" of the comic imagination as it was manifested in and largely shaped American popular culture from vaudeville through film and television—first as a defiance of genteel traditions and authority through the use of dialect and slapstick, and then as a nostalgic evocation of a vanished world of quaint ancestors and lost practices. Roskies, who has written elsewhere on the comic imagination of Sholem Aleichem and other Yiddish writers, prefers to focus here on more sober writers like Morris Rosenfeld, Sholem Asch, and modernist Yiddish poet Moyshe Leyb Halpern, whose irony and comic playfulness increase along with his sense of exile. Roskies' architecture of Yiddish delineates each of the components that "could function independently as a pole of longing or loathing." As desires incubated in the early decades of the twentieth century are supplanted by the growing postwar sense of alienation and grief, however, the "loathing outstrips the longing."

Here it is, enacted before our eyes: the tug of war between loathing and longing; at the turn of our new century I think we can still celebrate the triumph of longing. Let me suggest, then, that it is in the very realm of desire, in what I have called in my own recent work the comedy of "deferred messianism," that the deepest chords of the Jewish comic imagination are sounded. And Sholem Aleichem's Mottl, the perennial child, who appears, as we have seen, on the first page of this volume, can show us the way.

Although he does not receive a chapter of his own, Mottl's creator, who died and is buried in New York, appears in the editors' introductory remarks and throughout the volume as a kind of Rorschach of each generation's desire: Maurice Samuel's Sholem Aleichem is a "folk voice in an elegiac spirit" appearing at the very moment Jewish Europe was being annihilated

(1943); Isaac Rosenfeld's Sholem Aleichem is the voice of "alienation" and homelessness in the postwar world of New York Jewish intellectuals; *Fiddler on the Roof* claimed Tevye for his combination of tradition, liberalism, and individualism; Cynthia Ozick excoriated that claim, in the name of a certain version of historical accountability, as a "literary embarrassment"; and Ruth Wisse's Sholem Aleichem, heralded so brilliantly as creator of the shlemiel in her earlier work, appears in her later work as "proto-Zionist," providing in his stories "the first genuinely autonomous Jewish territory to appear in modern Jewish literature."

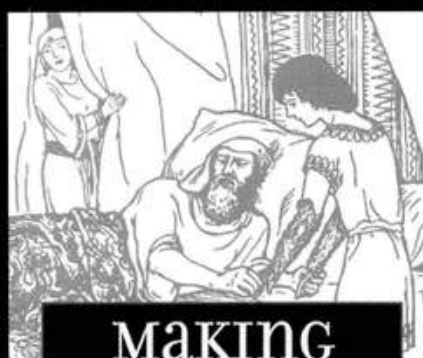
It was in such "territorial" claims of the Yiddish text that Wisse first taught us, decades ago, to find the comic, verbal resolution to the tension between "history" and the "imagination" or between the "material" and the "figural" world. Looking back on the American century, however, we can put the question somewhat differently: If Yiddish fiction was redemptive as the vessel of comedy that could survive in Europe only by rewriting historical reality, can we say that America is the place where Jewish comedy did not entail a rewrite of but a confirmation of history and the world? Sholem Aleichem's Mottl, the cantor's son, whose voice opens this anthology ("Try not to love such a country!"), is in fact the best place to start because his entire narrative is counter-historical—that is, *until he comes to America*. From the moment he lands with both feet on American soil, he fills all spaces—physical and linguistic—with the facts of American materialism.

One of the reasons why there is no greater emphasis on the evolution of the comic spirit could be that the editors of *Jewish American Literature* are aware of the temptations to write an apologetics of Judaism or of the Jews in any such volume, and are at pains to acknowledge that the story they are tracing is not simply a linear movement from "trouble to triumph, darkness to light, slavery to redemption." But there

are two other (dialectically-related) versions of such linear movement, and both are here only by implication: the comic-messianic, which I have been attempting to make visible in reading between the lines of these essays—and the Zionist. It is in that second, barely implied, narrative that we glimpse the shadowy presence of that other body of literature. Here by innuendo and default, through a language that echoes it, is the master narrative of a triumphalist history that unfolded in *that other place* during the years of the "Jewish American Renaissance."

Although mention is made repeatedly of the multilingual texture of American Jewish self-representations and of "transnational filiations that pervade Jewish American texts," as well as of the fact that Jews in America read Jewish authors from other countries, it is curious that, as I have been arguing, this volume itself is evidence that hardly any ongoing channels of exchange have

survived of the many trans-national and bi- or tri-lingual journals, newspapers, and public forums devoted to cultural affairs that flourished a century ago. Stories and poems written in the first half of the twentieth century by Sholem Aleichem, Ya'acov Glatstein, H.N. Bialik, S.Y. Agnon, David Fogel, U.N. Gnessin, would criss-cross the globe between New York, Kiev, Odessa, Warsaw, Vienna, Tel Aviv, in a matter of weeks—long before the advent of expedient vehicles of mass communication. Today's dwindling multilingualism and shrinking literacy in classical Jewish languages account for only part of this shift; as we have seen, naturalization and localization may account for the rest. Israel, the one other postwar community besides the United States where there is a critical mass of Jewish literature, exists in these essays as theme, or theme manqué (Grauer), but not as conversation partner for either the writers considered here or for the authors of these essays.



Making the Bible Modern

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Penny Schine Gold

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This lacuna is even more lamentable in view of the fact that five of the fourteen contributors to this volume, including the editors, are American Israelis, or “Anglo-Saxons” (as native English speakers residing in Israel are still referred to, like some quaint relic of a tribe still poised for the Norman conquest). That this biographical fact does not figure perspectively into any of the essays takes on relevance when we consider in what ways being an *expat* affects one’s view of the literature of one’s fatherland—and, even more to the point, the rich invitation this offers us to cast a comparative eye on the literature of Jews evolving in the Motherland and in the fatherland.

This unacknowledged subject position makes for troubling oversights. Take, for example, Michael Kramer’s essay “Beginnings and ends: the origins of Jewish American literary history,” in which a triumphalist Zionist narrative actually appears embedded in the innocent quote from Rashi which frames the discussion:

If the nations of the world would say to Israel, ‘you are thieves, since you have conquered the lands of the seven nations,’ they could say to them: ‘The entire earth belongs to the Holy One, Blessed be He. He created it and gave it to whom He saw fit. According to His will, he gave it to them, and according to His will, He took it from them and gave it to us.’ [Rashi on Gen. 1:1; p. 12]

Rashi’s commentary on the opening verse in *Genesis* is cited to establish both self-conscious narrativity as a Jewish approach to Creation and a continuous line of exegesis as the privileged narrative (the other one being, as we have seen, the narrative of rupture). But it is curious that the passage Kramer chooses to quote relates both “beginnings and ends” to the redemption of the Holy Land through conquest. Since the point of Kramer’s argument is the importance of a line of literary transmission, looking toward “the future by throwing the Jews back upon their covenantal origins and

keeping land, lineage, and law linked imaginatively together,” almost any other text would do. Making the Israeli (in this case, himself as writer, as well as any potential reader like myself) invisible is to camouflage both one’s own embeddedness in that other literature, with its more “consequential” narrative, and the relative power of proof-texts in different contexts.

Alan Mintz’s chapter on Hebrew in America opens the door for the dialogue I am imagining between the two volumes under consideration. Since “territory” and “language” are the two pillars of Jewish nationalism, in Mintz’s words, their eventual coagulation in the context of political Zionism marginalized or effaced those “deterritorialized” writers who were not partisans of a political, territorial solution to the Jewish problem. Unlike Yiddish, which was kept alive in America by nostalgic life-support systems after being killed by acculturation and by Hitler, Hebrew in America was killed *and buried* by the “brilliant success” it achieved as the language of Israel. And even if, as we have seen, this success freed Hebrew writers for a time to comb the physical and cultural landscape of America, including “autochthons” like the Native Americans, it was a short-lived linguistic anomaly. At least Mintz concedes here, as in his other work, the conversation and the tension between the two centers, or between the center and the periphery, though he doesn’t account here for its change or eventual disappearance over time.

Hannan Hever’s project, *Producing the Modern Hebrew Canon*, is based on different premises. Even though he focuses on the fate of Hebrew in the Diaspora in the first chapters of the book, he barely mentions the American diaspora. Granted, it was in the Polish diaspora that the most significant debates took place over the formation of a new Jewish subjectivity and center of Jewish culture and sovereignty in the period up to the founding of the State of Israel. But such

examples of omission or mutual “autism” are also a sad fact of the artistic and academic landscape in Israel and America today. True, a few Israeli writers are familiar to American readers through translation. Nevertheless, as I have already claimed, partly because the global Jewish conversation has focused on Israeli politics and on ritual or religious practice, the multi-centered conversation among Jews on issues of common cultural and literary interest has been splintered into a series of simultaneous and mutually-exclusive debates.

Unlike *The Cambridge Companion to Jewish American Literature*, Hever’s book speaks in one voice, and it is that of a critic dedicated to making audible the voices that had been repressed, by means of the various agencies of cultural production, in the process of creating a national Hebrew subject and a national Hebrew literature. This process encompasses a geographical and temporal range from Galicia in the early twentieth century to Palestine and Israel (both the Palestine that became Israel and the Palestine that Israel displaced) since 1948; it incorporates a changing roster of the excluded, from non-Zionist Hebrew writers in the western Diaspora through the “Canaanite” “nativists” in the forties and fifties to the more obvious Mizrahim, women and, of course, Palestinians.

What is most valuable about this book is that it is not just the repressed voices (including the repression of *living* voices by the thunderous voices of the dead in the Holocaust and in Israel’s wars), but the conflictual process through which some voices prevailed and others were silenced or marginalized that is foregrounded here—while the voice of the critic as a sensitive reader of texts as well as a passionate democrat remains fully exposed. Although to American ears weary of the culture wars this volume may seem to suffer at times from a surplus of terms such as “hegemony” and “cultural politics,” it should be recognized that Hever, professor of Hebrew literature at

the Hebrew University in Jerusalem, writes today in the face of a growing backlash against the open-mindedness and self-critical spirit that prevailed in the Israeli academy and Israeli culture in the nineties (the years of the Peace Process, *z'l*). I would venture to say, in fact, that this book is even more significant in view of recent developments: The explosion of the cauldron of unresolved conflict in the Holy Land in 2000 seems to have sent many scholars, as well as politicians, back to a more defensive, reactionary, and exclusivist position vis-à-vis fundamental issues of identity. I fear that even the chapters on Anton Shammas as the Palestinian Israeli writer writing in Hebrew and on Emil Habibi as the Israeli writer writing in Arabic (and translated into Hebrew by Shammas)—the first published before the first Intifada and the second before the current Intifada, and both heralding a major shift toward a more inclusive Hebrew imagination—may prove to have been but a blip on the screen. For Shammas as narrator and as author of *Arabesques*, and for his character Yehoshua Bar-On, based on the Israeli Jewish writer A.B. Yehoshua, Hebrew was the “‘language of grace,’ a language capable of reconciling and uniting them.” Shammas’s “arabesque appropriates Hebrew as the language of Israelis,” writes Hever; it “points the way to a utopian unification of the language of Arabs and Jews... a door to hope.”

Since those words were written, it is barely possible to get a toe in that door. There are, granted, a few Palestinian Israeli writers like Sa’id Kashua who continue to publish in Hebrew. But Anton Shammas himself, a Christian Palestinian who was born near Haifa, and whose “mother tongues” were Arabic and Hebrew, moved with his Israeli Jewish wife and their two children to Ann Arbor, Michigan, where they found asylum from the struggle for “utopian unification.” I think we can say, sorrowfully, that from our perspective in the middle of the third year of the Al Aqsa Intifada, Shammas’s

voice appears more as the swan song of a nearly-extinct species than as the “language of grace.” Hever himself and the group of critical thinkers to whom he belongs, are also, as I have indicated, an endangered species.

What remains refreshing in this study, even if it may prove to be not a harbinger of a cultural revolution but only a footnote in the history of modern Israel, is that it represents a by-no-means uncritical application of postcolonial theory: In fine-tuning the categories of Gilles Deleuze and Felix Guattari’s theory of minority literature in a majority language, for example—in making the distinction between Shammas’s project as a Kafka “deterritorialization” of Hebrew and his particular success in “reterritorializing” it as the language of Israel—Hever contributes to the analysis not only of Israeli literature but of other national literatures as well. Dare one still hope that the present madness, whose symptoms are exclusive tribal narratives of truth and territorial promises and apocalyptic visions of destiny, might yet abate, and such projects as this be resumed?

The touchstone for both these volumes is how a democratic society treats its outsiders, where the Jews are, respectively, the outsider and the insider—and the function of literary canon formation in reflecting and shaping that process. Whatever the future holds for our progeny, Kafka, along with Sholem Aleichem, emerges as the progenitor of what we now understand by Jewish literature. If Kafka was honorary citizen in Wisse’s canon because of his “outsiderness” in the German language, and in Alter’s canon because of his “wrenching” relation with Scriptures, which “demands that he make sense of his world through it,” in Hever’s canon he is model for the repressed Other, first and foremost the Palestinian, in Israeli

literature. That is, whereas for Wisse, Kafka is the representative of the Jew as minority living in a majority culture, and for Alter he is the representative of those modern writers who live vis-à-vis the Bible, for Hever, he becomes emblemized as the (still and always) minority voice in the culture in which his own people have become the majority.

One point of convergence between these two very different volumes on Jewish American and Hebrew literature is what I have identified as the realm of desire. As Hever explains the theory of Deleuze and

Guattari, whereas in “major literature the narrative continuum will peak when a plot is realized or destroyed by desire, in minor literary works, such as Franz Kafka’s *The Castle*, the consummation of desire is always deferred.” Although Kafka was adopted by the postwar reader, in Europe and America, as representative of the human absurd and the Jewish tragic imagination, his stories, especially *Amerika*, point toward comedy, the comedy of deferred desire that was licensed by Sholem Aleichem and realized in *America*.

From the days of Thomas Paine, America has often faltered but never repudiated its vision of what in our time has come to be called “multiculturalism”; Israel, on the other hand, which could have been one of the most vibrant multicultural societies in the world, is confined within a rigid sectarianism, now as in ancient times. If Israeli Jews could join once again the truncated conversation with their coreligionists abroad, and learn once again what Jews learned over many centuries, and what they made into an art form in the American diaspora—to defer the gratification of desire, or admit to a simultaneity of nonexclusive desires—then their writers, critics, and readers might some day recover their (our) sense of humor. □



Psychedelic Religious Experience

Michael Ziegler

- *Zig Zag Zen: Buddhism and Psychedelics*, Allan Hunt Badiner and Alex Grey (Eds). Chronicle Books, 2002.

Psychedelics were the most important paradigm shifting catalyst for the baby boomer generation. The contribution they have made in opening revolutionary vistas in art, music, ecology, religion, community, and politics should be honored. The normative consensual status quo has been so threatened by psychedelics that they have instead been outlawed and demonized. For over thirty years, due to drug policy politics, it has not been possible to explore the wise use of psychedelics. *The Economist* reported in 2002 that the United States locks up nearly 175 out of every 100,000 Americans for drug-related offenses. Drug crimes often get harsher punishments than violent assaults, rapes, or murders. The current political culture has made the legal consequences of psychedelic drug use so draconian that any reasonable public experimentation with them either by citizens or scientists is impossible.

It is in this loaded context that *Zig Zag Zen: Buddhism and Psychedelics*, arrives to challenge the widespread misperceptions about drug use, and to reassess the contribution that the psychedelic experience can make to spiritual inquiry. The book is a cornucopia of art, essays, and interviews that explore the influence that psychedelics have had on well-known artists and meditation teachers, as well as the ways

in which those experiences serve as gateways to deeper religious understanding. It uses a newer, more descriptive name for psychedelics—*entheogens* (*en*=inner, *theo*=spirit/god, *gen*=creation)—a term that acknowledges the capacity of certain substances to reveal the inner sacred spirit that is generated within the mind/body phenomena.

Zig Zag Zen harkens back to the psychedelic experimentation of the 1960s and 1970s, when many of today's prominent western meditation teachers and artists began to explore the expansion of consciousness and investigate other ways of knowing and being. According to sociologist James Coleman, there is a significant correlation between psychedelic use and Buddhist practice. In his book *The New Buddhism: The Western Transformation of an Ancient Tradition* (Oxford University Press, 2001), he states that sixty-two percent of the Buddhist practitioners he surveyed had used psychedelics. U.S. government surveys indicate that about 8 percent of the general population has used psychedelics. Psychologist Charles Tart and Coleman both report that in Tibetan groups 75 to 80 percent of participants polled had used psychedelics. Coleman asserts that individuals who are drawn to psychedelics tend to be drawn to the inward gaze, "toward the direct personal experience of the ultimate rather than outward to the world of the established social order." Coleman's research about the Buddhist community certainly rings true in the other religious renewal movements of our time (Jewish, Christian, Sufi, Hindu).

Religious communities worldwide are at the vanguard of wise entheogen use. In the United States the Native American population uses plant en-

theogens (peyote) for its ceremonies. In West Africa the psychedelic plant iboga is used in rituals. In India, the religious use of a psychedelic called soma was featured in the *Rig Veda* and entheogens have been a part of south Asian religious practice for millennia. For two thousand years initiates into the Greek Eleusinian Mystery school would consume a powerful vision-enhancing drug called kykeon. In South America the sacred use of the psychedelic ayahuasca has moved from the native populations of the Amazon Basin into the urban centers where it is the central sacrament in their religious praxis. These ayahuasca churches are making rapid inroads into Europe and the Americas because they provide a meaningful community context for the powerful religious insights that entheogens can provide. In the face of the global war on drugs, those who have the interest and capacity can travel to Brazil to experience the sacred use of entheogens legally in indigenous communities and urban churches. (For more information about participation in ayahuasca ceremonies with Jews in Brazil, contact: jewpsychedelconf@aol.com.)

Though the title may suggest that this is a book exclusively about Buddhist meditation and psychedelics, it is more fundamentally about the relationship between entheogens and the spiritual journey. Psychedelics in fact profoundly influenced an entire generation of seekers who have become leaders of the growing alternative movements in our country today. Not only were the Buddhists and artists described in *Zig Zag Zen* influenced, but also political activists, eco-activists, and many others who participated in the alternative spiritual enterprise. The

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most interesting parts of the book are non-sectarian conversations about the influence of psychedelics on awareness and their ability to open new places of insight and understanding in the individual.

These stories are supported by what co-editor Alex Grey calls the "vajravisión" of artists, which means art that addresses "the themes of liberation of the mind," "altered states," and "depictions of transcendental emptiness." The psychedelic tale illuminated through the collected images is as revealing as the text. Yet, missing from the book was the vajravisión of musicians. Musicians have traditionally held the ambient envelope for sacred journey space whether in a temple or on a psychedelic journey. Entheogens became widely accessible in America at the same time as new forms of music were emerging. The *Zig Zag Zen* story is incomplete without acknowledging the musical contribution of artists like The Beatles, Pink Floyd, The Grateful Dead, and many of those artists popularized by Stephen Hill's radio program "Music from the Hearts of Space."

In my own case, the experiences I had more than thirty years ago using LSD while listening to music first awakened in me a felt sense of the sacred. My investigation of these experiences led me directly to rabbinic school and a life-long contemplative practice. Many of my peers shared this kind of Jewish awakening through the convergence of entheogen use and their own spiritual inquiry.

The Jewish people have a long tradition of altering consciousness for spiritual purposes. The ritual use of wine in Judaism is ubiquitous for organizing blessings and celebrations. It is a sacrament that has been used for centuries as an adjunct to prayer precisely for its consciousness-shifting qualities. Fasting is another ancient tradition of the Jewish people that is used as a means to alter consciousness in order to access places of deep grief and heightened moral introspection.



It is the combination of entheogens and meditation that *Zig Zag Zen* sets out to explore. It is an open secret that the dedicated seeker can achieve the kind of rare, mystical, and transcendent religious experience—often thought to be impossible in our age of enlightened rationality—through the twin paths of disciplined meditation practice and entheogenic exploration. Many voices within *Zig Zag Zen* discuss how psychedelics and meditation allowed them to cultivate empirical wisdom based on personal investigation, as well as open up to profound religious experiences. Many also suggest that the entheogenic experience helps to cultivate the conscious inner observer so fundamental to the spiritual journey.

Lama Surya Das, one of the book's contributors, writes that "Intense drug induced openings can help temporarily crack open the ego shell and break through a heavily guarded, stiff persona, providing non-conceptual mystical, sensual, emotional, visionary, heart-opening, and mind-expanding experience otherwise unavailable to ordinary consciousness." Zen master Dokusho Villalba Sensei takes this theme deeper when he writes,

By dissolving the firm hold of the logico-rational mind over the perception of reality, entheogens propitiate, on the one hand, the appearance and observation of contents arising from pre-personal levels (their regressive aspect) and, on the other, the appearance and observation of contents arising from transpersonal levels (their transcendental aspect). Training in meditation is an excellent preparation for confronting the expanded states of consciousness which entheogens generate, and, conversely, the intensity and forthrightness of these expanded states can provide a great impetus to apply the achievements attained during meditation in an emphatic way.

Even in the Buddhist community, however, there is a stigma attached to psychedelic drug use. Erik Davis, a contributor to the book, writes, "I suspect that a healthy chunk of self-identified practicing American Buddhists, keep at least occasional dates with the writhing world rending void lurking in the heart of psychedelic hyper-space. But I also suspect that, if asked to render judgment on such activities, most Dharma teachers would deliver a fat thumbs down. Indeed, psychedelic spirituality may be the only real heresy

in American Buddhism.” Buddhist teachers in the book speak about entheogen use in the distant past. To publicly confess or condone psychedelic use would be awkward because they are illegal and most (but not all) Buddhist teachers would say that they are prohibited from using them by the Buddhist injunction to abstain from intoxicants. The tremendous cultural fear and repression focused around drug use inhibits open dialogue about the positive role entheogens can play in spiritual awakening. *Zig Zag Zen* takes an important step in re-opening the discussion about the fundamental role psychedelics played in the creation of the contemplative institutions of Buddhist practice in the West. A clear discourse regarding the skillful use of entheogens is emerging in books like Dr. Stanislov Grof’s *LSD Psychotherapy* and in *Ketamine: Dreams and Realities* by Karl Jansen, M.D., Ph.D. The logical sequel to the *Zig Zag Zen* anthology would address the sacred use of entheogens in the post-modern context.

It has been decades since pioneers like Stan Groff and Ralph Metzner, who had training in medicine and psychology, conducted their important pathbreaking research into the exploration of consciousness with the controlled use of entheogens during the short window when it was legal to conduct this kind of research with LSD. We can imagine the exciting possibilities of continuing these guided investigations about God, death, rebirth, prophecy, heaven, hell, good, evil, reincarnation, and attention to the core emotions (fear, anger, greed, and suffering) through the agency of entheogens and meditation.

The recent success of medical marijuana initiatives suggests that the age of strict drug prohibition, like the era of alcohol prohibition, may be passing. There is recognition that some of the demonized drugs may have some social merits. There is a growing movement for cognitive liberty, which argues that every person has the right to control their own brain. In a world in which

cognitive liberty is a natural human right, entheogens become a prescription tool alongside Prozac and Viagra. We have a global biochemical-industrial infrastructure that provides chemical solutions to cancer, aging, impotence, depression, and the full spectrum of human problems. We already use chemicals and herbs for headaches, depres-



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sion, hypertension, inflammation, and infection. We should be researching chemical pathways into prophecy, enlightenment, empathy, compassion, love, and friendliness as well. (For a detailed conversation on this topic see www.maps.org.)

The new millennium has revealed a global economy that is passionately pursuing the dreams of a materialist monoculture. The accumulative self-interest of individuals has joined with the interests of the capital markets for the pursuit of more consumables and expanding profits. These tendencies are joining with a global military-industrial complex whose expenditures are coming close to \$1 trillion a year. At the same time the United States is engaged

in the largest expansion in history of a prison complex which is being maintained to warehouse, disappear and control those elements of the population that our politicians desire to take out of circulation. One out of every four people in prison is there for a non-violent drug offense. Can an expression of collaboration, sustainability, caring, compassion, ecology, and celebration maintain a niche in the face of the tidal wave of global corporate capitalism whose sole purpose is profits, a global military industrial complex whose function is war, and an expanding domestic policy of incarceration whose intent is to remove undesirable elements from society and to place them in prisons? What Archimedes lever of dissent is available for those who want to break open the extreme individualism and anomie embedded in the operating system of the global capitalist village?

Zig Zag Zen is testimony that entheogens have had the capacity to open many seekers to the possibility of new ways of envisioning reality. The use of meditation and psychedelics influenced the imagination of an entire generation of spiritual seekers who have since transformed the landscape of Western spiritual expression. Perhaps in the near future the widespread, controlled, legal use of entheogens in conjunction with contemplative practice will provide members of the global community with an alchemical catalyst to help us re-envision our way of life and the institutions that maintain it. The tacit message of *Zig Zag Zen* is that entheogens and meditation might lead us to choose a trajectory of love, compassion, insight, caring, conservation, and connected inter-dependence. As Jack Kornfield points out, “Psychedelics awaken in people not just a thirst, but a sense of the possibilities for exploring the mind and body—that they could live in a different way.” Today we are in need of powerful medicines that can re-awaken in humanity our creative capacity to seek new ways to live inside of ourselves, with each other, and with the planet. □

Spiritual Politics

Paul Wapner

■ *Joining Hands: Politics and Religion Together for Social Change*, by Roger S. Gottlieb. Westview Press, 2002.

One of the ironies of modern life is that, despite decades of scientific advancement, technological innovation, and more rational understandings of life, religious sentiment persists and, in many quarters, continues to grow. Ninety percent of Americans say they believe in God; religious fundamentalism both within and outside the U.S. wins new converts every day, and there is an explosion of new-age or otherwise nontraditional spiritual movements emerging all over the world. God is far from dead. In fact, as Roger Gottlieb tells us in his latest book, God isn't even sick. Does this matter for politics? Does it matter for the Left?

The Left has consistently ignored or underplayed religion and spirituality—often for good reasons. Religion can be nasty stuff. To the degree that it presents itself as having true insight into the nature of the universe, it taps into a dangerous type of power that has been used throughout history to fan hatred, injustice, exclusion, and violence. One need only think about the medieval Crusades or the religious justifications for 9/11 to appreciate the toxic mix religion and politics can concoct. Additionally, religion has been used to blunt criticism of, and apologize for, illegitimate regimes and social orders. Its other-worldliness



has served, as Marx warned, as an opiate of the people. For these reasons and others, the Left has long struggled to separate religion and politics and there is much to be proud of in this effort.

The Left has waged this struggle not by denying faith or religious sentiment but by arguing that these things simply don't belong in the public realm. Religion is a private matter—best left to individuals and their chosen religious communities. The Left has always protected the right to private religious practice and stands firmly behind religious freedom (including the freedom to be an atheist). The Left gets concerned, however, when people try to impose a particular form of worship or practice on others. This happens most coercively when the state gets involved.

The separation between church and state is essential to liberal politics. But what happens when political problems are not simply matters of economic, social, and governmental engineering, but involve deeper challenges related to our inner lives? What happens when we recognize that achieving peace, justice, and environmental well-being

requires not only changing public policies, but also our sense of self, the quality of our relationships, the depth of our generosity, and our capacity to respond to nature and the human condition with awe and wonderment—areas long examined by religious and spiritual traditions? *TIKKUN* has been arguing for years that these latter aspects are integral to political life, and that healing and transforming the world involves both external and internal changes. As Michael Lerner continually tells us, our collective problems are crises of the spirit as much as they are of the polity.

Roger Gottlieb's extraordinarily thoughtful book, *Joining Hands*, explores how the Left might take up spiritual matters without upsetting its dedication to religious freedom and the separation between church and state. Gottlieb demonstrates that Leftist social change movements have always relied upon religious and spiritual inspiration, and argues that the future success of such movements depends upon maintaining a productive synergy between religion and politics. For Gottlieb, social change and personal, spiritual growth are two sides of one coin. We cannot hope to effect genuine social change without gaining

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a greater sense of personal purpose and well-being. Likewise, we will fail to develop personally if we shut ourselves off from the wider political world of which we are fundamentally a part and which offers multiple opportunities for personal growth. While the separation between church and state is crucial, this does not outlaw cross-pollination which, according to Gottlieb, is essential for the respective well-being of both politics and religion and the work they can do together.

Political life is demanding. Whether one works for policy reform or radical transformation, activism requires a tremendous amount of time and energy, and the fruits of one's labors are almost always less than expected. We all know burned-out activists who have turned angry over the years as they see their finest efforts come to naught or, at best, only slowly digested by the system. It is hard for any activist to stay focused and passionate, let alone find personal sustenance in the face of so much difficult work.

Gottlieb suggests that this is where religion can help. Religious or spiritual perspectives (Gottlieb equates the two) are broader than political ones. Spiritual sentiment is premised on the notion that there is more to life than meets the eye and thus more to it than today's immediate political project. Gottlieb shows how religion provides a broader framework of meaning for politics and how such frames help one invest more fully in activist work. For example, so many of us get overly attached to the results of our political efforts that we experience tremendous loss when we lose a campaign or see our efforts undermined. Likewise, we often get so wrapped up in advancing a particular issue that we forget the deeper inspiration for our actions. Religion can help in these situations by teaching us, on the one hand, to let go of the fruits of our efforts—to have passion toward our goal but detachment from the outcome; on the other hand, it can remind us of our deepest convictions and provide a moral compass and

source of inspiration for our day-to-day political efforts.

Gottlieb is quick to point out, however, that religion is not a palliative to the frustrations, challenges, and disappointments of political life, and can, if unchecked by politics, spiral into irrelevancy and superficiality. In an earlier book, *A Spirituality of Resistance*, Gottlieb showed that much religious

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sentiment encourages people to see spiritual practice as a matter of internally-directed growth, enlightenment or salvation, and thus discourages them from engaging the outside world. In *Joining Hands*, he extends this critique by showing how such a view leads to political complacency as people define spiritual challenges as a matter of accepting the status quo and finding ways to come to terms with or transcend, rather than to change, things. To Gottlieb, this is both politically and religiously anathema. Many things in the world are unacceptable from a moral point of view, and working to change them is a spiritual necessity.

For Gottlieb, genuine spirituality is about transcending the self, which entails not simply mystical experience but also political engagement and identification with the plight of humanity. Our deepest selves find their most meaningful expression when resisting the injustices of the world. Politics thus deepens religion by unhinging attention from the self and its existential concerns and directing it toward the real world in which we live. It cures overly committed navel-gazers by cultivating a sense of outrage and channeling it into meaningful forms of resistance.

Joining Hands articulates the intimate relationship between politics and religion in the civil rights, feminist, environmentalist, and health and disability movements. These empirical chapters make great reading. Gottlieb shows how religious sensibilities fundamentally shaped the emergence of these movements and continue to provide crucial inspiration and moral direction. Moreover, he shows how engagement in the politics of these movements alters religious sensibilities and institutions. For example, religious participation in the environmental movement is both bringing a sense of the sacred to our notions of nature, and calling on religious traditions to re-evaluate their anthropocentric orientations.

My favorite chapter deals with the health and disability movements. Sickness and disability afflict millions of Americans. We generally think of illness as an individual hardship and thus a private matter. Many people are, after all, *born* with debilitating diseases or unable to exercise the full range of physical capability, and this is a far-cry from issues of collective responsibility or distribution of resources associated with politics. Moreover, the reasons people develop illnesses or disabilities during their lives are so diverse that it is difficult to point to political factors. Gottlieb shows us, however, that the privatization of disease and disability is itself a political act.

Telling ourselves that illness and disability are individual matters makes it easy for us to ignore environmental factors that may be the source of such conditions. Gottlieb tells us that according to the World Health Organization, close to 80 percent of the world's cancers may be caused by environmental factors. You would think, given this figure, that the health professions and associated research and policy institutions would focus on prevention through environmental protection rather than concentrate solely on medical cures—quite the contrary. Our institutions see cancer as a medical

problem for individuals. This should be no surprise given the political economy of cancer research and medical practice. Cancer medicine is big business. As Gottlieb points out, a number of pharmaceutical companies produce both the pesticides and herbicides thought to cause some cancers and the drugs designed to respond to such illnesses. Additionally, the managers of polluting industries often sit on the boards of major cancer institutions (like the prestigious Sloan-Kettering clinic) or chair committees such as the National Cancer Advisory Panel.

The political aspect of disease and disability becomes apparent in a different way when we go beyond cause and treatment to the social factors that condition one's experience of illness or disability. People are born with or develop impairments to their physical and mental capacities. But, what makes impairment a disability? It is a direct reflection of the way society is organized. In some cultures, for example, developmentally challenged people are thought of as special messengers of God; likewise, in illiterate societies, things like dyslexia are not a problem. Our society operates according to certain measures of intelligence and with particular forms of transportation, vocation, and social acceptability. These accentuate certain impairments and turn them into disabilities. This constitutes the stuff of politics.

While Gottlieb exposes the political dimensions of illness and disability, he is extremely mindful and sensitive to the personal dilemmas of living with such conditions. Like all political problems, hardship comes to individuals, their families, and friends. No amount of political insight can take away the pain of living with severe physical or mental challenges, and thus so much of dealing with illness and disability is personal.

Gottlieb's daughter, Esther, suffers from an undiagnosed neuro-motor disability. She has weak muscles, severe scoliosis, brittle bones, slight hearing loss, seizure disorder, and other physical challenges that have delayed her

development. She has trouble walking, expressing her deepest feelings, and making friends. Gottlieb's love for his daughter comes out in the most eloquent ways in the book. So does his pain. He feels for her in her inabilities, frustrations, and loneliness. His writing about these feelings brought tears to my eyes. Gottlieb knows that all his political analysis cannot take away these feelings (or those of his wife, Esther's sister, and others).

It is here that Gottlieb turns to spiritual resources. In order not to be consumed by the despair that is so much a part of living with special needs children, and to be able to interact consistently with them in helpful ways, Gottlieb turns to the virtues of compassion, generosity, mindfulness, love, and transcendence of the ego that are the foundation of the wisdom traditions. These allow Gottlieb, on his "good days, at least," to live with all the worry, pain, and suffering that accompany his parenting without denial, bitterness, or despair. Gottlieb offers us insight into how religious virtues and spiritual perspectives can do the same for all of us as we face death or physical pain of a loved one or the personal calamities of our own lives. In short, Gottlieb shows how the political dimension uncovers the socially constructed character of illness and disability and spurs us on to change things. At the same time, he points out how spiritual understandings can enable us to live meaningful lives in the face of personal tragedy.

We live in a time of extreme political and spiritual challenge. Our political institutions and principles are being hijacked by some of the most conservative people Washington has ever seen. What makes these people equally frightening is that many of them conduct foreign and domestic policy as if they had God on their side. Contemporary America is a prime example of the dangers of mixing politics and religion.

One can rightly ask if this is the time for us to be glorifying the relationship between the two, as Gottlieb does.

Yet ironically, this may be the perfect time to do so. The Left may not like what Bush and company are doing but the American people surely do. The Bush Administration has created the largest federal deficit on record, incensed much of the international community, emasculated democratic principles, and undermined environmental protection. Still, the American public cheers it on. There are complicated reasons for this, but key among them must be the Administration's constant appeal to personal values and religious sensibilities. The Administration consistently talks about the goodness of people, the importance of family, the virtues of faith, and the necessity to root out evil. Americans like such appeals. They want to feel that public officials take their deepest concerns seriously and share their sense that politics is more than providing or even equitably distributing material resources. Politics is also about cultivating good citizens and collectively realizing deep values.

Gottlieb's insightful, reflective, and compelling book shows how the Left has spoken to this aspect of politics in the past, and illustrates the ways it is subtly doing so at present. The problem is the subtlety. The Left needs to come out of the closet about its spiritual dimensions. Progressive politics finds much resonance with the prophetic traditions and normative orientations of the world's religions. The Left should be proud of this connection. It needs to see more clearly that religion and spiritual perspectives are not enemies of politics but, if engaged mindfully, powerful allies. They probe the enduring questions of human existence and meaning, and thus lend depth and serve as correctives to political life. □



Subversive Prayer

Arthur Waskow

One of the major concerns of this column has been the creation of a politics imbued with the Spirit, with a sense of the Unity that connects all life. A politics able to assert, as Rabbi Abraham Joshua Heschel did after marching for voting rights at Selma Alabama, that “our legs are praying.”

What of the reverse: creating forms of prayer that in themselves repair the world? The same Heschel lyrically, joyfully, prayerfully praised prayer as the song the universe sings to itself—and then wrote, “Prayer is meaningless unless it is subversive, unless it seeks to overthrow and to ruin the pyramids of callousness, hatred, opportunism, falsehoods.”

How can we shape prayer, contemplation, meditation, and celebration themselves so that not only what we pray for—the intended result—but also the process itself more fully connects each of us with the human race and the planet as a whole?

I have joined in celebrating Tu B'Shvat, the Jewish Birthday of the Trees, by “trespassing” on “private” property to plant redwood seedlings to replace ancient trees logged by rapacious corporate owners. I have helped turn Passover into a reconciliation for the Abrahamic peoples. I have helped turn the bar/bat mitzvah service into an opportunity for two generations, young and old, to turn their hearts to each other, lest the earth be utterly destroyed. In these moments, we can fill unusual occasions with prayerful power to heal the world as well as ourselves. We can also do this in more daily, weekly prayer. Though many think of “breath” and “visualization” as belonging to the Buddhist tradition, these techniques also appear in the Jewish prayerbook.

Each morning, traditional Jews pray, “*Elohai neshamah sheb-natatah bi, t'horah bi*. My God, the breath you have given within me is clear.” This prayer goes on to celebrate reawakening in the morning with a breath, a soul, a life that is renewed and clarified from whatever confusion or despair has beclouded it during the day before, leaving it opaque and troubled as sleep came on. The rest of the prayer is full of words that end in “ahhh,” an extended breathing sound. The prayer itself is a breathing exercise.

Rabbi Arthur Waskow writes on subversive prayer and prayerful politics at www.shalomctr.org and in his books *Godwrestling—Round 2* and (with Phyllis Berman) *A Time for Every Purpose Under Heaven*.

In another passage we read: “*Nishmat kol chai, tivarekh et shimcha, YHWH elohenu*. The breath of all life praises/blesses Your name, YHWH our God.” The meaning of this prayer is profoundly enriched by sensing that the “YHWH” Name of God can be “pronounced”—or, more accurately, “non-pronounced”—only by breathing. Breathing these four naked letters. Not substituting “Adonai” or “Lord.” Not adding vowels to make them “Yahweh” or “Jehovah.”

Once we “say” or hear the Name this way, then of course the breathing of all life blesses this name, since the Name is itself the breathing of all life. What we breathe out, the trees breathe in; what the trees breathe out, we breathe in. We breathe each other into life.

Notice the differences between these two passages:

Elohai, i.e. MY God, who puts the breath within ME, differs from elohenu, OUR God, the God of ALL LIFE. In my meditation practice, I begin with that which is “within me,” doing so with a chant that floats on the “Elohai nishama” verse. This meditation focuses on a guided visualization and muscle-experiencing of the breath moving into the mouth and throat, to be carried in the blood to each of the body parts that in Kabbalah are the map of God’s emanations—the *Sephirot*. Thus the Sephirot within me are connected to the Breath/YHWH that infuses life into them all. I become the Image of God, a microcosm of the Macrocosm. I seek to balance the Sephirot within me, and to heal those that are weak or wounded.

The meditation ends by following the blood as it picks up the exhausted breath now filled with CO₂, and returns it to the lungs/throat/mouth to be breathed out. At this moment, the second meditation begins. The chant shifts to “*Nishmat kol chai*,” with a different guided visualization: following “my” out-breath as it becomes the breath of all life, the Name of OUR God. Joining the out-breaths of Israelite & Ishmaelite, frog and beetle, flounder and philosopher.

We follow the communal breath, the Name (YHWH) of OUR God, into a leaf of grass or tree, where it builds roots, stem, leaves—and then departs, stripped of the carbon, to become again my breath. We directly experience that we are all—all cultures, all species, all “inanimate beings” like the ozone layer—intertwined. And we directly experience ourselves as part of that intertwining—part of God. The walls between us are shattered, the pyramids of arrogance are leveled, our prayer becomes the song the universe joyfully sings to itself. □

*Tikkun (te-kün) ... to heal, repair, and
transform the world.
All the rest is commentary*

תיקון

GENEVA ACCORD MAPS

