

The Post-Handshake Landscape

By Frank Collins

Sabri Ghuraib, a Palestinian, has been resisting the confiscation of his property for more than 15 years. I have known him for eight of these years, having visited him and his family a number of times at his pleasant home situated on a knoll in the West Bank village of Beit Ijza, about ten miles northwest of Jerusalem. However pleasant his home may have been, there was always an air of tension there because of the settlers in the nearby Givon Hadashah settlement, who have been trying to take over his 21 acres of farm land.

When I again visited his home about two years ago, I was not



View of Jewish Settlement from Sabri's Home F. Collins/Photo

prepared for the devastation that I saw. The windows of his stone and concrete house had been smashed and the contents of the household completely vandalized. On coming in the front door, I faced the shell of the family TV set, left standing on a small table, fragments of its

screen and electronics scattered over the floor. Everything in the house had been demolished. Furniture laid savaged beyond repair. Clothing from closets and drawers was dumped on the floor and trampled.

The scene was the result of

(Continued on page 2)

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Henry G. Fischer
Curator Emeritus, Dept. of Egyptian Art,
Metropolitan Museum of Art

Bonnie Gehweiler
Coordinator, Bethlehem 2000 Project

Grace Halsell
Writer

Ulric S. Haynes, Jr.
Former U.S. Ambassador to Algeria

Nell MacCracken
Consultant

Robert E. Marsh
Independent Consultant

Paul N. McCloskey, Jr.
Attorney

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About This Issue

Have the Israelis left Gaza? Have they halted their expropriation of Palestinian lands? Have the Oslo-Cairo agreements rendered "legal" the up-to-now illegal Jewish settlements? And Jerusalem? Will the confiscation of yet more Palestinian land to carve out a Greater Jewish Jerusalem expand?

This is the landscape covered by Frank Collins, a founding member of the Palestinian Land Research Committee, whose task it is to monitor land confiscation, to assist landowners in resisting confiscation and to help farmers in modernizing their agricultural methods. Frank is also the founder of the Middle East Data Center, which distributes "From the Hebrew Press," a monthly publication written and edited by Israel Shahak.



Frank Collins

By chance, on page 14, A.M.E.U. is reviewing Dr. Shahak's latest book, "Jewish

History, Jewish Religion: The Weight of Three thousand Years," (with a Foreword by Gore Vidal). The former concentration camp survivor asks his own burning questions: Why do Zionists hate the Palestinians? Why has Israel aided fascist regimes in Nicaragua, Guatemala, El Salvador and Chile? Why, especially since 1967, have so many U.S. Jews turned neoconservative? What does the Talmud, the real authority for Jewish orthodox beliefs, say about non-Jews, and about Christians in particular, and how does this worldview affect the current peace process?

To order Dr. Shahak's book, as well as other current books and videocassettes, please see pages 15 and 16.

John F. Mahoney
Executive Director

a midnight raid by the settlers and Israeli soldiers, although each group denies that it had anything to do with it. Sabri was not there at the time of the raid. He was in prison for trying to tear down the barbed wire fence that the settlers had erected around the property leaving only a narrow entrance path to the house. Because of recent harassments, the family was staying with neighbors, two large families doubled up in the same small house.

The earlier history of the confiscation was not a happy one. For the past 14

years, Sabri and his wife, Sakineh, have been fighting a battle on their land and in the Israeli courts, trying to save the farm that the family has owned for generations. Sabri still possesses the ownership documents for the property. The papers predate World War I, going back to the Ottoman Empire. They are supplemented by additional papers from the British and Jordanian regimes.

Sabri's problems began in 1979 when the settlers decided that they needed some of his land to build water tanks. He refused to sell, whereupon

one acre was confiscated by the Israeli authorities.

Following this, a joint Palestinian-Israeli committee undertook to help Sabri in his resistance to the threatened confiscation of the rest of his land. It was decided to develop the remaining 20 acres of his land for more intensive agriculture. Upgrading the land, it was felt, would help Sabri refute the charge that the land was abandoned, a common pretext used by the occupation authorities to justify confiscation.

The land needed stone removal and terracing. A bulldozer was hired after some difficulty because of threats by the settlers against the commercial bulldozer owners. On the appointed day of the work (a Saturday so the Jewish supporters of Sabri could be present), members of the committee came to help clear the land. But they were confronted by a group of settlers with guns. Fortunately the confrontation turned out to be only verbal with much yelling by both sides. This writer was chased by the settlers for taking photographs. The bulldozer operator was thoroughly intimidated and gave up the job, leaving his bulldozer behind for later retrieval.

Later on, the settlers seized eight acres of Sabri's land to build a new access road, laying coils of barbed wire around the land they had taken. This cut off the access of the family from their outdoor privy, their well and their water pump. At night, the settlers drove heavy trucks inside the barbed wire enclosure adjacent to the house, all the time cursing the family.

The take-over of the eight acres was sustained by a later confiscation order of the occupation authorities that declared the land to be "state land." In the context of Israeli law, "state land" does not mean public land. It means that the property may be exclusively used as private land by Jewish settlers, with the original Palestinian owners treated as trespassers.

Quite often the first notification that a Palestinian landowner has of an impending confiscation of his or her land is the arrival of Israeli bulldozers...

The confiscation of Sabri's land was contested in an appeal to the High Court of Israel. The Court rejected the appeal. As in most cases of land confiscation, Sabri lost his lands in a completely legal manner by the combined application of several articles of occupation law. This included Military Order No. 59 applying to land that was considered enemy property during Jordanian rule of the West Bank. For added safety, the land was also confiscated under Military Order No. 58 which applies to abandoned property. (Sabri had never abandoned his land.) All of Sabri's documents including surveyor's maps were rejected by the Court.

The Court not only rejected Sabri's appeal but also fined him NIS 2,000 (US \$1,500) for bringing the appeal. Unable to pay the fine, he was jailed. After several days in prison, he was released when friends raised the money to pay the fine.

Following the second confiscation order, the settlers erected the high fence around the Sabri land that remains to this day. The fence signaled their intent to take over the entire property. Sabri's appeal to prevent this third confiscation has not been acted upon by the High Court at the time of writing.

In the meantime, Sabri was arrested again on a suspended sentence from a previous conviction for throwing stones, a charge which Sabri denies; he was given 30 months in prison. (Israelis convicted of murdering Palestinians have received lighter sentences of 24 months.) Sabri was released on May 5, 1994 after serving 45 days.

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uprooting olive trees, destroying crops and leveling the land for the building of a Jewish settlement. Sometimes a notice is given to the Israeli-appointed *mukhtar* (village head) who neglects to pass it on to the farmer. Very often, no notice of confiscation is issued — the bulldozing may be at the initiative of a neighboring Jewish settlement that wants the land for enlargement of the settlement. The occupation authorities then follow up the settlers' bulldozing by starting the legal process of confiscation.

Even when the landowner is formally informed of the coming confiscation, few landowners take legal action to attempt to overturn the confiscation order. In most cases the landowner knows that it would be futile to resist and is resigned to the inevitable.

Fewer than one in twenty Palestinian litigants have been successful in winning their cases. Even then, the successful litigants have found that the winning of a court case has merely delayed the process of confiscation. New rulings by the occupation authorities, accompanied by harassment by settlers and the army, have presented farmers with almost insuperable obstacles. In the end they have become discouraged or simply unable to support the high costs of legal proceedings.

The "Legal" Theft of Palestinian Land

The ordeal of Sabri Ghuraib exemplifies the difficulties and the frustrations of a struggle by any Palestinian landowner trying to prevent confiscation.

Israeli legal institutions under the occupation are designed to insure the eventual confiscation of the land while preserving the superficial appearance of due process. The judicial structure is a hollow pretense throughout. The laws and procedures governing land confiscations are legal fabrications contrived by the military authorities in order to provide Palestinian land for settlement building. The laws concerning land tenure in the occupied territories are based, not on civilian legislation, but on military orders.

These are among the more than 1,300 such orders that have been issued by the army during the occupation.

There can be no constitutional challenge against military orders. Actions brought before military "objections committees" and military courts are allowed, but they may only challenge the details of the application of the military orders in specific cases. It is true that Palestinians have the right of appeal to the Israeli High Court of Justice, but in the end such appeals have proved generally to be fruitless.

On June 20, 1979, the villagers of Rujeib, just east of the Jerusalem-Nablus highway, were shocked to see a "settlement operation" being carried out with the assistance of the Israeli army on a hilltop within the village lands. The operation included helicopters for surveillance and heavy equipment which started to build a road to the highway, destroying the villagers' olive trees and devastating the landscape.

Before the raid the military authorities had earlier approved the confiscation of 175 acres alleged to be for "military purposes," although its real purpose was to provide land for the building of the proposed new settlement of Elon Moreh. The *mukhtars* of the village were informed of the impending land confiscation three days after the surprise raid on the land had been carried out.

The High Court declared the confiscation order null and void on the ground that a permanent settlement on land confiscated for military purposes encountered an insurmountable obstacle. The obstacle was the creation of facts on the ground designed to exist after the end of military rule.

All that this decision did was to end the practice of alleging "military purposes" as the reason for the confiscation of Palestinian land for building Jewish settlements. Henceforth, land to be confiscated for settlement building was declared "state land." The applicable Military Order 59 was amended to enable a mere declaration by the authorities that land is "state land" to be sufficient proof until the opposite is proved, thus neatly placing an unresolvable burden of proof on the Palestinian landowner.

The Elon Moreh settlement was later built on "state land," a short distance from the original site.

Military Order 418 issued in 1971 centralized all authority for land use planning in a Higher Planning council, completely staffed by

Israelis, military and civilian. This military order also eliminated any Palestinian participation or consultation in land use planning. A Central Planning Department implements the directives of the Council — the issuance of building permits for Palestinians, the demolition of illegally built Palestinian houses and the designing of plans for Palestinian land.

The Jewish Settlements Regional Councils were set up by the 1979 Military Order 783. These Councils have the authority to plan and construct their own settlements, regional roads and service infrastructure. Unlike the Palestinians, the settlers are exempted from applying for building permits. Therefore there can be no illegal settlement buildings.

Thus there are two completely separate land use programs: one for Jews controlled by the settlers, the other for Palestinians controlled by the Israeli military authorities.

The regional Jerusalem plan for the West Bank area around East Jerusalem (which is excluded from the plan) is one example of the



Palestinians evicted in order to expand Jewish settlement of Ma'ale Adumin, December 21, 1993. Ruben Bittermann/Photo

operations of the Higher Planning Council. The plan includes the towns of Ramallah and Bethlehem, and 44 villages and 7 refugee camps. The area covered by the plan is 110,000 acres. None of the Jewish settlements in the area are included in the plan.

The Jerusalem plan covers the area of the most active Jewish settlement building in the whole West Bank outside of East Jerusalem. In contrast to the planned heavy increases in the number of Jewish settlers, the projected Palestinian population in the region in the year 2002 will be 272,000. This projection is based on the estimated 1987 Palestinian population of the area of 275,000.

The village of Al Azariya (Bethany/Gethesame) is an example of Israeli planning applied to a Palestinian village. The less populated western part of the village was detached and incorporated into the extended area of East Jerusalem annexed to Israel in 1967, leaving Al Azariya with 2,625 acres for a population of 11,000. Of this area, 750 acres were confiscated and attached to the large Jewish settlement Ma'ale Adunim with the stated objective of "preventing the eastward expansion of Al Azariya and Abu Dis." In addition, 200 acres immediately next to Ma'ale Adunim were put into an undefined "special use" category and probably destined for future expansion of the Jewish settlement.

Of the area remaining of the village, 130 acres are excluded from Palestinian use, although not confiscated, by being designated as "nature reserves." As a final restriction, construction of houses will be allowed only in 160 acres of the presently built-up area of 500 acres.

The Palestinian villagers were not consulted at any time in the years when the plan was being prepared so that no thoughts of ownership distribution or

the sociology of the village were available to the Israeli planners.

Meanwhile, the obtaining of a building permit for a Palestinian is a long, frustrating and costly undertaking. Of the applications filed, 80 percent were rejected or else simply not acted on in the years preceding the intifada. Very few permits were issued during the intifada and into the current period.

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Ownership of the property must be proved, an almost impossible task in many cases. The applicant must show that the building plan complies with all known restrictions and, finally, the plan must be approved by the Higher Planning Council. As a result, many Palestinian homes are built and additions to existing structures made without building permits. These are subject to demolition.²

Because of the Hebron massacre, the Jewish settlement of Kiryat Arba and the small settlements within Hebron itself have become of particular interest. As the foregoing discussion makes clear, the Higher Planning Council does not intervene in Jewish settlements planning but confines its actions to Palestinian land, including confiscations that enable settlements to expand. In the case of Kiryat Arba, the land of the settlement is not completely connected together and the missing connections are owned and resided in by Palestinians. A new plan for the area issued by the Council established a planning zone of 7,500 acres intended to "adjust" the

situation and aimed at wiping out the Palestinian holdings to consolidate the land of Kiryat Arba.

Among other changes, the boundaries of the town of Hebron have been adjusted to allow more land to be given to Kiryat Arba. In Hebron itself, land has been confiscated to allow the Jewish mini-settlements located there to expand. This has led to the revocation of some

building permits previously granted to Palestinians. In one case, criminal proceedings were taken against a Palestinian who had built a house on the basis of a permit that was later revoked. The criminal case was finally dismissed but the Palestinian was forced to demolish his own house to avoid a heavy fine as the result of other administrative proceedings against him.³

Where U.S. \$\$\$ Come In

Without U.S. help, financial and diplomatic, the network of Jewish settlements would never have been constructed. And without the presence of 300,000 Jewish settlers in the occupied territories (including East Jerusalem), it would have been comparatively easy to negotiate the end of the occupation and the complete withdrawal of the Israeli presence

in the West Bank and the Gaza Strip. Even the presence of a mere handful of Jewish settlers greatly complicated the Israeli withdrawal from Sinai under the Camp David agreement.

The time for the United States and the rest of the world to act was immediately after the 1967 war, when the Israelis began to establish Jewish settlements in the conquered

Geneva Convention. Under the Reagan administration, the illegality was conveniently forgotten and the settlements were only "obstacles to peace." The Clinton administration now pronounces the settlements to be merely "disputed", and it accepts the Israeli argument that the territories are Israeli-"administered," not occupied. 4 On this slippery slope, we may expect that the United States will concur with Israel that limited

this condition attached. Later independent monitoring of the settlement areas by the United States revealed that new settlements were indeed being built. U.S. estimates of the costs of the work being done amounted to \$437 million. This amount was deducted from the 1994 fiscal year installment of the guarantees. To counterbalance the deduction, however, Israel was promised an unspecified amount of aid for the costs of the redeployment of Israeli troops in the Gaza Strip under the terms of the Oslo-Cairo agreements.

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West Bank, a flagrant violation of the Fourth Geneva Convention which Israel had signed. The United States, along with all other countries, declared the settlements illegal.

However, instead of nipping the construction of the illegal settlements in the bud, the United States took no effective action beyond making a few half-hearted protests, which the Israeli government quickly scorned.

Instead of cutting off economic aid to Israel, on which the building of settlements critically depended, total aid to Israel was increased to \$106.5 million in 1968 from \$22.7 million the previous year. This was the beginning of the 30-fold increase of aid to today's \$3 billion, plus other gratuities. A cut-off of U.S. funding, at any point, would have necessitated Israel's freezing its settlement building and would have chilled the Zionist zeal to retain possession of the West Bank. Each year of the Israeli settlement building program has made the negotiation of Israeli withdrawal that much more difficult.

As the years have gone by, U.S. government resolve to stop the Israeli settlement building has weakened. At first the Jewish settlements were correctly recognized as illegal and flagrant violations of the Fourth

self-government under Israeli "administration" should continue to be the fate of Palestinians into the indefinite future.

Israel has long protested any connection being made between U.S. aid and the Israeli expenditures in the occupied territories. The U.S. government has never quite accepted this argument. In 1990, the United States required that Israel promise that none of the money would be used in the occupied territories. Israel made the required promise and also stated that no Soviet Jewish immigrants would be permitted to settle in the occupied territories. Neither promise was kept.

As the number of Soviet Jews immigrating to Israel rapidly increased in 1990, the Israeli government asked for \$10 billion in loan guarantees over a period of five years for the resettlement of Soviet Jews. This time, rather than accept promises, the Bush administration demanded a freeze on the building of new settlements in the occupied territories with the proviso that each year the monies spent on new settlements would be deducted from the \$2 billion annual installments of the guarantees. The loan guarantees were finally passed by Congress with

The determination of the amount of U.S. aid that is expended in the occupied territories is actually not possible under the loose reporting required by the United States. Alone among all other U.S. aid recipients, Israel is not required to provide itemized accounting of the expenditures of U.S. aid money beyond categorical statements. The aid money received by the Israeli Treasury is mixed into its general funds and thus simply increases the total money that the Israeli government has to spend. Under these circumstances, the specific sources of the funds for specific expenditures can not be identified. Only where itemized expenditures for specific projects that would otherwise not have been funded can a connection between funding and specific expenditures be made. All other recipients of U.S. aid are required to furnish this explicit documentation.

It may be remarked that within the United States, every Department in the Federal government, every State in the United States receiving Federal funds and every corporate entity receiving Federal contract money are, unlike Israel, required to provide itemized accounting of their expenditures of government money.

Without the proceeds from the \$10 billion in U.S. loan guarantees, Israel

would be unable to sustain the rapid growth of its settlement building that has taken place. Israel may be expected to maintain this pace over the next three years of the \$2 billion annual installments of the guarantees.

The \$3 billion-plus in the U.S. "regular" economic and military aid grant package to Israel makes up an important part of the money available to the Israeli government budget. However, in bulk, the aid package provides little ready cash. The economic aid package is used almost entirely in the repayment of Israeli debts to the U.S. government under the Cranston amendment, while the military aid is mostly used for the purchase of U.S. military equipment.

In contrast to the annual U.S. grants, all the money obtained under the loan guarantees is available to finance new expenditures. The Congress passed the loan guarantees on the basis that the money would be used to assist the resettlement of Russian Jewish immigrants. However the immigrants now complain that little is being spent to improve their conditions. Instead, the money is being directed to the occupied territories, another breach of trust by the Israeli government.

The \$10 billion in loan guarantees is new, expendable money, unlike the 1988 loan guarantee of \$4.85 billion that enabled the refinancing of existing high interest Israeli debts. Because the \$10 billion is new money, it eases the Israeli government budget, making possible large increases in the funding of the Jewish settlements in the occupied territories. It is questionable whether the passing of the \$10 billion in loan guarantees by Congress really reflected the views of the American people. When President Bush held up the submission of the loan guarantees to Congress, national polls showed that his action was supported by 80 percent of the American people.

The reason for the wide gap between public opinion and Congressional action in the case of the \$10 billion loan guarantees was almost certainly due to the effective lobbying by AIPAC (the American-Israeli Public Affairs Committee) and the 54 pro-Israel PACs affiliated with it. In the Congressional election of 1992, pro-Israel PACs affiliated with AIPAC gave \$3,963,007 to the campaign funds of 403 candidates for Congressional office.⁵ These donations went to Congressional campaigns where, with some exceptions, every dollar counts. They predispose Members of Congress to favorable actions on legislation favorable to Israel. The pro-Israel votes in Congress are augmented by fear of vilification by AIPAC. These tactics served to defeat Members of Congress Paul Findley and Paul McCloskey and Senator Charles Percy. AIPAC lost no time in bragging about their successes in defeating these men in order to intimidate other Members of Congress.⁶

The exceptional influence of the pro-Israel lobby on the Congress raises the crucial question of whether U.S. policy in the Middle East serves American or Israeli interests. In the case of the Jewish settlements in the West Bank and the Gaza Strip the funding may determine whether Israeli occupation continues without an agreed-upon ending, with or without limited Palestinian self-government.

Beside being contrary to American national interests, the funding of the Jewish settlements may be against U.S. law. The settlements are completely segregated. No Palestinian, not even a collaborator with Israel, is permitted to live in a Jewish settlement. As far as North Americans are concerned, Jews are welcome to rent apartments, but Christians are barred. While the constitutionality of legislation

funding the Jewish settlements has apparently not been judicially tested, the U.S. Senate is on record against funding institutions that practice discrimination. Several years ago, for example, Senator Daniel Inouye (Hawaii) introduced a special appropriation bill to fund a school in France, where attendance was restricted to Algerian Jews. The Senator finally had to withdraw the bill under pressure from his colleagues.

And how much of the occupied territories has Israel actually confiscated for exclusive Jewish use? The confiscations that began in 1967 have continued to the point that roughly two-thirds of the West Bank and one-third of the Gaza Strip are today in Israeli hands. The rate of land confiscations in the West Bank has been accelerated over the past several years and has nearly doubled after the signing of the Oslo agreement on September 13, 1993. Palestinians fear that little unconfiscated land will be left by the time negotiations are convened to determine the final status of the West Bank.

The granting of limited self-government to the Gaza Strip and Jericho under the Oslo agreement may, or may not, represent a break with the long established Israeli policy of Judaizing the occupied territories. Unclear still is whether the limited self-government of the Gaza Strip and Jericho will eventually be extended to the rest of the West Bank.

The fact remains that, in spite of the Oslo-Cairo agreements, the Gaza Strip and Jericho remain under occupation with Israel continuing to exercise sovereign power. Except for those military orders relating to matters specifically delegated to the Palestinian governing authority, all others remain in effect. The future of the military orders under

occupation with Israel continuing to exercise sovereign power. Except for those military orders relating to matters specifically delegated to the Palestinian governing authority, all others remain in effect. The future of the military orders under which land confiscations are executed is not known at this time.

There is no lack of clarity, however, with respect to land confiscations in the West Bank outside of East Jerusalem and Jericho. Land confiscation will continue under the existing military orders. Since Israel considers East Jerusalem to be annexed territory, no change in land confiscation policy is likely to take place in the five year period. Confiscations are made under Israeli, not military, law.

And the costs of financing this ongoing confiscation of Palestinian land ultimately will be borne by the American taxpayer. These costs, as a fraction of the total aid to Israel, are not determinable under the bookkeeping system peculiar to U.S. aid to Israel, so realistic estimates are not possible. However, the costs of the total aid to Israel, including the interest on the grants as well as the grants themselves, have been calculated.

From the beginning of aid to Israel in 1949 to the end of the current fiscal year, the U.S. Treasury has borrowed \$99.2 billion to finance forgiven debts and direct grants (some \$60 billion) and compound interest on them. 8 (new 10) The direct grants for this fiscal year are \$4.3 billion, and the interest on the borrowed money is \$6.3 billion for a grand total of \$10.6 billion. This amount will grow in coming years because of the exponential nature of compound interest, unless the national debt is paid off — an unlikely event 9

There is widespread question about whether Israel will default on the \$10

billion in U.S. guaranteed private loans. Should Israel default, the cost to the U.S. Treasury would depend on the year in which the default occurs. Should the default begin in 1997, when all installments of the \$10 billion in loan guarantees will have been received, the cost of the guarantees to American taxpayers would reach almost \$30 billion in the year 2027.

And all the while, even during this post-Handshake era, other Sabri Ghuraibs in Gaza, East Jerusalem and the rest of the West Bank awake each day to face the possible theft of their ancestral land.

The Raid On East Jerusalem

There are two Jerusalems. East and West. The 1948 cease-fire line or "green line" in Jerusalem extends north from the wall of the Old City just west of the Damascus Gate and extends south from the Jaffa Gate. East Jerusalem, including the Old City, was under Jordanian sovereignty from 1948 until the 1967 war. Today, former Jordanian East Jerusalem is surrounded, north, east and south, with a broken wall of high-rise "fortress" apartments built on land confiscated from Palestinian Jerusalemites. Jerusalem is still sharply divided along ethnic lines as becomes evident when walking along the great wall of the Old City across the "green line" — Jews and few Palestinians on one side, and Palestinians and few Jews on the other.

The primary aim of the Israeli government is to maintain Israeli sovereignty over all Jerusalem — West, East and the Old City — and eventually to extend its sovereignty over the Jewish settlements east of East Jerusalem. This objective requires the building up of the Jewish population in East Jerusalem and the Old City together with squeezing out the Palestinian population that resides in these areas. The technique is simple: rush the building of heavily subsidized Jewish settlements, while delaying building permits for non-Jews, and demolishing existing Palestinian housing.

From the very start, the Israelis demonstrated that their program for East Jerusalem and the Old City was very different from their less definite plans for the remainder to the occupied territories.

The fighting had hardly ceased in 1967 before bulldozers began the demolition of 135 homes in the area of the Old City adjacent to the Western Wall of Temple Mount. Successive waves of evictions of Palestinians from their homes in the Old City followed, expanding the Jewish quarter by four times its original area. To this time, intermittent evictions have continued in all parts of the Old City and have resulted in the dispossession of 5,000 Palestinians thus far. 10

After the 1967 war, the Israelis almost immediately expanded the municipality of East Jerusalem to three times its area in the West Bank. Then, in 1980, the Knesset passed the Basic Law that declared Jerusalem the capital of Israel, and annexed the extended East Jerusalem area to the state of Israel. However, no nation apart from Israel has recognized the annexation of East Jerusalem.

The redrawing of the boundaries of the East Jerusalem municipality was

carried out with the aim of seizing as much West Bank land as possible, consistent with minimizing the inclusion of the Palestinian population. Thus the lands of Beit Hanina, Anata, Abu Dis and five other villages were absorbed into the enlarged East Jerusalem, but the greater part of their population was excluded. The Palestinian population thus excluded now numbers at least 80,000. The lands separated from their villages became prime targets for early confiscation.

Other more centrally located villages such as Shu'fat, Issawiyyeh, Silwan, Sur Baher and Beit Safafa were enclosed into the extended East Jerusalem. The land surrounding the enclosed villages has been almost completely confiscated for building Jewish settlements and Israeli institutions. As in other cases, the legal gimmick used to confiscate privately owned Palestinian land in East Jerusalem has been "its conversion to public use," which turns out to be the building of segregated Jewish housing. Christians and Muslims are not part of the public.

The effective Israeli take-over of yet more Palestinian land was accomplished at a single stroke by the recent issuance of master plans for the various neighborhoods of East Jerusalem. As is the usual Israeli government practice, the local Palestinian residents were not informed about the master plans, although the plans had been in preparation for a number of years.

The village of Shu'fat on the road to Ramallah inside the enlarged East Jerusalem illustrates the operation of the master plan. Shu'fat's land has been reduced from its 1967 area by successive confiscations for the building of the adjoining Jewish settlements of French Hill, Ramot Eshkol, Ma'aleh Dafna and Pisgat Ze'ev. The master plan for Shu'fat

cuts deeply into the village. One quarter of the remaining village land is now a "green zone," where the Palestinian owners are prohibited from building. Construction has begun on a new settlement, Rehkes Shufat, to the northwest of Shu'fat and intended for Canadian Orthodox Jews, further hemming in the village.

The master plans for East Jerusalem include restrictions on Palestinian buildings, not applicable to Jewish buildings. These include

The annexation and closure of East Jerusalem is nothing less than the decapitation of the West Bank.

mandatory set-backs from the streets and a height limitation of two floors, while multi-floor structures are permitted for Jewish buildings. The new building restrictions place a cap on the number of Palestinians who can live in the confined area open to Palestinian building, while the number of Jews who can be packed into East Jerusalem is practically unlimited.

According to the Jerusalem municipality, 18,000 housing units are planned in East Jerusalem for Jews and will be designed to house 70,000 settlers. In contrast, the Israeli ministry of the interior has yet to license the building of 7,500 units for Palestinians on Palestinian land, as requested last year by the municipality. The municipality's original request, in 1981, for the licensing of 18,000 such units of housing for Palestinians has lain dormant all these years without any response whatsoever from the ministry.

East Jerusalem, located in the

middle of the West Bank and its most populous city, is both its metropolitan and commercial center, as well as the location of its principal hospitals and services, Palestinian organizations, international institutions and non-governmental organizations. There is no other choice. Nablus and Hebron are much smaller population centers and are far removed from the geographical center of the West Bank. The closure of the territories that began March 31, 1993, and observed with varying degrees of stringency since then, has devastated East Jerusalem and the Palestinians who depend on it services. The people of Abu Dis, just outside the official city boundary, for example, are not allowed to enter East Jerusalem and have nowhere to go to obtain needed services, including hospital care.

The closure of East Jerusalem also divides the West Bank into three areas. Geographically, the traffic arteries to Nablus in the north, Hebron in the south and Jericho in the east all pass through East Jerusalem. The northern and southern regions of the West Bank are thus isolated from each other as well as from East Jerusalem. Even for the minority of Palestinians carrying valid permits issued by the Israeli authorities, the ten mile travel between Bethlehem and Ramallah now may require an additional hour or more because of delays at army checkpoints.

There is clear indication that the Israeli authorities intend to ban Palestinian travel through East Jerusalem permanently. The narrow, tortuous and dangerous Valley of Fire bypass road, east of East Jerusalem, is being fixed up in order to open it to travel.

The annexation and closure of East Jerusalem is nothing less than the decapitation of the West Bank.

The Rest of the West Bank

The Israelis, having annexed East Jerusalem to Israel, are satisfied that the East Jerusalem part of the West Bank is safely within their possession. The future of the West Bank outside of East Jerusalem, however, is a totally different matter. The Israelis are bitterly divided over whether the West Bank area should even be discussed with the P.L.O. The Rabin government, which generally is believed to be for "land for peace," has never directly called for the yielding of the West Bank nor even for the negotiation of an Oslo-type agreement for the West Bank.

On a long-term basis, the West Bank outside of East Jerusalem presents an enormous logistic problem to the Israelis intent on retaining permanent possession. More than 140 Jewish settlements of various sizes are scattered throughout the West Bank, as shown in the accompanying map. The total settler population in the West Bank outside of East Jerusalem is around 140,000, of which 20,000 are religious Zionists with varying degrees of hostility toward their Palestinian neighbors. The remainder were enticed into moving into the West Bank by the heavy subsidies offered to the settlers by the government. Their attachment to the West Bank is slight, and it is reported that 30 percent of them would be prepared to move back to Israel if the government paid for their relocation.

The scattering of the settlements makes it difficult to devise any scheme for containing indefinitely two distinct and mutually hostile populations in the West Bank. The

options are to construct an elaborate infrastructure to maintain separation between the two populations or to abandon the settlements and to subsidize the return of the Jewish settlers, all of whom have had comparatively short term residency in the West Bank.

The Israeli government is following the first option. An extensive grid of separate roads is being built at great expense connecting the settlements to each other and to Israel, designed to bypass Palestinian villages. The final aim is to construct a condominium of interconnected Jewish settlements, containing isolated Palestinian communities within its network. The planners expect that, because of their separation from each other, the Palestinian areas would have little effective political power, with or without, limited self-government. The ambitious road-building program is far from complete.

The weakness of this scheme to integrate the West Bank settlements into Israel should be obvious. In times of Palestinian unrest, more than 100,000 Israeli troops are required to attempt to police the area, an enormous burden on a country with a population of little more than 4 million Jews. The intifada has been going on for more than six years and could continue far into the future. It is only the excessively optimistic who can suggest that the objective situation could be changed by the negotiation of an Oslo-like agreement covering the West Bank.

A major difficulty with the Israeli planning in the West Bank has been the locating of Jewish settlements immediately adjoining large Palestinian population centers, and even placing mini-settlements within the Palestinian centers themselves.

The impossibility of the West Bank settlement arrangement was suddenly brought into public view by the Hebron massacre and by the armed violence that succeeded it. It was not until this atrocity that many North Americans became aware that settler violence against unarmed Palestinians had been going on for years all over the West Bank, largely unreported and mostly unpunished by the Israeli authorities.

This lack of government response to the unrestrained violence of the settlers has been due to the undue influence of the religious settlers and their supporters within the government. To the religious settlers, the West Bank is part of the land promised to the Hebrews by God and no compromise is possible. The Palestinians must accept their servile status as provided in the early sections of the Torah or get out. This view, but using more secular symbolism, is shared by most right wing Zionists.

Due to the peculiar structure of the multi-party Israeli government, the religious parties and their allies have sufficient strength to bring down any government. Labor or Likud, that attempts to discipline the settlers. This is particularly true of the Rabin government with its tenuous parliamentary majority.

Rabin is thus placed in a critical dilemma. In order to pursue an interim agreement with the Palestinians on the West Bank, he must subdue settler violence in order to bring the Palestinians to the U.S.-Israeli bargaining table. But if the government takes steps against the increasingly rebellious settlers, it may find itself out of office or even facing settler mutiny against the army.

For their part, West Bank Palestinians face increasing settler

The Gaza Strip

The Oslo and Cairo agreements have made the situation in the Gaza Strip with respect to land holding considerably different from those parts of the West Bank in which the occupation remains in full force. Due account must also be taken of the fact that the Gaza Strip has been "written off" by the Israelis as not being worth the effort to maintain the occupation in its original form. The Gaza Strip must be considered to be a case by itself, a case that may be expected to exist alone for some time.

One has only to take a taxi ride from East Jerusalem to Gaza City to discover that the two territories are worlds apart. The Gaza Strip is fundamentally agricultural and has an area only about twice that of the District of Columbia. It is now crowded with close to 900,000 Palestinians. One-third or more of the land of the Gaza Strip has been confiscated for the benefit of, at most, 5,000 Jewish settlers. In contrast to the squalid refugee camps in which more than one-half of the Palestinian inhabitants of Gaza are forced to live, the Jewish settlers live in pleasant villas, many facing the sea. One of the main contacts between the two peoples is through the employment of Palestinians for agricultural labor at wages even lower than those paid to the Palestinians who work in Israeli agriculture.

These and many other provocations explain why the Gaza Strip has been a hotbed of violence mainly directed against Israeli Jews both inside the Gaza Strip and in Israel.

In the past, the majority of employed Gazans worked in Israel. The closure of the occupied territories to Palestinians imposed at the end of March 1993 caused

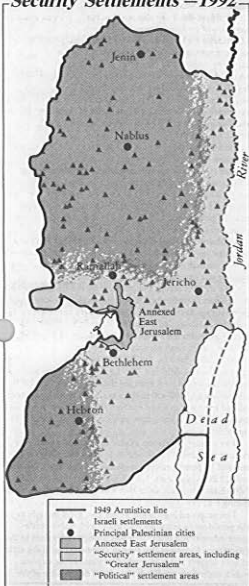
most of these day workers to lose their jobs. The closure is relaxed from time to time, but only a minority of the former workers in Israel have been permitted to return to work in Israel. Since the economy of the Gaza Strip is dependent on the wages brought home from Israel, the closure has wrecked the Gazan economy. Unemployment in Gaza is currently reported at 60 percent. Many of the families are on the verge of starvation. U.N.W.R.A., the U.N. relief agency, made a distribution to 96,000 families in March. It was reported that this had to be a one-time distribution on account of a shortage of funds.

For the Israeli government, the Gaza Strip has been a chronic headache. Tens of thousands of troops have had to be deployed there in a vain attempt to restrain the violence, although it is questionable whether the presence of the troops, of itself, has not provoked hostility and increased the violence. The only tangible result, as far as the Israelis are concerned, is army casualties.

Although one-third or more of the Gaza Strip has been confiscated for Jewish settlements and agriculture, settling in the Gaza Strip has never been popular among Israeli Jews, and fewer than 5,000 have settled there. The reason for the unpopularity is because Gaza is too far away from the major Israeli population centers for easy commuting, and because the main occupation of the non-commuters is agriculture, a occupation traditionally disliked by most Jews. A number of Jewish settlers are there only on weekends.

For the Israelis, the Cairo agreement is a prime example of eating one's cake and having it too. Under the agreement, the splitting off of the Jewish settlements from the Palestinian area enables settlement life to go on as before.

West Bank: Political and Security Settlements—1992



Credit: Report on Israeli Settlements, 1992

violence: growing unemployment (already of catastrophic proportions arising from Israel's stringent closure of the occupied territories); and land confiscations being carried out at an accelerated rate. Under these circumstances, it is unlikely that there will be an early end of West Bank violence.

but on a more secure basis: the settlements now will be surrounded by security zones guarded by the Israeli army. The Palestinian police will be in charge of Palestinian law and order and have the delegated responsibility for putting down attacks against Israelis. But the Israeli army will remain in primary charge of security for the Jewish settlers.

The Palestinians from Gaza working in Israel are almost irreplaceable in construction and agriculture within Israel. However, the closure of the occupied territories has demonstrated that the entry of Palestinian workers to day jobs in Israel can be fairly easily controlled, both as to number and identities, to suit Israeli economic and political needs. In fact, the logistics of the supply of Palestinian workers will remain unchanged by the Palestinian limited self-government in the Gaza Strip.

With respect to land confiscation, the signing of the Cairo agreement, of itself, actually added to the area of confiscated land in the Gaza Strip. The agreement calls for (1) the consolidation of the existing settlements by taking in land lying between them; (2) the surrounding of the consolidated settlements by Israeli military zones; and (3) the construction of a new road system connecting the settlements to Israel and to each other — all steps that must lead to the confiscation of additional Palestinian land.

The possibility of the confiscation of yet more Palestinian land to enlarge the Jewish settlements remains uncertain at this point. In principle, the occupation will remain in effect for the next five years and the military orders that govern the Gaza Strip have not been cancelled. These provide the legal basis for

additional land confiscations if the settlers exert sufficient pressure.

On the other hand, it may be decided in the future by the government that the Gaza settlements are not worth the cost of the hundreds or thousands of Israeli troops required to guard them and that they will finally be abandoned. In view of the ideological importance of the settlements to the religious settlers and their supporters, one can foresee a mammoth political struggle in the Knesset on this question.

Outlook for Ending the Occupation and the Start of Self-Determination

In spite of the seeming hopelessness of the Palestinian situation, threatened with the confiscation of almost all their remaining land, the Israelis are between a rock and a hard place in relation to their long-term occupation of the West Bank and the Gaza Strip.

To avoid unending strife, the logical course for the Israelis would be to return the settlers to Israel and completely withdraw from the territories. In the case of the Gaza Strip, this decision would perhaps meet with little Israeli resistance. However, writing off the West Bank and giving up the vision of "Greater Israel" after more than a quarter of a century of heavy losses, both in military casualties and in the general welfare of the country, would be politically difficult if not impossible.

The decision of Israeli withdrawal from the occupied territories is also in the hands of the United States, given the fact that maintenance of the occupation, in whatever form it takes, such as limited Palestinian self-government, is conditional on the continuance of U.S. financial aid into the indefinite future. Very few Israeli I have talked to have any doubts whatsoever that the patience and generosity of the United States in this direction are other than inexhaustible. Thus possible changes in U.S. aid policy may be expected to be of little concern to Israeli policymakers.

The United Nations and the rest of the world are also involved in the question of whether the one-sided Oslo-Cairo agreements are in accordance with international law.

The Oslo and Cairo agreements fall into the category of agreements concluded between the authorities of the occupied territories and the Occupying Power, Article 47 of the Fourth Geneva Convention:

Protected persons who are in occupied territory shall not be deprived, in any case or in any manner whatsoever, of the benefits of the present Convention by any change introduced as the result of the occupation of a territory, into the institutions or government of the said territory, nor by any agreement concluded between the authorities of the occupied territories and the Occupying Power, nor by any annexation of the latter of the whole or part of the occupied territory.

There can be no question that Article 47 means what it says. The only question is whether it applies to the Oslo and Cairo agreements, which are interim agreements in the course of an occupation scheduled to continue for at least five years

from now. Several legal authorities have been consulted in this connection, and they generally agree that the Fourth Geneva Convention is applicable. John Quigley, Professor of International Law at Ohio State University, was among the group consulted, and he pointed out that Article 47 was specific to agreements reached with the authorities, namely, in this case, with the Palestine Liberation Organization.

Article 49 of the Convention includes the provision: "The Occupying Power shall not deport or transfer parts of its own population into the territories it occupies."

The transfer of Israelis into the occupied territories is exactly what the Israelis are doing by the confiscation of Palestinian lands for the express purpose of building permanent Jewish settlements and inducing Israeli nationals to live in them by heavy subsidization. The element of coercion is introduced into the transfer by the forced dispossession of Palestinians of their land.

The violation of this section of the Fourth Geneva Convention has of course been going on since the early days of the occupation but, never before the Oslo agreement, has the continuation of the violation been agreed to by the P.L.O. as representative of the Palestinian people. The Oslo-Cairo agreements accept the "legality" of the existence of the illegal settlements by providing that the settlement area be placed under the exclusive control of the Israeli government. This provision of the agreements creates areas from which, by mutual agreement, Palestinians are excluded.

The law of Israel being extended to these areas is tantamount to the annexation of the settlement lands

in the Gaza Strip to Israel. This de facto annexation of the settlement lands to Israel is the consequence of all residents of the settlements being explicitly under Israeli law, instead of the law of the occupied territories.



East Jerusalem Palestinians protest Israeli eviction practices, July 1993. Ruben Bittermann/Photo

The elimination of these violations of international law would require the renegotiation of the Oslo and Cairo agreements to provide that the Jewish settlers in the Gaza Strip be withdrawn, and that the lands on which the settlements have been built be returned to their rightful Palestinian owners.

As far as Americans are concerned, the building of illegal Jewish settlements in the occupied territories constitutes a deadly blow at U.S. objectives in the Middle East.

The Hebron massacre and the ensuing settler-initiated rioting in that unhappy city has clearly

shown the world that peace is not possible as long as Jewish settlers reside in the occupied territories. A peace based on a permanent occupation under the rubric of limited Palestinian self-government, but devoted to protecting the interests of the settlers whose presence is a violation of international law, will spell unending bloodshed. Only by the evacuation of the settlements can a *modus vivendi* be reached — apparently an impossible choice politically for the Israelis at this present time.

For the United States, it is imperative to end the Israeli-Palestinian conflict in the interest of stability in the whole region of the Middle East. Ironically, the United States has provided, and continues to provide, the necessary money for the Israeli settlement program. The cutting off of U.S. funding of Israel could revolutionize internal Israeli politics, enabling that country to make the difficult political decision to terminate its settlement program. Absent such definitive American fiscal action, the peace process may amount to no more than a hypocritical exercise in futility.

END NOTES

1. Raja Shehadeh, "Occupiers Law: Israel and the West Bank," Institute for Palestine Studies, 1988, pp. 43-45.
2. Material appearing in the last several paragraphs was abstracted from article by R. Abdulhadi in the *Journal for Palestine Studies*, Summer 1990, pp. 47-61.
3. R. Shehadeh, *op. cit.*, pp. 55-56.
4. U.S. Dept. of State, "Countries Report on Human Rights Violations," 1993.
5. A. Lorenz, Washington Report on Middle East Affairs, March 1993, p. 27.
6. Paul Findley, "The Dare to Speak Out," Lawrence Hill, 1985.
7. Frank Collins, Washington Report on Middle East Affairs, Ap-May 1994, p. 91.
8. For a comprehensive report on confiscations in the Old City, see Michael Dumper, *Journal of Palestine Studies*, Summer 1992, pp. 32-83.

By Henry G. Fischer

Jewish History, Jewish Religion: The Weight of Three Thousand Years

By Israel Shahak
Foreword by Gore Vidal
Pluto Press, 1994. viii + 127 pages
List: \$14.95; From AMEU: \$11.95

It seems almost impossible that the weight of three thousand years of Jewish history could be compacted into little more than a hundred pages, and such is not really the author's intention, although he does indeed cover that span of time. And in doing so he displays a range of knowledge that is far beyond what one would expect of a retired professor of chemistry. He draws not only on Jewish sources, with which he is intimately acquainted, but on many others, as diverse as Machiavelli, Mencius and Sir Thomas More. One must, however, understand "weight" in the sense of "burden," and he is particularly concerned with the burdensome thousand years prior to the end of the 18th-century, a period described as "classical Judaism." During this, the longest period of Jewish history, Jews lived within an extremely self-contained society governed by the complex regulations of the Talmud, and by rabbis who had the power of life and death.

Shahak stresses three major features of this closed society. In the first place, it differs from earlier Jewish society in that it had no peasants. Though poverty and discrimination were real enough at times, "the poorest Jewish craftsman, pedlar, landlord's steward or petty cleric was immeasurably better off than a serf." This was particularly true of the eastern European countries, where the majority of Jews lived. Down to modern times (around 1880), their most important social function was to act as supervisors and oppressors of the enserfed peasantry. Secondly, Jewish society was particularly dependent on kings or nobles with royal powers. Thirdly, it was in total opposition to the surrounding non-Jewish society except for the rulers on whom it was dependent. The last two features are also applicable to the remainder of Europe, and to the Muslim world.

During this classical period the persecutions of Jews occurred through popular movements, coming from below, and in such cases the rulers were always on the side of the Jews. As social equality began to

emerge, this situation was reversed: dissenters and liberals supported the Jews, while conservatives tended to be against them. And in Germany the ultimate persecution definitely came from above, from those who controlled the state.

Zionism, says Shahak, misrepresents the true history of the classical period by asserting that the causes of anti-Jewish reaction were always the same. He further asserts that Zionism, even among its non-religious adherents, perpetuates the ideology of that period in many ways, most importantly in seeking to re-establish the sort of authority over the Jewish community that had formerly been wielded by the rabbinate. This has happened because in the countries of east Europe and the Arab world, "the Jews were liberated from the tyranny of their own religion and of their own communities by outside forces, too late and in circumstances too unfavorable for genuine internalised social change."

Thus Shahak considers that "one of the most deep-seated ideological sources of the Zionist establishment's persistent hostility towards the Palestinians is the fact that they are identified in the minds of many east-European Jews with the rebellious east European peasants who participated in the Chmielnicki uprising and in similar revolts—not only in the Middle East but also far beyond—a role not unlike that of the Jews of pre-1795 Poland: that of a bailiff to the imperial oppressor." Here he cites his country's part in arming regimes in Nicaragua, Guatemala, El Salvador and Chile. Israel's former ties with South Africa might also have been mentioned, and it will be interesting to see what will become of that connection now that democracy has prevailed.

Shahak's critique of Zionism is also illustrated by the effect it has had on the Jewish population in America. Formerly this segment of the population was allied with the liberals who had supported them. Now—and especially since 1967—it has become decidedly more conservative.

Zionism has always had the support of Christian fundamentalists such as Jerry Falwell and Billy Graham, but one wonders what they would have to say if they read Shahak's account of the attitude

of Jewish orthodoxy towards Christians. According to the Talmud, the real authority for Jewish orthodox beliefs, the rabbinical court quite properly condemned Jesus for idolatry and contempt for rabbinical authority—the Romans aren't even mentioned. In fact, the Gospel accounts are "detested and they are not allowed to be quoted (let alone taught) even in modern Israeli Jewish schools." Among the orthodox the name of Jesus, *Yeshu*, is an acronym-curse for "may his name and memory be wiped out." The revered Maimonides appends a similar curse to the name of Jesus in his attacks on Christianity. Shahak does not say whether these attacks are toned down in the American edition of Maimonides' "Guide to the Perplexed," but he does note that one version, frequently reprinted in this country, disguises its anti-Black views by rendering "Blacks" as "Kushites."

Shahak gives much attention to the chauvinistic mentality of the Talmud, which regards all non-Jews as liars, and has no compunction in deceiving them. Mercy in the Talmud is to be shown "only towards Jews". And many examples are offered of the pilpulistic reasoning that enables orthodox Jews to break a rule and have it too. From all this one better understands the thinking behind that complex tangle of laws and regulations by which the Palestinians have been divested of their land, as detailed by Sabri Jiryis in "The Arabs in Israel."

Professor Shahak's central message is clear: "When racism, discrimination and xenophobia is prevalent among Jews, and directed against non-Jews, it is like its opposite case, that of antisemitism and its religious motivations." In other words, one cannot have it both ways: "antisemitism and Jewish chauvinism can only be fought simultaneously." His book—profound, articulate, fascinating in every detail—is among the few that are most essential to those of us interested in the Middle East, but it is also to be recommended to anyone with an interest in European history, the history of religion, or, indeed, anthropology and sociology.

Dr. Henry Fischer is Curator Emeritus, Dept. of Egyptian Art, Metropolitan Museum of Art



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