

Politics – September 2009

Israel was justified to open a military operation in Gaza to stop the extensive rocket firing at its citizens. No sovereign state should tolerate such terror. Indeed, the primary role of any state is to guarantee its citizens' safety. But I cannot justify Cast Lead's conduct as it did not take ample consideration of the Gaza citizens, perceiving all as combatants or accessories at fault just by being residents of the Hamas territory ("Hamastan"). Far too many innocent lives were lost during the bloody operation which was conducted in such a way that would provide maximum security to Israeli soldiers, often at the expense of Gaza citizens who happened to be in harm's way.

Raphael Cohen-Almagor

This month Katyusha rockets, yet again, were fired on Israel from Lebanon. Evil tends to erupt from the north. We monitor our border closely and argue that the Lebanese government should take responsibility. One more month with the unmitigated Iranian threat. President Shimon Peres fainted on a stage as he was about to make a speech. Violence in disco clubs. Men kill their wives. Somehow it is always men who kill their partners. Almost every day we awake to yet another violent incident. The weekends always have their tolls on the roads, when young and drunken people go back to their homes after a Friday night out. As you know, Israel has a short weekend of only one day, Shabbat. Friday is the big party night.

President Obama made an important speech yesterday, saying what should have been said by an American president long time ago. Time will tell whether he has the ability to push things forward towards a viable solution. It will be very difficult (see my reflections on Prime Minister Netanyahu's frame of mind). And, there is Hamas. We need two to tango. I am uncertain whether there are *any* partners.

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Free Gilad Shalit. We have seen some movement in Egypt but nothing concrete has yet to happen. Prime Minister Netanyahu says that he wishes to put an end to this ordeal and to bring Gilad home. We should see intensified negotiations between Israel, Egypt and the Hamas. I hope a deal will be confirmed soon, as we begin a new year.



Ynet

Hamas-Israel War

As could have been expected, the war is not forgotten, and more fact-finding commissions release their findings. The latest out of a UN investigation mission is, as expected, quite damaging for Israel. The mission found extensive evidence that both Israel and the Palestinian terrorists (the Mission calls them “militant groups”) took actions amounting to war crimes, and possibly crimes against humanity.

While the comprehensive 575-page Report condemned rocket attacks by “Palestinian armed groups” against Israeli civilians, it reserved its harshest language for Israel’s treatment of the civilian Palestinian population in the Gaza Strip, both during the war and through the longer-term blockade of the territory. The Report is not balanced. It cannot be as it primarily analyses the weeks of fighting during December 2008-January 2009 when Israel launched a massive attack on the Hamas.

The Report called Israel’s military assault on Gaza “a deliberately disproportionate attack designed to punish, humiliate and terrorize a civilian population, radically diminish its local economic capacity both to work and to provide for itself, and to force upon it an ever increasing sense of dependency and vulnerability” (*Report*, p. 525).

The Mission, led by Judge Richard Goldstone from South Africa, once the lead war crimes prosecutor for former Yugoslavia and Rwanda, did not attempt an exhaustive look at the war, instead focusing on 36 cases that it said constituted a representative sample. In 11 of these episodes, it said the Israeli military carried out direct attacks against civilians, including some in which civilians were shot “while they were trying to leave their homes to walk to a safer place, waving white flags and, in some of the cases, following an injunction from the Israeli forces to do so” (*Report*, p. 15).



In all but one of these civilian attacks, the report said, “the facts indicate no justifiable military objective” for them (*Report*, p. 15).

Both Palestinians and Israelis met by the Mission repeatedly stressed that the military operations carried out by Israel in Gaza from 27 December 2008 until 18 January 2009 were qualitatively different from any previous military action by Israel in the occupied territories. Despite the hard conditions that have long been prevailing in the Gaza Strip, victims and long time observers stated that the operations were unprecedented in their severity and that their consequences would be long-lasting (*Report*, pp. 522- 523).

Goldstone argues that in many cases Israel could have done much more to spare civilians without sacrificing its stated and legitimate military aims. It should have refrained from attacking clearly marked civilian buildings, and from actions that might have resulted in a military advantage but at the cost of too many civilian lives. In these cases, Israel must investigate, and Hamas is obliged to do the same. They must examine what happened and appropriately punish any soldier or commander found to have violated the law.

The Mission recognizes fully that the Israeli armed forces, like any army attempting to act within the parameters of international law, must avoid taking undue risks with their soldiers’ lives, but neither can they transfer that risk onto the lives of civilian men, women and children. The fundamental principles of distinction and proportionality apply on the battlefield, whether that battlefield is a built up urban area or an open field (*Report*, p. 524).

Unfortunately, both Israel and Hamas have dismal records of investigating their own forces. Goldstone writes in the *NY Times* that he is unaware of any case where a Hamas fighter was punished for deliberately shooting a rocket into a civilian area in Israel — on the contrary, Hamas leaders repeatedly praise such acts. While Israel has

begun investigations into alleged violations by its forces in the Gaza conflict, they are unlikely to be serious and objective.

The report cited other possible crimes by the Israelis, including “wantonly” destroying food production, water and sewerage facilities; striking areas, in an effort to kill a small number of combatants, where significant numbers of civilians were gathered; using Palestinians as human shields; and detaining men, women and children in sand pits. It also called Israel’s use of weapons like white phosphorus “systematically reckless,” and called for banning it in urban areas.

The Mission is concerned not only with the inordinate risks the Israeli armed forces took in using white phosphorus, but also the damage it caused in fact. In speaking with medical experts and practitioners, it was impressed by the severity and sometimes untreatable nature of the burns caused by the substance (*Report*, p. 249).

Israel is correct that identifying combatants in a heavily populated area is difficult, and that Hamas fighters at times mixed and mingled with civilians. But, Goldstone is right in arguing that that reality did not lift Israel’s obligation to take all feasible measures to minimize harm to civilians.

The Mission acknowledges the significant efforts made by Israel to issue warnings through telephone calls, leaflets and radio broadcasts and accepts that in some cases, particularly when the warnings were sufficiently specific, they encouraged residents to leave an area and get out of harm's way. However, the Mission also notes factors that significantly undermined the effectiveness of the warnings issued. These include the lack of specificity and thus credibility of many pre-recorded phone messages and leaflets. The credibility of instructions to move to city centres for safety was also diminished by the fact that the city centres themselves had been the subject of intense attacks during the air phase of the military operations. The Mission also examined the practice of dropping lighter explosives on roofs (so-called “roof knocking”). It concludes that this technique is not effective as a warning and constitutes a form of attack against the civilians inhabiting the building (*Report*, p. 13).

The tactics used by Israeli military armed forces in the Gaza offensive are consistent with previous practices, most recently during the Lebanon war in 2006. A concept known as the Dahiya doctrine emerged then, involving the application of disproportionate force and the causing of great damage and destruction to civilian property and infrastructure, and suffering to civilian populations. Statements by Israeli political and military leaders prior to and during the military operations in Gaza indicate that the Israeli military conception of what was necessary in a war with Hamas viewed disproportionate destruction and creating the maximum

disruption in the lives of many people as a legitimate means to achieve not only military but also political goals (*Report*, p. 21).

The Mission rejects the analysis of present and former senior Israeli officials that, because of the alleged nature of the Hamas government in Gaza, the distinction between civilian and military parts of the government infrastructure is no longer relevant in relation to Israel's conflict with Hamas. The Mission also rejects Israel's argument that Israel should "put pressure" on Hamas by targeting civilian infrastructure to attain its war aims as this argument is incompatible with the cardinal principle of distinction (*Report*, p. 118).

The Mission studied a number of incidents in which the Israeli armed forces repeatedly opened fire on civilians who were not taking part in the hostilities and who posed no threat to them. These incidents indicate that the instructions given to the Israeli armed forces moving into Gaza provided for a low threshold for the use of lethal fire against the civilian population (*Report*, p. 228). In the incidents investigated the Israeli armed forces did not use their best efforts to provide humanitarian organizations access to the wounded. On the contrary, the facts indicate that, while the circumstances permitted giving access, the Israeli armed forces arbitrarily withheld it. The conduct of the Israeli armed forces amounted to violations of the right to life where it resulted in death, and to a violation of the right to physical integrity, and to cruel and inhuman treatment in other cases, which constitute a violation of articles 6 and 7 of the International Covenant on Civil and Political Rights (*Report*, p. 233).

On the Palestinian side, the report said that firing rockets that either deliberately were aimed at Israeli civilians or were so inaccurate as to risk hitting civilians (as if the Hamas and Islamic Jihad wanted to avoid hitting civilians) caused widespread trauma and constituted a war crime. It also singled out Palestinian actions within Gaza, including killings and other abuse of members of the rival Fatah political movement as a serious violation of human rights (*Report*, p. 26).

Palestinian armed groups have launched about 8,000 rockets and mortars into southern Israel since 2001. During the conflict, the report said, they killed 3 Israeli civilians and a soldier, and injured over 900 people (*Report*, p. 31). The report did not take a position on the number of Palestinian casualties, noting that they ranged from the Israeli government figure of 1,166 to the Hamas number of 1,444, without saying how many were civilians (*Report*, p. 10).

The Mission did not find any evidence to support the allegations that hospital facilities were used by the Gaza authorities or by Palestinian armed groups to shield military activities and that ambulances were used to transport combatants or for other military purposes (*Report*, p. 148).

The Mission emphasizes the obligation of the Gaza authorities to respect international law and is of the view that this requires the prevention and prosecution of violations of international law occurring within its area of de facto governmental authority. International law attributes a duty to parties to hostilities to protect and respect civilians. Such a duty is part of customary international law and is codified in treaty law through article 27 of Geneva Convention IV. Furthermore, combatants have an obligation, under article 48 of Additional Protocol I, to distinguish between civilians and combatants and civilian objects and military objects during the conduct of hostilities. Article 51(4) of Additional Protocol I explicitly prohibits indiscriminate attacks. Article 51 (6) of Additional Protocol I strictly prohibits reprisals against civilians (*Report*, p. 471).

The Mission is aware that Hamas continues to view all armed activities directed against Israel as resistance to occupation and practices of the occupation, and, therefore, a legitimate right of the Palestinian people. The Mission fully recognizes the Palestinian people's right to self-determination, in accordance with the Charter of the United Nations and international human rights conventions. It also acknowledges that United Nations bodies and others have repeatedly pointed out practices of the Israeli occupation that deprive Palestinians of their human rights and fundamental freedoms. Nevertheless, the Mission forcefully reiterates that the peremptory norms of customary international law, both of human rights law and humanitarian law, apply to all actions that may be undertaken in response to, or to oppose, human rights violations (*Report*, p. 511).

The Mission concludes that the rocket and mortars attacks, launched by Palestinian armed groups operating from Gaza, have caused terror in the affected communities of southern Israel. The attacks have caused loss of life and physical and mental injury to civilians as well as damaging private houses, religious buildings and property and eroding the economic and cultural life of the affected communities and severely affected economic and social rights of the population (*Report*, p. 541).

Both the Israeli and Palestinian authorities are criticized for the treatment of their own civilians during the conflict. The Mission finds that security services under the control of the Gaza authorities carried out extrajudicial executions, arbitrary arrest, detention and ill treatment of people, in particular political opponents, which constitute serious violations of the human rights to life, to liberty and security of the person, to freedom from torture or cruel, inhuman or degrading treatment or punishment, to be protected against arbitrary arrest and detention, to a fair and impartial legal proceeding; and to freedom of opinion and expression, including freedom to hold opinions without interference (*Report*, p. 542).

The Mission also called for the immediate release of Gilad Shalit, seized in a Palestinian raid in 2006 and taken to Gaza. The Mission asked the Gaza authorities to confirm the status of Gilad Shalit. In their reply, which the Mission considered unsatisfactory, the Gaza authorities denied being involved in any way with the capture and detention of Gilad Shalit and stated that they are not in possession of any information regarding his current status (*Report*, p. 372).

The government of Israel reacted, rather hastily, with condemnation of the Report as discriminatory and anti-Semitic. I read and reread the Report and it is not my impression. Prime Minister Netanyahu wondered how come the Report speaks about occupation when Israel had evacuated every centimetre of Gaza. Netanyahu chose to ignore the blockade to which Israel has subjected Gaza. Blockade is not occupation but it is quite suffocating. Netanyahu further criticized the Report for ignoring the thousands of rockets that were fired on Israel. As you read from the excerpts above, this criticism is, to use an Oxonian understatement, not entirely correct or founded. Instead of dismissing the Report and accusing the Mission with ill-founded and rushed condemnations, Israel (especially its government and army) should study it carefully; deduce lessons and conclusions in order to avoid at least parts of the conduct we witnessed during the bloody weeks of December 2008-January 2009.

I will be happy to send the report to interested parties.

Sources: The *Goldstone Report*; Neil MacFarquhar, "Inquiry Finds Gaza War Crimes from Both Sides", *New York Times* (September 16, 2009); "UN condemns 'war crimes' in Gaza", *BBC* (September 16, 2009); Richard Goldstone, "Justice in Gaza", *NY Times* (September 17, 2009).

Iran

I am sure you are following the events in Iran after the elections. Unsurprisingly, the Holocaust-denier Mahmoud Ahmadinejad was reelected. Unclear to what extent the elections were kosher. In a recent article in *ForeignPolicy.com* (August 20, 2009) Mehdi Khalaji and Robert Pastor reflect on the substantial election irregularities. The president-controlled Interior Ministry conducts elections in Iran. It denies opposition observers access to polling stations and counts the votes. Only half of Mousavi's observers were permitted to observe polling stations in the capital city of Tehran; they had even less access in the rest of the country. None of the observers were permitted to see whether the ballot boxes were empty when the vote began. Nor were they permitted to accompany the mobile ballot boxes, which collected nearly one-third of the votes. And no Mousavi or impartial observers accompanied the

ballot boxes from local wards to the provincial committees and finally to Tehran for the count.

Before the election, the reformists' Committee for Safeguarding the Votes expressed concern that 54 million ballots were printed -- millions more than for past elections and 8 million more than the number of eligible voters. Moreover, some ballots did not have serial numbers. About 40 million people voted, but no one accounted for the other 14 million ballots.



The Committee for Safeguarding the Votes also said it found a large number of Mousavi votes after the election, including some in the northern forests of Iran. It surmised that these votes were removed from the boxes and replaced with votes for Ahmadinejad. Mousavi himself claims he has evidence that the total number of votes exceeded the number of eligible voters by as much as 40 percent in more than 170 constituencies. Some of the party observers claim ballots for Ahmadinejad featured the same handwriting in the same ink.

These accusations of fraud are credible. Even the conservative Guardian Council has acknowledged that as many as 3 million votes might have been fraudulent. But, given the way the system operates, no one knows with certainty how many votes were legitimate and how much fraud occurred.

Khalaji and Pastor argue that the single most important step is to transfer election responsibilities from the Interior Ministry and the Guardian Council to a nonpartisan and independent national election commission. Iran should also create a nonpartisan elections court, composed of judges and lawyers. All the major political parties should have a veto on nominees so as to ensure that the judges are acceptable to all the parties.

Second, Khalaji and Pastor propose that the Election Commission should certify the candidates according to clear and fair criteria, and they should prevent any intimidation, and guarantee access to the entire electoral process by domestic and international election observers. Domestic observers are absolutely essential to assuring a free election and detecting fraud; and international observers help the process by magnifying the voice of the domestic observers.

Third, the ballot boxes should be opened for all to see before the election begins, and observers should accompany mobile and other ballot boxes through the day.

Finally, counting should occur at every polling site. Observers should watch the count, sign the declaration of results, and keep a copy. The final announcement should publicize the results of each of the polling stations, so that people can detect any vote discrepancy. Only with such reforms can Iranians know when their votes count, and when their voices are stolen.

It now appears that Ahmadinejad will try to consolidate a hard-line government and will ruthlessly suppress all legitimate protest movements. If he chooses this path, he will further undermine his efforts to win legitimacy.

See also

http://shoresh1917.blogspot.com/2009/06/blog-post_13.html

Prime Minister Netanyahu

People ask me whether the Israeli government will advance a peace motion. Hope is a very important component in life, but it should not lead to disillusion. The Israeli government does not wish peace with the Palestinians, does not wish to see the establishment of a Palestinian state, and is not willing to make the necessary concessions in order to make such a peace initiative viable.

People say: Leaders do surprise. They do change. Look at Begin. Sharon. Well, I fear Prime Minister Netanyahu is a different sort. If at all, he has hardened his position as years have passed. Netanyahu is not a pragmatist like Begin and Sharon; he is not driven by a sense of history, as Begin was, and his realpolitik is based on different principles than Sharon's. Netanyahu's philosophy is based on the following components:



- Israel should take care of itself. No other country will go out of its way for Israel. The world is busy. Countries have other priorities. We are the only people who understand our needs, appreciate our difficulties, and will be there for us in time of trouble.
- Therefore, Israel needs to be strong. Very strong. Our enemies will restrain themselves in the face of strong Israel.

- Strength is manifested also by a strong economy which is founded on capitalist interests, bringing wealth to the nation, and retaining it. This means keeping the economic elite happy, and bringing external investments.
- Israel is a very small country, surrounded by hostile neighbours. It should not be smaller than it already is. Therefore, we should retain our territory, build in it, settle it, and we need to help those pioneers, those wonderful people who are willing to conquer new lands, and establish facts in the land. These people truly care for Israel and its destiny.
- The Palestinians have severe problems. They should strive to solve them, possibly with the help of the Arab world, but not at the expense of Israel.
- Some of their problems are the result of Israel's presence in the occupied territories. This is granted. But these problems are the result of their terrorist behavior. They should first prove to us that they had deserted terror. Once they do, Israel will be happy to relax the pressure. We don't enjoy pressurizing the Palestinians. We do it out of necessity to retain our strength and secure our people.
- The UN is not to be trusted. It is biased toward the Muslim and Arab world, with dozens of representatives in the Mission, against one tiny Israel.
- The European Union is biased. It is driven by economic interests, by its own concern vis-a-vis the growing Muslim presence in the continent, by geopolitical interests in which Israel features as a problem. Some argue that Europe is anti-Semitic. Europe should prove otherwise.
- Israel should retain its special relationship with the USA. We should be attentive to any American administration's demands, with reason, communication, and mutual understanding of the respective needs.

This set of principles allows very little scope for concessions and for pragmatism. The Palestinians will not be satisfied with what is offered. At best, the region is in a standstill as far as peace is concerned. At worse, things will escalate into yet another bloody confrontation. Iran, with its offshoots (Hezbollah in Lebanon, Hamas closer to home), will make things messier and volatile.

Academic Boycott

This month, a significant part of the Israeli academia participated in a heated debate about academic privileges, protections and limitations. The debate was spurred by Dr. Niv Gordon, lecturer at Ben-Gurion University which became in recent years a hub for post-Zionists and Israel's haters, who published an article on *LA Times* in which he described Israel as an apartheid state and called to boycott it.

There is nothing new in Gordon's ideas. He and others have been saying the same things for some time. Their sympathy with the Palestinians outweighs their common

sense. This time, however, there was a strong reaction by LA Jewry, who read the piece, did not like it, and wrote angry letters in protest to the President of Ben Gurion University, Rivka Carmi. She, in turn, published a response on September 1, 2009 on the pages of *LA Times*, saying:



Academic freedom exists to ensure that there is an unfettered and free discussion of ideas relating to research and teaching and to provide a forum for the debate of complicated ideas that may challenge accepted norms. Gordon, however, used his pulpit as a university faculty member to advocate a personal opinion, which is really demagoguery cloaked in academic theory.

Gordon argues that Israel is an "apartheid" state and that "a boycott would save Israel from itself." But the empirical facts show that it would destroy the very fabric of the society that he claims to want to protect. Instead of investing in activities that promote coexistence, this "call for a boycott" is already being used to isolate Israel.

This is particularly pernicious for our university, a proudly Zionist institution that embodies the dream of Israel's first Prime Minister, David Ben-Gurion, to bring development and prosperity to all the residents of the Negev region. This work -- which includes community outreach and scientific innovation in Israel and around the world carried out by nearly 25,000 students, faculty and staff -- is being threatened by the egregious remarks of one person, under the guise of academic freedom.

A number of online campaigns have been launched calling for donors and other supporters of the university to "boycott BGU." We have heard the calls by those who demand that the university ignore Israeli law and fire Gordon, a tenured faculty member, on the basis of his statements. And we are also under attack by others who champion Gordon on the basis of freedom of speech.

Like it or not, Gordon cannot be readily dismissed. The law in Israel is very clear, and the university is a law-abiding institution. At the same time, by calling on other entities, including academic institutions, to boycott Israel -- and effectively, to boycott his own university -- Gordon has forfeited his ability to work effectively within the academic setting, with his colleagues in Israel and around the world. After his very public, personal soul-searching in his Op-Ed article, leading to his extreme description of Israel as an "apartheid" state, how can he, in good faith, create the collaborative atmosphere necessary for true academic research and teaching?

The primary effect of Gordon's Israel-bashing will be to detract from the work of his university. I am a doctor; my professional career has focused on preventing hereditary genetic diseases in the Bedouin Arab community. Today, the laboratory that I founded at Ben-Gurion University is working with Bedouin, Palestinian and Jordanian doctors and researchers to improve the health of Arab children across the region. This is but one of the many Israeli-Arab collaborations -- in fields that range from developing advanced water technologies to solar energy, environmental conservation and emergency medicine -- that will be compromised here if "collective punishment" for Gordon's actions or for my opposition to his views is imposed on BGU.

Carmi is absolutely right. Academic boycott of Israel will not end the occupation. Israel is far from being an "apartheid state". Anyone who claims this either knows very little about apartheid states, like South Africa, know very little about Israel, or replace academic reasoning with demagogy. For me, all this is *déjà vu* as it reminds me of the heated exchange following a similar call by my former colleague, Ilan Pappé. It is appropriate to re-air some segments of the public letter I sent to Pappé back on April 28, 2005:

Ilán Pappé - Enough IS Enough

I recently returned from England, where I was invited to deliver a couple of lectures and to participate in a media ethics workshop. During my travels, including this one, many people have asked me what I think of Ilan Pappé, a person I used to appreciate. I always gave a polite and laconic answer, as I believed that I should be collegial to Ilan, and that dirty laundry should be washed internally. But enough is enough. This week Britain's umbrella academics' union, the Association of University Teachers (AUT) voted to boycott two Israeli universities, one of them is mine. In their decision they primarily relied on Pappé's testimony against his own university. Ilan is anything but collegial to us, members of the University of Haifa.

Ilán and I studied in the same university in England. We walked similar paths, and know the same people. In 1991 we both participated in a one-month research workshop in Oxford. You get to know people quite well when you spend one month with them, most of the time deliberating in a closed room. Ilán gained my respect and appreciation. Some years later I invited Ilán to contribute a chapter to an edited volume on Israeli democracy. His article was certainly solid and valuable. However, since then he passed the fine line between being a researcher to being an ideologue. I think the University of Haifa is most unfortunate to have Ilán among us... I am sorry that Ilán does not invest the incredible energies he has in prudent and productive ways but mostly in ways that provoke hatred, malice and bad blood. Just imagine what a fine researcher Ilán could have been were he to devote his time to research.

Ilan is motivated by negative emotions, by hatred, and he knows that this is a very bad judge. The crisis Ilan is generating is a test for all of us, including for him, whether he will be capable to free himself from these negative constraints, and to resume adherence to liberal thinking and values which he used to appreciate: liberty, equality and tolerance for all.

A few years have passed since then, and a new Pappé has emerged. Israel's bashers are always on the lookout for Israelis who will do the job for them. They invite them, pamper them, provide them with forums and the safe-hating Israelis do the rest and, from time to time, get attention for their derogatory claims. If Gordon were true to himself he should leave his university. Why should he associate himself, a fine and decent man, to such an awful institution that exploits and discriminates against Arabs, that betrays academic freedom, and allows people like him to go around the world and smear its name and reputation? Why should Gordon continue to sit inside the well, which provides his livelihood, and piss into it? The result might be warm for him and his family but the smell, Oh the smell. Gordon feeds himself and his family by working in the institution that he makes infamous.

Gordon is using academic freedom, tolerance, and free speech to ask others to ban all other Israeli teachers who do not think like him. Only he and his likes deserve the right to enjoy this freedom and tolerance. In short, he is giving hypocrisy a bad name, and reaches new horizons in setting standards for comradeship, for honesty, for academic freedom, for free expression. We need people like him to test our capacity to endure.

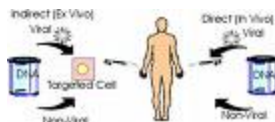
My readers know full well that I oppose the Israeli occupation, support a two-state solution, and believe that the only way to achieve security is by a fair splitting of the land between Israelis and Palestinians. Direct measures to fight the occupation and bring its viable end are welcomed. They surely need to involve the Palestinians, as we have seen that unilateral steps are not welcomed by the Palestinians. Ending of the occupation should be done by direct negotiations to bring about a workable solution so as to secure decent and peaceful coexistence between all the people living on the west side of the Jordan River.

Gene Therapy for the Unborn

Two spheres that most likely will occupy our minds and affect our lives for many years to come are genetics and the Internet. On August 27, 2009, *The Independent* advised that scientists are on the verge of ridding inherited diseases from future generations with a new technique for swapping genes between unfertilised human eggs before the resulting IVF embryos are implanted into the womb.

The technique has been successfully tested on laboratory monkeys and researchers believe it is now safe enough to apply for clinical trials on the many thousands of women at risk of giving birth to babies with some of the most debilitating inherited disorders.

Such a procedure would break new ground and raise fresh ethical concerns over the direction of IVF research because it would lead to permanent changes to the genetic make-up of children that would be passed on to subsequent generations of the same families.



This form of gene therapy, known as **germline gene therapy**, alters the DNA of sperm or eggs and is banned in Britain because of fears over its safety as well as the prospect of it leading to the creation of "designer babies". However, a clause in the new Human Fertilisation and Embryology Act, which comes into force on 1 October, could permit a type of germline gene therapy involving mitochondrial DNA - which exists outside the chromosomes - without the need for changes to primary legislation and a parliamentary vote.



Mitochondria, the tiny "power houses" of cells and their DNA, which lies outside the nucleus, is inherited solely down the maternal line. It is estimated that 1 in every 200 babies are born with mitochondrial mutations, some of which can lead to serious, life-long illnesses, such as diseases of muscles and nerves, as well as diabetes and cancer. The study on monkeys involved "renewing" the mitochondria of their eggs by the wholesale transfer of the chromosomes of one of their eggs into the egg of a donor female that had its own chromosomes removed so that only her mitochondrial DNA was left.

The aim was to test the feasibility of taking eggs from women with one of the 150 known mitochondrial DNA disorders and using them to create healthy eggs by transferring their chromosomes into donor eggs with no chromosomes of their own. The resulting egg would have DNA from two females and, when fertilised with a sperm, would result in an embryo which has three genetic parents.

In the latest study, four healthy macaque monkeys have been born using the technique. The scientists involved said there is no evidence that the procedure is unsafe and that they were planning to apply for ethical approval to conduct clinical trials in humans within a few years. "In theory, this research has demonstrated it is possible to use this therapy in mothers carrying mitochondrial DNA diseases so that

we can prevent those diseases from being passed on to their offspring," said Shoukhrat Mitalipov, of Oregon Health and Science University in Beaverton, Oregon.



"We believe with proper governmental approvals, our work can rapidly be translated into clinical trials for humans, and approved therapies," said Dr Mitalipov, whose study with colleague Masahito Tachibana is published in the journal Nature.

Conventional gene therapy has been tried in humans for 20 years but changing the DNA of mitochondria would raise new ethical concerns. "This is not a simple form of gene therapy. This type involves replacing genes in the germline which will of course transmit it to the next generation and there are concerns," Dr Mitalipov said. "We are talking of gene defects that cause terrible diseases. So the only way to prevent these genetic defects is to replace these genes whether we like it or not. We realise its gene therapy involving the germline."

Professor Peter Braude, a specialist in reproductive medicine at King's College London and director of the Centre for Preimplantation Genetic Diagnosis at Guy's Hospital, said: "The transfer of the normal genetic material from a mother who has defective mitochondria, to a clean donated oocyte [egg] with normal mitochondria would allow it to be fertilised with her partner's sperm and for them to have a child free of the mitochondrial disease with the genetic material of the couple."

Physician-assisted Suicide

Some 115 Britons who wanted to decide the time of their death had to leave their country, their home (which is their castle), travel to Switzerland where they were helped to die. The British authorities are embarrassed. They understand that this death-tourism is the result of insufficient legal instruments to enable sick people, at the end of their lives, to seek help at home. Polls consistently show that some seventy percent of the population support physician-assisted suicide but the British legislature is hesitant, also because the British Medical Association is opposed to such legislation.

On assisted suicide—the question of whether doctors should ever be allowed by law to end the life of someone with an incurable and painful illness from which they will not die, if the patient asked for it—3.5% of doctors and 18% of the public said it

definitely should be allowed, while 48% of doctors and 30% of the public said it should definitely not be allowed.

I am a supporter of physician-assisted suicide (PAS). I believe that for some patients this is the preferred and the right option. Some sick people would like to decide the time of their death. Only they can say: "Enough is enough. Now it is time to say good bye, because I can no longer cope with my state, and because medicine does not have a cure for me". Physician-assisted suicide can be the solution especially for suffering cancer patients, at the last stage of their lives. It is humane to cater for these people, enabling them to die at their own bed, in the company of their loved-ones. It is far more humane than seeing them flee to another, strange country, and find their solace in an estranged, simple apartment, in a company of a Swiss person whom they never met before. I am sure we can do better than that. Those patients deserve a better end to their life-journey.

Things should change also on the Swiss side. I never liked the idea that anyone can perform PAS in Switzerland. The assistant is not obliged to be a physician. The scrutiny mechanisms are lax. Recently the British conductor, Edward Downes, and his wife Joan travelled to Switzerland to end their lives with the help of the local end-of-life organization, Dignitas.



Unlike his wife, Sir Edward did not suffer from an intractable, deadly disease. For me, more should have done to highlight to him that life can still be meaningful and worthwhile. And no money should transfer hands for the conduct of PAS. Dignitas currently charges at least 6000 Euro. Not a bad business.

Another growing and troubling phenomenon recorded in many countries (USA, UK, Belgium, and The Netherlands, among others) is "terminal sedation". Physicians prescribe high doses of morphine and other medications which put the patient to sleep from which s/he never awakes. Quite often, the patient and his/her beloved people did not give consent to this.

I have elaborated on the need for safeguard mechanisms in many of my writings, most comprehensively in *The Right to Die with Dignity* (2001), my best book so far.

My New Article

"The Right to Privacy v. Public's Right to Know", in Asa Kasher (ed.), *Studies in Ethics (Iyyunim BeEtica)* (Jerusalem: Magnes, 2009), pp. 223-267 (Hebrew).

As ever, I'd be happy to circulate my new article to interested parties.

New Books

Asa Kasher (ed.), *Studies in Ethics (Iyyunim BeEtica)* (Jerusalem: Magnes, 2009) (Hebrew).

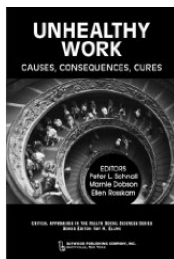


This is an excellent compilation, including articles on various ethical dilemmas: ethics in academia, related to the British academic ban of Israel; military ethics; medical ethics; bioethics; ethics in education; ethics in the media and on the Internet.

UNHEALTHY WORK: Causes, Consequences, Cures

Editors: Peter Schnall, Marnie Dobson, Ellen Roskam

Baywood Publishing, 2009

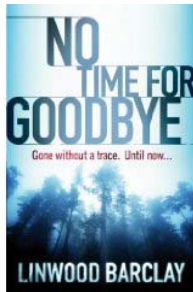


Work, so fundamental to well-being, has its darker and more costly side. Work can adversely affect our health, well beyond the usual counts of injuries that we think of as "occupational health." The ways in which work is organized, its pace and intensity, degree of control over the work process, sense of justice, and employment security, among other things can be as toxic to the health of workers as the chemicals in the air. These work characteristics can be detrimental not only to mental well-being but to physical health. Scientists refer to these features of work as "hazards" of the "psychosocial" work environment. One key pathway from the work environment to illness is through the mechanism of stress; thus we speak of "stressors" in the work environment, or "work stress." This is in contrast to the

popular psychological understandings of “stress,” which locate many of the problems with the individual rather than the environment. In this book we advance a social environmental understanding of the workplace and health. The book addresses this topic in three parts: the important changes taking place in the world of work in the context of the global economy (Part I); scientific findings on the effects of particular forms of work organization and work stressors on employees’ health, “unhealthy work” as a major public health problem, and estimates of costs to employers and society (Part II); and case studies and various approaches to improve working conditions, prevent disease, and improve health (Part III).

Novels

Linwood Barclay, *No Time for Goodbye*



A fourteen-year old girl misbehaves. She dates a seventeen year-old boy, a son of a known criminal, against the will of her parents. She lies to her parents, hiding the fact that she dates him. Her secret is revealed. Her father goes out to find her late at night. He grabs her from her boyfriend’s car, bringing her home. She is fast asleep, drunk, pissed and tired.

The following morning she wakes up. The usual morning sounds – kitchen, dishes, shower - are absent. The house is quiet. Very quiet. She goes downstairs to the kitchen. No one is there. The kitchen is clean, as if no one ate breakfast yet. She goes to her parents’ bedroom. It is empty. She goes to her brother’s room. Nobody is in the house. She looks for a note, explaining this emptiness. There is no note.

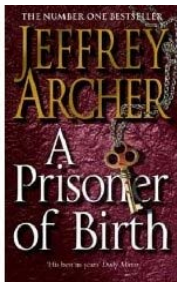
She goes to school, thinking that by the time she returns home, her family will be back. She does not know what to think. In the afternoon, she returns to an empty home. Now she is really worried. She goes to her neighbor, who saw or heard nothing. They call the police. An investigation starts.

Twenty-five years later, the girl who grew up to be a married woman and a mother, receives a voice from the past. She and her husband embark on a mission to discover what had happened on that tragic night.

The first 100 pages of this book are somewhat difficult to follow. But as you advance with the reading, the book does not let you go. It is captivating, interesting, and logical, despite the seemingly illogical happenings that unfold. An entertaining read for the last days of the summer.

<http://www.amazon.co.uk/No-Time-Goodbye-Linwood-Barclay/dp/0752893688>

Geoffrey Archer, *A Prisoner of Birth*



Danny Cartwright goes to a pub with his girlfriend and his closest friend. Here he goes down on his knees and asks his girlfriend to marry him. She agrees. A perfect night. Or not. A group of four young men are in the pub. Their leader likes the girl. He says some words he shouldn't say. An argument erupts. It is an unfair challenge. Four against two. But they all go out to the alley to fight. Danny's friend was stabbed by the leader, who implicates Danny. His three friends support his version of what had happened. Danny's girlfriend was not right there when the stabbing occurred. It is the word of four young and successful men against the word of Danny, a mechanic from the London lower class. Danny goes to jail.

This book, like my former recommendation, does not let you go. The difference is that it is masterfully written from the first page, until the last. Every small detail is important. I was hooked into the story and fate of Danny Cartwright from the first chapter. The pace of *A Prisoner of Birth* is unstoppable, with gripping twist and turns. It is about love, friendship, betrayal, revenge, the highs and lows of life. I highly recommend this book to anyone who is looking for an entertaining read which provides insights into English class society and its prison life, information about stamp collection (another hobby of mine). I don't recall when I last read an Archer book. I will look for his other more recent books.

Amir Gutfreund, *When Heroes Fly* (Zmora-Bitan, 2008, Hebrew) [*Bishvila Giborim Afim*]



This is the story of four boys who grew up in Haifa during the 1960s. Gutfreund describes their friendship, their adventures, their relationships with other people as they mature into men. At the same time, Gutfreund tells the story of Israel from the 1960s until Yitzhak Rabin's assassination on November 4, 1995. The milestones in Israeli society are described through the eyes of one of the boys. The novel is witty, funny, touching, beautiful. It is long, but I was sad to finish it. I looked with gloomy eyes at the bookmark as it moved along the pages, telling me that I am about to complete the reading. I could not leave the former two books because I wanted to discover what had happened (in *No Time for Goodbye*) and what will happen (in *A Prisoner of Birth*). This book I simply did not want to end. I loved the book because the story of the four boys is, more or less, my own story. Many of the neighbourhood descriptions were similar to my own neighbourhood experiences. The period covered in the book is the same period when I grew up in Tel Aviv. I loved this book and hope it will be translated to other languages. It provides incisive insights into Israeli life and culture.

"Lebanon" Won the Golden Lion

The soldiers of the 1982 Lebanon War grew and developed (as my own wrinkles testify). Some of them became directors and producers, acquire some standing, and the result is more films about that war. I presume that in twenty years time we will see films concerning the Israel-Hezbollah War and the Israel-Gaza War.



The last in the string of films is "Lebanon". The film, by director Samuel Maoz, is shot almost entirely inside an Israeli tank. It won the top award at the Venice Film Festival, the Golden Lion.

"Lebanon" has been described by the leading US entertainment magazine *Variety* as "the boldest and best" of recent films from Israel about the country's wars in Lebanon.

Recent Movies



The Boy in the Striped Pyjamas (2008) is based on the novel by John Boyne and set during World War 2. Eight-year-old Bruno lives a wealthy lifestyle in Nazi Germany along with his mother, elder sister, and army Commandant Father. One day, the father receives an order to command a camp in the countryside, many miles from Berlin. Bruno is on his own. He does not have any friends. He does not attend school. Bruno seeks freedom. He finds a way to exit the house without anyone noticing and runs until he faces an electric barbwire. Behind the fence, he befriends Shmuel, a boy of his age, strangely dressed in striped pyjamas. It is the first time for Bruno to meet a Jew. Shmuel does not look and sound like the horror stories Bruno has heard of the Jews. Shmuel does not seem to be a rat, or vermin. Astonishingly, he is quite human. Shmuel becomes Bruno's only friend. What the innocent Bruno does not understand, until the very last day of his life, is Shmuel's condition, and the role that his own father plays in the running of the "labour camp".

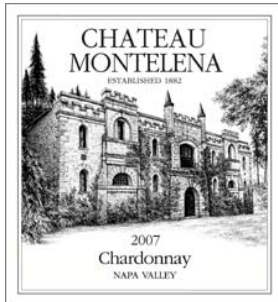
This is a moving drama about friendship, about illusions, the breaking of innocence, the breaking of a family, atrocities of war, and human brutality: Brutality of the spirit, brutality of the mind, and gruesome physical brutality. In many respects, it is an educational movie for teenagers who wish to begin to understand the horrors of the Holocaust. Why an entire nation behaved like beasts, and how they could carry out their Fuhrer mission with such diligence.

Bottle Shock



Bottle Shock is about wine. Grapes. If you don't like wine, don't watch it. If you are a fan, you'd enjoy this one. It is about French arrogance, manifested by no other than a British gentleman. Is it possible? Not only is it possible. This is based on a true story.

In 1976, a small American winery bested the exalted French wines of the time and sent the wine industry into a tizzy--putting California wines on the map for good. The film chronicles the events leading up to the famous "Judgment of Paris" tastings, told through the lives of father and son, Jim and Bo Barrett. A former real estate attorney, Jim gave up his law partnership to pursue his dream of creating the perfect hand-crafted chardonnay. His business, **Chateau Montelena Winery**, however, is struggling, and he's not only trying to overcome differences with his slacker son, but is also fighting off the creditors.



Meanwhile in Paris, unwitting British wine shop owner, Steven Spurrier (played marvelously by Alan Rickman) hopes to revive his own failing business by sponsoring a competition which will pit the traditional French powerhouse against the California upstarts. Little did Steven and Jim realize that they were both on course to change the history of wine forever. **Chateau Montelena** became a brand name not only in Napa but in the entire world.

Unforgettable line: "Why don't I like you?" the suspicious Jim Barrett (Bill Pullman) asks the snobbish Steven Spurrier.

"Because you think I'm an ass," Spurrier replies haughtily. "And I'm not really. It's just that I'm British and you're not."

Light Side



A person went with his family on a tour to a crocodile farm. When they passed near the water, his mother-in-law slipped and fell into the water. "Call immediately for help!!!" cried passerby tourists. "These are their crocodiles", replied the man. "Let the farmers come and save them".



This season is important for every Jew. First, Rosh Hashana when we welcome the New Year. Next, the holy Yom Kippur, a day of looking inward and asking forgiveness for all the deeds we committed the past year that we should not have done. A week later, Sukkoth, remembering our legendary past, when we were on our way to Eretz Yisrael; and finally all these High Holidays culminate with Simchat Torah, when we pay homage to the holy script which kept our Jewish nation together for generations upon generations, sometimes against all odds.

May I wish you all a happy season of celebration and hope, of love and achievement, of happiness and joy.

Yours as ever,

Rafi

My last communications are available on <http://almagor.blogspot.com/> earlier posts at my home page: <http://hcc.haifa.ac.il/~rca/>

People wishing to subscribe to this Monthly Newsletter are welcome to e-mail me at r.cohen-almagor@hull.ac.uk