

Norman Finkelstein & Former Israeli Foreign Minister Shlomo Ben-Ami Debate: Complete Transcript

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AMY GOODMAN: We turn now to one of the longest running and most bitter conflicts in modern history: Israel and the Palestinians. Well over a decade has passed since the historic Oslo Accords that brought hopes for a lasting peace. Today, relations between the Israeli government and Palestinian Authority are virtually nonexistent. Israel and the P.A. have not held final status peace talks in over five years. With the recent election of Hamas, Israel says it will cut off all ties to any Palestinian government that includes the group. After the election Israel withheld tax funds it collects on behalf of the Palestinian Authority. It finally transferred the funds but says any Hamas-led Palestinian government will get, quote, "not even one shekel." That's, well, a dime in the United States.

The Palestinian Authority is on the brink of financial disaster. This week, the P.A. announced it will be unable to issue paychecks to its more than 130,000 employees. It's the largest employer in the Occupied Territories. Hamas's victory is seen as, in part, as a reaction to what many Palestinians see as the corruption of the old guard. An internal Palestinian inquiry has found at least \$700 million has been stolen from Palestinian public funds due to corruption in the last few years. The total figure could be billions more.

Meanwhile, the Israeli settlements in the occupied West Bank continue to expand. The Israeli group Peace Now reported 12,000 new residents moved into West Bank settlements in 2005, 3,000 more than the total number removed as part of Israel's disengagement from the Gaza Strip, and construction continues in settlements located both inside and outside the route of Israel's separation barrier.

Today, we bring you a discussion with two of the world's leading experts on the Israeli-Palestinian conflict. Both of them have new books on the subject. We're joined by Shlomo Ben-Ami, both an insider and a scholar. As Foreign Minister under Ehud Barak, he was a key participant in years of Israel-Palestinian peace talks, including the Camp David and Taba talks in 2000 and 2001. An Oxford-trained historian, he is currently Vice President of the Toledo Peace Centre in Madrid. His new book is called *Scars of War, Wounds of Peace: The Israeli-Arab Tragedy*. President Bill Clinton says, quote, "Shlomo Ben-Ami worked tirelessly and courageously for peace. His account of what he did and failed to do and where we go from here should be read by everyone who wants a just and lasting resolution."

We're also joined by Norman Finkelstein. He's a professor of political science at DePaul University. His books include *A Nation on Trial*, which he coauthored with Ruth Bettina Birn, named as a New York Times notable book for 1998. He's also the author of *Image and Reality of the Israel-Palestine Conflict* and *The Holocaust Industry*. His latest book is *Beyond Chutzpah: On the Misuse of Anti-Semitism and the Abuse of History*. His website is [NormanFinkelstein.com](http://NormanFinkelstein.com). Avi Shlaim of Oxford University calls *Beyond Chutzpah* "Brilliantly illuminating... On display are all the

sterling qualities for which Finkelstein has become famous: erudition, originality, spark, meticulous attention to detail, intellectual integrity, courage, and formidable forensic skills.”

We welcome you both to Democracy Now! It's very good to have you with us. Well, I want to start going back to the establishment of the state of Israel, and I'd like to begin with Israel's former Foreign Minister, Shlomo Ben-Ami. Can you talk about how it began? I think you have a very interesting discussion in this book that is rarely seen in this country of how the state of Israel was established. Can you describe the circumstances?

SHLOMO BEN-AMI: Well, for all practical purposes, a state existed before it was officially created in 1948. The uniqueness of the Zionist experience, as it were, was in that the Zionists were able, under the protection of the mandate, of the British mandate, to set up the essentials of a state — the institutions of a state, political parties, a health system, running democracy for Jews, obviously — before the state was created, so the transition to statehood was a declaration, basically, and it came about in the middle of two stages of war, a civil war between the Israelis and the Jews and the Arabs in Palestine and then an invasion by the Arab armies. The point that I made with regard to the war is that the country, to the mythology that existed and exists, continues to exist mainly among Israelis and Jews, is that Israel was not in a military disadvantage when the war took place. The Arab armies were disoriented and confused, and they did not put in the battlefield the necessary forces.

So, in 1948, what was born was a state, but also original superpower in many ways. We have prevailed over the invading Arab armies and the local population, which was practically evicted from Palestine, from the state of Israel, from what became the state of Israel, and this is how the refugee problem was born. Interestingly, the Arabs in 1948 lost a war that was, as far as they were concerned, lost already in 1936-1939, because they have fought against the British mandate and the Israeli or the Jewish Yishuv, the Jewish pre-state, and they were defeated then, so they came to the hour of trial in 1948 already as a defeated nation. That is, the War of 1948 was won already in 1936, and they had no chance to win the war in 1948. They were already a defeated nation when they faced the Israeli superpower that was emerging in that year.

AMY GOODMAN: You have some very strong quotes in your book, of your own and quoting others, like Berl Katznelson, who is the main ideologue of the Labor movement, acknowledging that in the wake of the 1929 Arab riots, the Zionist enterprise as an enterprise of conquest. You also say, “The reality on the ground was that of an Arab community in a state of terror facing a ruthless Israeli army whose path to victory was paved not only by its exploits against the regular Arab armies, but also by the intimidation and at times atrocities and massacres it perpetrated against the civilian Arab community. A panic-stricken Arab community was uprooted under the impact of massacres that would be carved into the Arabs' monument of grief and hatred.” Explain that further.

SHLOMO BEN-AMI: Well, you see, there is a whole range of new historians that have gone into the sources of — the origins of the state of Israel, among them you mentioned Avi Shlaim, but there are many, many others that have exposed this evidence of what really went on on the ground. And I must from the very beginning say that the main difference between what they say and my vision of things is not the facts. The facts, they are absolutely correct in mentioning the facts and putting the record straight.

My view is that, but for Jesus Christ, everybody was born in sin, including nations. And the moral perspective of it is there, but at the same time it does not undermine, in my view, in my very modest view, the justification for the creation of a Jewish state, however tough the conditions and however immoral the consequences were for the Palestinians. You see, it is there that I tend to differ from the interpretation of the new historians. They have made an incredible contribution, a very, very important contribution to our understanding of the origins of the state of Israel, but at the same time, my view is that this is how — unfortunately, tragically, sadly — nations were born throughout history.

And our role, the role of this generation — this is why I came into politics and why I try to make my very modest contribution to the peace process — is that we need to bring an end to this injustice that has been done to the Palestinians. We need to draw a line between an Israeli state, a sovereign Palestinian state, and solve the best way we can the problem, by giving the necessary compensation to the refugees, by bringing back the refugees to the Palestinian state, no way to the state of Israel, not because it is immoral, but because it is not feasible, it is not possible. We need to act in a realistic way and see what are the conditions for a final peace deal. I believe that we came very, very close to that final peace deal. Unfortunately, we didn't make it. But we came very close in the year 2001.

AMY GOODMAN: Before we get to that peace deal, another thing that you have said. "Israel, as a society, also suppressed the memory of its war against the local Palestinians, because it couldn't really come to terms with the fact that it expelled Arabs, committed atrocities against them, dispossessed them. This was like admitting that the noble Jewish dream of statehood was stained forever by a major injustice committed against the Palestinians and that the Jewish state was born in sin." I think a lot of people would be surprised to hear that the author of these words is the former Foreign Minister of Israel.

SHLOMO BEN-AMI: Yes, while, at the same time, a historian. I am trying to be as fair as possible when I read the past, but it's a very interesting point, the one that you make here, about us trying to obliterate the memory of our war against the Palestinians, and the whole Israeli 1948 mythology is based on our war against the invading Arab armies, less so against the Palestinians, who were the weaker side in that confrontation, because it didn't serve the myth of the creation of the state and of the nation. So we need to correct that. There is no way — there is no way we can fully compensate the refugees and the Palestinians, but we need to do our very, very best to find a way to minimize the harm that was done to this nation.

AMY GOODMAN: And Shlomo Ben-Ami, your response to those who continue to say that at that time, at the time of the establishment of the state of Israel and before, that it really was empty, that Jews came to a place that was not populated.

SHLOMO BEN-AMI: Of course, it is nonsense. I mean, it was populated. Obviously, it was populated. I mean, the notion that existed, I think it was Israel Zangwill, the first to say that we are — we came a nation without a land to a land without a people. Obviously, it was not true, but again, part of the tragedy was that the Palestinians, as such, did not have — the Palestinian peasants did not have the full control of their own destiny. Part of that land was bought by the

Zionist organizations from Affendis, landowners living in Turkey or anywhere else throughout the Ottoman Empire, and these people were inevitably evicted by these kind of transactions. But as a whole, I think that not more than 6 or 7% of the entire surface of the state of Israel was bought. The rest of it was either taken over or won during the war.

AMY GOODMAN: Norman Finkelstein, you're author of the book *Beyond Chutzpah: On the Misuse of Anti-Semitism and the Abuse of History*. Do you share the same narrative? Do you agree with what Shlomo Ben-Ami has put forward, the former Israeli Foreign Minister?

NORMAN FINKELSTEIN: Well, I agree with the statement that there is very little dispute nowadays amongst serious historians and rational people about the facts. There is pretty much a consensus on what happened during what you can call the foundational period, from the first Zionist settlements at the end of the 19th century 'til 1948. There, there is pretty much of a consensus. And I think Mr. Ben-Ami, in his first 50 pages, accurately renders what that consensus is.

I would just add a couple of points he makes, but just to round out the picture. He starts out by saying that the central Zionist dilemma was they wanted to create a predominantly Jewish state in an area which was overwhelmingly not Jewish, and he cites the figure, I think 1906 there were 700,000 Arabs, 55,000 Jews, and even of those 55,000 Jews, only a handful were Zionists. So that's the dilemma. How do you create a Jewish state in area which is overwhelmingly not Jewish?

Now, the Israeli historian Benny Morris, at one point, he said there are only two ways you can resolve this dilemma. One, you can create what he called the South African way, that is, create a Jewish state and disenfranchise the indigenous population. That's one way. The second way is what he calls the way of transfer. That is, you kick the indigenous population out, basically what we did in North America.

Now, as Mr. Ben-Ami correctly points out, by the 1930s the Zionist movement had reached a consensus that the way to resolve the dilemma is the way of transfer. You throw the Palestinians out. You can't do that anytime, because there are moral problems and international problems. You have to wait for the right moment. And the right moment comes in 1948. Under the cover of war, you have the opportunity to expel the indigenous population.

I was kind of surprised that Mr. Ben-Ami goes beyond what many Israeli historians acknowledge. Someone like Benny Morris will say, "Yes, Palestinians were ethnically cleansed in 1948." That's Benny Morris's expression. But he says it was an accident of war. There are wars, people get dispossessed. Mr. Ben-Ami, no, he will go further. He said you can see pretty clearly that they intended to expel the Palestinians. The opportunity came along, and they did so. Now, those are the facts.

So where do we disagree? I think where we disagree is on responsibility. It's not just a question of moral responsibility. It's not simply a question of tragedy or sadness. It's a question of law,

international law. What are your obligations if you are a member state of the United Nations, for example? Now, under international law, refugees are entitled to return to their homes once the battlefield conflict has died down. And Mr. Ben-Ami was absolutely correct. He said the key moment comes in the Israel-Palestine conflict, not when the Palestinians are expelled, but when, after the war, Israel refused to allow the Palestinians back.

At that point, he says, here is a problem, or a problem arises, and the way he puts the problem is we have two conflicting issues. On the one hand, there is what he calls the Zionist ethos. They want a Jewish state. On the other hand, you have the Palestinian refugees, who have a right to return. And for Mr. Ben-Ami, this is an intractable conflict: the Zionist ethos versus the refugees.

But there is a third factor. The factor is international law. And under international law, the Palestinians have the right to return. Now, I am not arguing now for a right of return. I acknowledge it's a complicated problem. But we have to be honest about the rights and the wrongs and the question of rights and wrongs. It was a wrong inflicted on the Palestinians, and it was their right, their right. This is not a tragedy, and this is not about morals. It's about legal rights. Their right to return was denied. How do you resolve that problem? I admit, it's difficult. But we have to be clear about rights and wrongs, because that's going to become, in my opinion, the main problem when we come to Camp David. Whose rights were being denied during the Camp David/Taba negotiations?

AMY GOODMAN: Your response, Shlomo Ben-Ami.

SHLOMO BEN-AMI: Well, I think that the difference here might not be that huge between what Dr. Finkelstein says and my argument. I mean, either right or morality, the bottom line is that he assumes that the practical solution to the problem is not there, and it's not really feasible to recognize, on the one hand, the existence of the state of Israel and to say that the right of five, six, or what-have-you million Palestinians to return to the state of Israel is something that can be reconciled with the existence of a Jewish state.

So, we need to find a way, and the way was, I believe, rightly found in Bill Clinton's peace parameters, that say the following. It says that the Palestinian refugees have the inherent right to return to Palestine, the West Bank and Gaza being Palestine, being part of Palestine. There is an element in the parameters, that I have to say that was my personal contribution to the peace parameters, that says the following. It says that in the context of land swaps that were discussed between us and the Palestinians, the Palestinians were about to get some percentages of what is now the state of Israel. And the peace parameters of the President say that they can bring to those parts of the state of Israel, that will be transferred to the Palestinians, as many refugees as they wish. That is, that the return will be to the Palestinian state, plus to those parcels of the state of Israel that will be referred to Palestinian sovereignty, plus huge sums of money for compensation and rehabilitation. It seems to me that this is the most that can be done within the context, as it exists today, and we came very close to the solution.

By the way, Arafat was never very interested in the refugees problem. He was much more concentrated on Jerusalem. I saw him once saying to the current president of the Palestinian

Authority, "Leave me alone with your refugees. What we need is Jerusalem." See, he was not very keen on making much of a progress in the question of refugees. Arafat was, and remained until his last day, a member of the Muslim Brotherhood, a deeply religious man, a Koranic man that saw Jerusalem as the core dispute between the Palestinians and the Israelis. He was not very interested in the territorial question either. I saw him, for example, in Camp David, saying to President Clinton, "I am ready to give away 8% of the West Bank for the sake of the Israeli blocks of settlement, so long as you give me a solution on Jerusalem." So he was that kind of leader. The refugee problem was not so central in his mind.

AMY GOODMAN: I want to give you a chance to respond, Norman Finkelstein, but I did want you to step back, Shlomo Ben-Ami, and give us an overview of the whole peace process, of which you were a part, a critical player in this, the Oslo Peace Accords in 1993. Can you talk about what they entailed, why they failed?

SHLOMO BEN-AMI: Well, the Oslo peace process was an agreement — it started as an agreement between two unequal partners. Arafat conceived Oslo as a way, not necessarily to reach a settlement, but more importantly to him at that particular moment, in order to come back to the territories and control the politics of the Palestinian family. Don't forget that the Intifada, to which Oslo brought an end, started independently of the P.L.O. leadership, and he saw how he was losing control of the destiny of the Palestinians. His only way to get back to the territories was through an agreement with Israel. So in Oslo, he made enormous concessions.

In fact, when he was negotiating in Oslo with us, an official Palestinian delegation was negotiating with an official Israeli delegation in Washington, and the official Palestinian delegation was asking the right things from the viewpoint of the Palestinians — self-determination, right of return, end of occupation, all the necessary arguments — whereas Arafat in Oslo reached an agreement that didn't even mention the right of self-determination for the Palestinians, doesn't even mention the need of the Israelis to put an end to settlements. If the Israelis, after Oslo, continued expansion of settlements, they were violating the spirit of Oslo, not the letter of Oslo. There is nothing in the Oslo agreement that says that Israelis cannot build settlements. So this was the cheap agreement that Arafat sold, precisely because he wanted to come back to the territories and control the politics of Palestine.

Now, the thing is that a major problem with Oslo, on top of it, was that it solved very minor issues, such as Gaza, and even people on the far Israeli right were ready to give away Gaza, but it left open the future. The future was unknown. The two sides, the two parties started to embark on a process, when they had diametrically opposed views as to the final objective. There was nothing as to what will happen about Jerusalem. It was only said that we will negotiate Jerusalem. What about refugees? Nothing clear was said, just that we will negotiate the refugees. So the thing that — the fact that the future was left so wide open was a standing invitation for the parties to dictate — to try and dictate — the nature of the final agreement through unilateral acts: the Israelis, by expanding settlements, and the Palestinians, by responding with terrorism. So this symmetry that was created in Oslo persists to this very day, so Oslo could not usher in a final agreement because of the different expectations that the parties had. It was an exercise in make-believe.

The Palestinians didn't even mention self-determination so a leader like Rabin could have thought that, okay, we will have an agreement that will create something which is a state-minus. This was

Rabin's expression. He never thought this will end in a full-fledged Palestinian state. There was a lot of ambiguity, constructive ambiguity might Kissinger say, but I think it was destructive ambiguity. It helped — this destructive ambiguity helped in clinching the Oslo Agreement, but it was a minefield for those who went to Camp David and later on to Taba to try and solve all the pending issues.

AMY GOODMAN: Professor Norman Finkelstein.

NORMAN FINKELSTEIN: I'm going to try to focus on the key points or issues about the refugees in Jerusalem, which for now I can't get into, but I will be happy to return to them later when we discuss what was the impasse at Oslo — excuse me, the impasse at Camp David and Taba, but I want to set the context, and I don't think — I agree in part with the context that Dr. Ben-Ami set out, but not fully.

The main context, in my opinion, is as follows. Since the mid-1970s, there's been an international consensus for resolving the Israel-Palestine conflict. Most of your listeners will be familiar with it. It's called a two-state settlement, and a two-state settlement is pretty straightforward, uncomplicated. Israel has to fully withdraw from the West Bank and Gaza and Jerusalem, in accordance with the fundamental principle of international law, cited three times by Mr. Ben-Ami in the book, his book, that it's inadmissible to acquire territory by war. The West Bank, Gaza and Jerusalem, having been acquired by war, it's inadmissible for Israel to keep them. They have to be returned. On the Palestinian side and also the side of the neighboring Arab states, they have to recognize Israel's right to live in peace and security with its neighbors. That was the quid pro quo: recognition of Israel, Palestinian right to self-determination in the West Bank and Gaza with its capital in Jerusalem. That's the international consensus.

It's not complicated. It's also not controversial. You see it voted on every year in the United Nations. The votes typically something like 160 nations on one side, the United States, Israel and Naru, Palau, Tuvalu, Micronesia and the Marshall Islands on the other side. That's it. Now, the Israeli government was fully aware that this was the international consensus, but they were opposed (a) to a full withdrawal from the West Bank and Gaza and Jerusalem, of course, and (2) they were opposed to creating a Palestinian state in the Occupied Territories.

Come 1981, as pressure builds on Israel to reach a diplomatic settlement in the Israel-Palestine conflict, they decide to invade Lebanon in order to crush the P.L.O., because the P.L.O. was on record supporting a two-state settlement. As Dr. Ben-Ami's colleague, Avner Yaniv, put it in a very excellent book, *Dilemmas of Security*, he said, "The main problem for Israel was," and now I'm quoting him, "the P.L.O.'s peace offensive. They wanted a two-state settlement. Israel did not." And so Israel decides to crush the P.L.O. in Lebanon. It successfully did so. The P.L.O. goes into exile.

Come 1987, Palestinians in the Occupied Territories despair of any possibility of international intervention, and they enter into a revolt — the Palestinian Intifada — basically nonviolent civilian revolt by the Palestinians. And the revolt proves to be remarkably successful for maybe the first couple of years. Come 1990, Iraq invades Kuwait. The P.L.O. supports, ambiguously, but I think

we fairly can say, and I agree with Dr. Ben-Ami on this, they lend support to Iraq. The war ends, Iraq defeated, and all the Gulf states cut off all of their money to the P.L.O. The P.L.O. is going down the tubes.

Along comes Israel with a clever idea. Mr. Rabin says, 'Let's throw Arafat a life preserver, but on condition.' And Dr. Ben-Ami puts it excellently, that "the P.L.O. will be Israel's subcontractor and collaborator in the Occupied Territories," and I'm quoting Dr. Ben-Ami, "in order to suppress the genuinely democratic tendencies of the Palestinians." Now, it's true, exactly as Dr. Ben-Ami said, that Israel had two options after the Iraq war. It could have negotiated with the real representatives of the Palestinians who wanted that full two-state settlement in accordance with the international consensus, or it can negotiate with Arafat in the hope that he's so desperate that he's going to serve as their collaborator and subcontractor in order to deny the Palestinians what they're entitled to under international law. The Israelis chose Arafat, not only because Arafat himself was desperate. They chose him because they thought he would deny them what they were entitled to. He would suppress all resistance to the occupation. And then, finally, the day of reckoning came with the Camp David talks. It turned out Arafat was not willing to make those concessions to deny Palestinians what their rights were under international law, and I think that's where the impasse occurred at Camp David and at Taba.

AMY GOODMAN: Well, let's turn to the former Foreign Minister, Shlomo Ben-Ami.

SHLOMO BEN-AMI: If I may, with regard to international law and 242, one needs to analyze the 242 Security Council Resolution in a different way than one analyzes, say, Resolution 425, that says that Israel needs to pull out from Lebanon, or the resolution — I forgot the number — that says that Iraq needs to pull out from Kuwait. The difference is that in the Lebanese case and in the Iraqi case, there is no negotiation at all. The only thing that is asked by the international community is that Israel pulls out unconditionally from Lebanon and that Iraq pulls out unconditionally from Kuwait.

This is a different case with 242. 242 is an invitation to the parties to negotiate the secure and recognized boundaries between the two entities. It doesn't say anything, by the way, on a Palestinian state. It doesn't say anything on refugees, anything of Jerusalem, which is, by the way, the reason that the P.L.O. rejected 242, didn't accept the resolution, because it addresses the Palestinian question only in terms of a refugee problem. This is what 242 does. So I think that 242, as a framework for a peace agreement was inadmissible from the viewpoint of the Palestinians, and the Israelis accepted it, because it spoke about, according to one interpretation, not full withdrawal from the territories, and it didn't mention a Palestinian state and the rest of it.

As far as the second part of Dr. Finkelstein's presentation is concerned, I agree. It is based on what I say, and the only thing I would add to it is that international law was the last — or the least of Arafat's concern. He didn't give a damn about international law. It was not whether or not the agreement was based on international law or not that concerned Arafat. In my view, this is my interpretation of a man I met many, many times. I might be wrong, obviously, but this is my firsthand interpretation of this man. He was morally, psychologically, physically incapable of accepting the moral legitimacy of a Jewish state, regardless of its borders or whatever. Arafat was incapable of closing or locking the door of his endless conflict between us and the Palestinians. And this is the bottom line.

I mean, in Taba, it had nothing to do with international law. In Taba, what happened was that Arafat really believed that Bush son is a replica of Bush father, and Bush father was known in the Arab world as more friendly, or at least partially deaf to Jewish concerns. This was his image in the Arab world. I remember a visit I made to President Mubarak. After we left office, I said "Everybody speaks about military intelligence, Mr. President, but we all failed in our political intelligence. You wanted the election of President Bush. We wanted the election of Al Gore, and then we ended up with the most friendly president to the state of Israel ever in the White House." So this was the conviction of Arafat, that he can still get a better deal from President Bush. His concerns were of a political nature more than anything else, and this is where he failed again, because Arafat had always a sense of somebody who knows everything. I mean, he thought of himself as a great strategist, and this is where he failed time and again, and he betrayed the cause of his own people, because at the end of the day, today, the Palestinians are becoming the second Kurds of the Middle East, a nation that is moving away from the chances of having a state.

There is never going to be an ideal solution. A leader needs to take a decision in moments of trial, because if you look for a consensus among your people for a solution, you might never have that kind of consensus. Peace is a divisive enterprise, and a peace that is accepted by Hamas will not be accepted by the Israelis, just as a peace that is accepted by the Israeli far right, Mutatis Mutandis, is not going to be accepted by the Palestinians. You need to divide your society, and the peace agreement will not be in full coincidence with the requirements of international law. It will be in coincidence with the feasibility, with a political possibility of reaching a precarious line of equilibrium between the positions of the parties. This is how peace is made throughout history, and I believe that we lost that opportunity, sadly enough, and we need to go back to it. When it comes to the new situation in the Palestinian Authority today, I am less pessimistic than many others. I don't think that we need automatically to rule out the new rulers in Ramallah and Gaza as peace partners. There are things that need to be done.

AMY GOODMAN: Hamas, you mean.

SHLOMO BEN-AMI: Yes, Hamas. I think that in my view there is almost sort of poetic justice with this victory of Hamas. After all, what is the reason for this nostalgia for Arafat and for the P.L.O.? Did they run the affairs of the Palestinians in a clean way? You mentioned the corruption, the inefficiency. Of course, Israel has contributed a lot to the disintegration of the Palestinian system, no doubt about it, but their leaders failed them. Their leaders betrayed them, and the victory of Hamas is justice being made in many ways. So we cannot preach democracy and then say that those who won are not accepted by us. Either there is democracy or there is no democracy.

And with these people, I think they are much more pragmatic than is normally perceived. In the 1990s, they invented the concept of a temporary settlement with Israel. 1990s was the first time that Hamas spoke about a temporary settlement with Israel. In 2003, they declared unilaterally a truce, and the reason they declared the truce is this, that with Arafat, whose the system of government was one of divide and rule, they were discarded from the political system. Mahmoud Abbas has integrated them into the political system, and this is what brought them to the truce. They are interested in politicizing themselves, in becoming a politic entity. And we need to try and see ways where we can work with them.

Now, everybody says they need first to recognize the state of Israel and end terrorism. Believe me, I would like them to do so today, but they are not going to do that. They are eventually going to do that in the future, but only as part of a quid pro quo, just as the P.L.O. did it. The P.L.O., when Rabin came to negotiate with them, also didn't recognize the state of Israel, and they engaged in all kind of nasty practices. And therefore, we need to be much more realistic and abandon worn-out cliches and see whether we can reach something with these people. I believe that a long-term interim agreement between Israel and Hamas, even if it is not directly negotiated between the parties, but through a third party, is feasible and possible.

AMY GOODMAN: Shlomo Ben-Ami is the former Foreign Minister of Israel, and Norman Finkelstein is a professor at DePaul University. They have both written books on Israel. Shlomo Ben-Ami's is *Scars of War, Wounds of Peace*, Norman Finkelstein's is *Beyond Chutzpah: The Misuse of Anti-Semitism and the Abuse of History*. Your response to the former Foreign Minister of Israel.

NORMAN FINKELSTEIN: Well, I want to put aside for a moment the question of Hamas and just return to the previous point, namely, the relevance or not of international law. It's not an abstract question, and it's now a question fortunately only to be left to lawyers. It's a question which bears on the last third of Dr. Ben-Ami's book, namely, who is responsible for the collapse of or the impasse in the negotiations at Camp David and Taba? Whereas, in my view, when Dr. Ben-Ami wears his historian's hat, he gets everything right; when he puts on the diplomat's hat, he starts getting things, in my opinion, wrong, and it's that last third of the book where I think things go seriously awry.

Now, I can't look into Mr. Arafat's heart, and I don't know what he did or didn't believe, and frankly I have no interest in it. My concern is let's look at the diplomatic record, the factual record. What were the offers being made on each side of the Camp David and in the Taba talks? And the standard interpretation, which comes — which is — you can call it the Dennis Ross interpretation, which, I think, unfortunately Dr. Ben-Ami echoes, is that Israel made huge concessions at Camp David and Taba; Palestinians refused to make any concessions, because of what Dr. Ben-Ami repeatedly calls Arafat's unyielding positions; and that Arafat missed a huge opportunity. Now, it is correct to say that if you frame everything in terms of what Israel wanted, it made huge concessions. However, if you frame things in terms of what Israel was legally entitled to under international law, then Israel made precisely and exactly zero concessions. All the concessions were made by the Palestinians.

Briefly, because we don't have time, there were four key issues at Camp David and at Taba. Number one, settlements. Number two, borders. Number three, Jerusalem. Number four, refugees. Let's start with settlements. Under international law, there is no dispute, no controversy. Under Article 49 of the Fourth Geneva Convention, it's illegal for any occupying country to transfer its population to Occupied Territories. All of the settlements, all of the settlements are illegal under international law. No dispute. The World Court in July 2004 ruled that all the settlements are illegal. The Palestinians were willing to concede 50% — 50% of the Israeli settlements in the West Bank. That was a monumental concession, going well beyond anything that was demanded of them under international law.

Borders. The principle is clear. I don't want to get into it now, because I was very glad to see that Dr. Ben-Ami quoted it three times in his book. It is inadmissible to acquire territory by war. Under international law, Israel had to withdraw from all of the West Bank and all of Gaza. As the World Court put it in July 2004, those are, quote, "occupied Palestinian territories." Now, however you want to argue over percentages, there is no question, and I know Dr. Ben-Ami won't dispute it, the Palestinians were willing to make concessions on the borders. What percentage? There's differences. But there is no question they were willing to make concessions.

Jerusalem. Jerusalem is an interesting case, because if you read Dr. Ben-Ami or the standard mainstream accounts in the United States, everyone talks about the huge concessions that Barak was willing to make on Jerusalem. But under international law Israel has not one atom of sovereignty over any of Jerusalem. Read the World Court decision. The World Court decision said Jerusalem is occupied Palestinian territory. Now, the Palestinians were willing, the exact lines I'm not going to get into now — they are complicated, but I'm sure Dr. Ben-Ami will not dispute they were willing to divide Jerusalem roughly in half, the Jewish side to Israel, the Arab side to the Palestinians.

And number four, refugees. On the question of refugees, it's not a dispute under international law. Remarkably, even fairly conservative human rights organizations like Amnesty International, Human Rights Watch, in 2000, during the Camp David talks, they issued statements on the question of the right of return. And they stated categorically, under international law every Palestinian, roughly five to six million, has the right to return, not to some little parcels, 1% of Israel, which Israel is about — which Israel would swap, return to their homes or the environs of their homes in Israel. That's the law. Now, Dr. Ben-Ami will surely agree that the Palestinians were not demanding and never demanded the full return of six million refugees. He gives a figure of 4-800,000. In fact — I'm not going to get into the numbers, because it's very hard to pin it down — other authors have given figures of the tens of thousands to 200,000 refugees returning. That's well short of six million.

On every single issue, all the concessions came from the Palestinians. The problem is, everyone, including Dr. Ben-Ami in his book — he begins with what Israel wants and how much of its wants it's willing to give up. But that's not the relevant framework. The only relevant framework is under international law what you are entitled to, and when you use that framework it's a very, very different picture.

AMY GOODMAN: If you can bear to make this response brief, Dr. Shlomo Ben-Ami.

SHLOMO BEN-AMI: Yes, yes. Okay, the last third part of the book, as Dr. Finkelstein says, there is the diplomat, and this same diplomat still behaves in a way as a historian when he says in this book that Camp David was not the missed opportunity for the Palestinians, and if I were a Palestinian I would have rejected Camp David, as well. This is something I put in the book. But Taba is the problem. The Clinton parameters are the problem, because the Clinton parameters, in my view —

NORMAN FINKELSTEIN: Maybe you could explain to them what that is. I don't think most people will know the Clinton parameters.

SHLOMO BEN-AMI: Well, the Clinton parameters say the following. They say that on the territorial issue, the Palestinians will get 100% of Gaza, 97% of the West Bank, plus safe passage from Gaza to the West Bank to make the state viable. There will be a land swap. The 97%, which I mentioned, takes into account the land swap, where they will get 3% on this side, within the state of Israel, so we will have the blocks of settlements and they will be able to settle refugees on this side of the border.

About Jerusalem, it says what is Jewish is Israeli, and what is Palestinian is — sorry, and what is Arab is Palestinian. It includes full-fledged sovereignty for the Palestinians on Temple Mount, on the Haram al-Sharif, no sovereignty, no Jewish sovereignty on the Haram al-Sharif, which was at the time and continues to be a major, major problem for Israelis and Jews, that these things mean to them a lot. And then, with the question of refugees, it says that the refugees will return to historic Palestine, to historical Palestine, and that Israel will maintain its sovereign right of admission. That is, it will have to absorb a number of refugees but with restrictions that need to be negotiated between the parties. But the bulk of the refugees will be allowed to return to the state of Palestine. This is the essence of the Clinton parameters.

What Dr. Finkelstein said here about international law, I want to make it clear, it is important, it is vital for a civilized community of nations to have an axis of principles based on international law, around which to run the affairs of our chaotic world. It is very important. It is vital, etc. But at the same time, when you go into political issues, and you need to settle differences, historical differences, differences that have to do with political rights, security concerns, historical memories, etc., it is almost impossible to do things on the basis of international law, but rather, on something that is as close as possible to the requirements of international law. The very fact that, as Dr. Finkelstein rightly says, the Palestinians were ready to make this or that concession is the reflection of them understanding that there is no viability, there is no possibility really to reach an agreement that says let us apply automatically and rigidly the requirements of international law.

So we need to find a way. I believe, I really believe, that at Camp David, we failed to find that way. I say it very clearly in the book. It is my conviction that through the Clinton parameters, that were not the sudden whim of a lame-duck president — they were the point of equilibrium between the negotiating positions of the parties at that particular moment, and the President sort of looked for a way between the two positions and presented these parameters. They could be fine-tuned, obviously. We tried to fine tune them in Taba. We made some progress. But eventually, because of a number of reasons, among them the political qualitative time that was missing, both for the Americans and for the Israelis, and because of the consideration of Arafat that he really believed that he can get a better deal. I think that he will not get a better deal. The conditions are not there. I don't see that happening in the foreseeable future. So he lost the opportunity of having a deal that is imperfect, inevitably imperfect, will always be imperfect, because this is the way peace processes are done all over, and he sent his nation into the wilderness of war and back in the time machine to the core of the conflict. This is what we face today.

AMY GOODMAN: Norman Finkelstein, a quick response, and then I want to ask you about your — one of the main theses in your book, and that has to do with the issue of anti-Semitism.

NORMAN FINKELSTEIN: Yeah, just for the sake of your audience —

SHLOMO BEN-AMI: If I may, just brief —

NORMAN FINKELSTEIN: Yeah.

SHLOMO BEN-AMI: — because I do mention, obviously, the inadmissibility of acquiring — or the acquisition of land by force, but this is not my invention. This is what 242 says.

NORMAN FINKELSTEIN: Exactly.

SHLOMO BEN-AMI: This is what 242 says, but, again, let us look at the nuance. When the Israelis accept 242, they accept it because this expression of the inadmissibility of the acquisition of land by force is tempered by the concept — through the concept of borders that are defensible and recognized, and the security borders. That's the equilibrium, which is not international law, but it is give and take in a negotiation.

AMY GOODMAN: Professor Finkelstein.

NORMAN FINKELSTEIN: I don't want to get now into the interminable question of what 242 meant. I will simply state the International Court of Justice in July 2004 ruled on that question. It stated Israel has to fully withdraw from the West Bank, Gaza, including Jerusalem. To my mind, it's no longer a matter of dispute, however you want to interpret 242.

Let's now turn to, just quickly, the last issue. It's going to be hard for a lot of your listeners, because even though I have read two dozen books on the topic, I keep getting things confused. Camp David accord talks are in July 2000. Clinton parameters are roughly December 23rd, 2000. Taba, in January 2001. Now, Dr. Ben-Ami says Camp David, I can understand why the Palestinians turned down. Unfortunately, in his book he keeps referring to Arafat's unyielding positions, even though now he acknowledges Palestinians made concessions at Camp David. In fact, as I said, all the concessions, within the framework of international law, came from the Palestinians.

Let's now turn to those Clinton parameters. Dr. Ben-Ami accurately renders their content. I don't think he accurately renders in the book what happened. He states in the book that at Taba, Israelis accept — excuse me, at the time of the Clinton parameters, the Israelis accepted the Clinton parameters. Arafat didn't really accept the Clinton parameters. He said he did, but he didn't. What actually happened? What actually happened was exactly as what was announced by

the White House spokesman on January 3rd, 2001, the official statement was both the Israelis and the Palestinians have accepted the Clinton parameters with some reservations. Both sides entered reservations on the Clinton parameters. Dr. Ben-Ami leaves out in the book both sides. He only mentions the reservations by the Palestinians.

Number two, I was surprised to notice one of the books Dr. Ben-Ami recommends is the book by Clayton Swisher called *The Truth at Camp David*. I looked in the book. On page 402 of Clayton Swisher's book, when he's discussing the issue of entering reservations to Clinton's parameters, he quotes none other than Shlomo Ben-Ami. You acknowledged — you call them relatively minor, but you acknowledged that Barak entered — you called it several pages of reservations. In fact, Barak sent a ten-page letter of reservations to the Clinton parameters. It was exactly symmetrical. Both the Israelis and the Palestinians agreed to the Clinton parameters with some reservations.

Wait, one last point. One last point. Dr. Ben-Ami left out another crucial point in his account. He doesn't tell us why Taba ended. It ended officially when Barak withdrew his negotiators. It wasn't the Palestinians who walked out of Taba. It ended with the Israelis walking out of Taba, a matter of historical record, not even controversial.

AMY GOODMAN: Dr. Ben-Ami.

SHLOMO BEN-AMI: Okay, well. You see, as somebody who was a part of those who prepared the Israeli document that was submitted to President Clinton, I can say that the bulk of the document was an expression of our — the comparison that we made between our initial positions and what was reflected in the Clinton parameters. It was not a series of reservations. It was basically a mention of the difference, the way that we have gone. This was an attempt to impress the President, more than an attempt to say that these are reservations, *sine qua non*s. There were no real reservations in our document, whereas in the Palestinian document, there were plenty of them, with the refugees, with the Haram al-Sharif, with what have you. I mean, it was full of reservations from beginning to end. Ours was not a document about reservations, it was a statement, basically, that said these were our positions, this is where we stand today. We have gone a very long way, we cannot go beyond that. This was essentially what we sent.

Now, with regard to Taba, you see, we were a government committing suicide, practically. Two weeks before general elections, the chief of staff, General Mofaz, who is now the Minister of Defense, comes and in a — I say that in the book — in something that is tantamount to a coup d'etat, comes and says publicly that we are putting at risk the future of the state of Israel by assuming the Clinton parameters, and we accept them, we assume them. And then I go to Cairo and I meet President Mubarak, and President Mubarak invites Arafat to see me in Cairo, and I say to Arafat, "We are going to fine tune this in a meeting in Taba, if you wish." And then we go to Taba, and we negotiate in Taba. And in Taba, Prime Minister Barak instructs me to conduct secret negotiations with Abu Alla. Within the negotiations, we had the second track trying to reach an agreement, and he even agrees to all kind of things that he was not very open to before that.

Now, this was the end. We saw that we are not reaching an agreement, and we need to go back, even if for the electoral campaign. I mean, we were a week before the elections. I mean, we were

practically nonexistent. Our legitimacy as a government to negotiate such central issues as Jerusalem, as Temple Mount, the temple, etc., was being questioned, not only by the right that was making political capital out of it, but by the left, people from our own government. "Shlomo Ben-Ami is ready to sell out the country for the sake of a Nobel Prize." This is what Haim Ramon said, one of the labor ministers, so it was unsustainable. We could not go any longer. So, to say that we — now the whole thing collapsed because we put a helicopter at the disposal of the Palestinians to go and see if we can rubricate some basic peace parameters on the basis of our negotiations, that they didn't want it, Arafat didn't want it.

Anyway, the thing is that we need to understand that with all — frankly, with all due respect for the requirements of international law, at the end of the day, at the end of the day, a peace process is a political enterprise. And there are things that governments can do and things that they cannot do, because if you do things that leave you without political support, then you can do nothing. You can write poetry, not make peace. And we have been writing poetry ever since, because we are not in office. We have been advancing all kind of peace dreams. It is only when you are in office and you have a political support that you can move ahead. This is the only way that peace is done. We have done our very best. We went to the outer limits of our capacity for compromise without disintegrating entirely our home front, and this is an exercise that Sharon decided not to make, precisely because he learned from our experience. He said, "Listen, we are not going to do that. I am going to be unilateral. I don't believe in negotiations." It's very bad, but this is the lesson that he learned from the sad experience of the collapse of the peace process in the last year of Clinton's presidency.

AMY GOODMAN: We don't have very much time, and I wanted to ask you, Professor Finkelstein, about your thesis, the "not-so-new new anti-Semitism." What does that mean?

NORMAN FINKELSTEIN: Well, actually, I think it's useful to connect it with the conversation we've just had. Namely, I think when honest and reasonable people enter into a discussion about this topic, you will have large areas of agreement, some area of disagreement, and frankly — and I'm not saying it to flatter; I say it because I believe it; I don't flatter by nature — I'm quite certain that if Palestinians — if representatives of the Palestinians were to sit down with Shlomo Ben-Ami in a room, weren't subjected to the sorts of political pressures that Dr. Ben-Ami describes from Israel, I think a reasonable settlement could be reached, and I think he's reasonable, in my opinion. We can disagree on some issues, but he's reasonable.

The problem is when you get to the United States. In the United States among those people who call themselves supporters of Israel, we enter the area of unreason. We enter a twilight zone. American Jewish organizations, they're not only not up to speed yet with Steven Spielberg, they're still in the Leon Uris exodus version of history: the "this land is mine, God gave this land to me," and anybody who dissents from this, you can call it, lunatic version of history is then immediately branded an anti-Semite, and whenever Israel comes under international pressure to settle the conflict diplomatically, or when it is subjected to a public relations debacle, such as it was with the Second Intifada, a campaign is launched claiming there is a new anti-Semitism afoot in the world.

There is no evidence of a new anti-Semitism. If you go through all the literature, as I have, the evidence is actually in Europe, which is Dr. Ben-Ami's half-home ground, Spain, but throughout

Europe, the evidence is, if you look at like the Pew Charitable Trust surveys, anti-Semitism has actually declined since the last time they did the surveys. They did it in 1991 and 2002. They said the evidence is that it's declined. And the same thing in the United States. What's called the "new anti-Semitism" is anyone who criticizes any official Israeli policies. In fact, my guess is had people not known who wrote *Scars of War, Wounds of Peace*, that book would immediately be put on the A.D.L.'s list of verboten books, an example of anti-Semitism, because he says things like the Zionists wanted to transfer the Arabs out. That's anti-Semitism. It has nothing to do with the real world. It's a public relations extravaganza production to deflect attention from the facts, from the realities, and I think this afternoon in our exchange, there were some areas of disagreement for sure, but I think a lot of what Dr. Ben-Ami said would not go down well with most of American Jewry, and that's when they'll soon be charging him with being an anti-Semite.

AMY GOODMAN: Your response, Dr. Ben-Ami? And do you see a difference in the dialogue in Israel than you do right here?

SHLOMO BEN-AMI: On questions of anti-Semitism? Well, Israel is the result of the Jewish catastrophe. There is no doubt about it. If there were no Jewish catastrophe, there would not be a state of Israel. And I think that during the first years of — or before the creation of the state, especially for the figure of Ben-Gurion, the Jewish catastrophe needed to be enlisted for the cause of the creation of the state. You see, Ben-Gurion was a Leninist in some way. He was a Lenin-type. By this, I mean that he had only one central idea in his mind, and that is the creation of the state of Israel. All the other considerations were subservient to that goal, which is the reason why he rushed to reconcile the Jewish people or the state of Israel with Germany, because this was vital for the state of Israel. He was a revolutionary in that sense with — all the other issues were instrumental to that. I think that the Shoah has become not only a defining event for the Jewish people —

AMY GOODMAN: Shoah, you mean Holocaust.

SHLOMO BEN-AMI: The Holocaust has become not only a defining issue — event for the Jewish people, but something that Israel has — not Israel, but perhaps some politicians in Israel have abused. Begin used to compare Arafat to Hitler. He must have been probably a very nasty guy, but certainly not Hitler, just as I don't think that Saddam Hussein was Hitler. I think that President Bush father likened him to Hitler. We are — we go very lightly with these things. I mean, we do these kind of comparisons unnecessarily. The capture of Eichmann, for example, was very important to David Ben-Gurion, because he wanted a sort of pedagogical exercise for the young generation.

I explain this in the book, why he needed to reconcile himself with the Shoah, which didn't interest him very much at the beginning. He was much more concerned with other issues. He suddenly discovered that through the ethos of the new Israel, of the Sabra, you cannot build a cohesive nation, because people were coming from different parts of the world, so you needed to resort to Jewish memory, to Jewish values, to Jewish catastrophe, as a way to unite the newborn nation.

Today, it seems to me that the problem of anti-Semitism, when it happens, for example, in France, and synagogues are being attacked, etc., if this happens through the hands of Muslim youngsters in the suburbs of Paris, for me it is very difficult to define this as anti-Semitism. I can define it as hooliganism and manipulation of the conflict in the Middle East in order to perpetrate all kind of nasty acts against Jewish holy places, but this is not what we understand as anti-Semitism, which is a European malady, as it were. I think it was there always. It will continue to be there, but I am not in the business of counting how many incidents happen, because there is an institute in Tel Aviv University that will tell you how many incidents happen every year. I don't believe also that the number of incidents, as such, is the reflection of whether or not anti-Semitism is growing. I believe that it is there, I believe it will stay there as a sub-cultural current in many European societies, but I'm not scandalized by anti-Semitism today.

I can see more xenophobia against North Africans, against foreigners throughout Europe. And in a way, in a way, I can even see a reconciliation of Europe with its Jewish past. There is hardly a European country where you will not find today a museum of Jewish history. Not in only Germany, you will find it in Poland, in France, all over the place. So, Judaism is being endorsed more and more, or the Jewish history, as part of the whole European legacy. The problem today is, in my view, much more that of the Arab, the Muslim immigrants from North Africa, from the Middle East and other parts.

AMY GOODMAN: Being discriminated against.

SHLOMO BEN-AMI: Yeah, absolutely.

NORMAN FINKELSTEIN: Totally agree. No disagreement at all.

AMY GOODMAN: On the issue of language, terrorism — Arafat called terrorist, Hamas called terrorist — how will you describe the Israeli state when it attacks civilians in the Occupied Territories? Or how would you describe Ariel Sharon?

SHLOMO BEN-AMI: Well, let me tell you what is my description of terrorism. Terrorism, in my view, is an indiscriminate attack against civilian population. If I, personally, or my son, God forbid, is being attacked, being in uniform in Palestinian territories, by a Hamas call, I would not define this as terrorism. I will define as terrorism if they go into a kindergarten or a mall, explode themselves and cause injuries and death among civilian population. This to me is —

Now, the problem of the response of a state is much more difficult to define, because a state needs to go not against the civilian population. It needs to go against military targets, ticking bombs. This is what states can do and should do. The problem is that when you have a fight, not against armies, which is the case of Syria, Egypt, we never spoke about terrorism, state — Israeli state terrorism against the Egyptians. We spoke about wars between two military sides. This is very difficult in the conditions prevailing in places like Gaza or the West Bank, where you have militias, you have arsenals of weapons, etc., and the army attacks them and there is collateral damage to civilian population. To me, this is very difficult to define as state terrorism. It is

attacking military objectives or sort of military objectives, an army which is not a real army but can cause damage and you need to fight back and defend your population, and it is very, very unfortunate that civilians are hit. But if Israel targets intentionally civilians, this is a different matter. This can be defined as terrorism. I don't believe that we have done it. Normally, the practice is that things happened collaterally.

AMY GOODMAN: I would like to get your response, Professor Finkelstein, and also if you could include in that, you have a chapter in Beyond Chutzpah called "Israel's Abu Ghraib."

NORMAN FINKELSTEIN: Well, on the issue of terrorism, I agree with Dr. Ben-Ami's definition. It's the indiscriminate targeting of civilians to achieve political ends. That's a capsule definition, but I think for our purposes it suffices. What does the record show? Let's limit ourselves to just the Second Intifada, from September 28 to the present. The period for that period, the record shows approximately 3,000 Palestinians have been killed, approximately 900 Israelis have been killed. On the Palestinian side and the Israeli side — I'm now using the figures of B'Tselem, the Israeli Information Center for Human Rights in the Occupied Territories — on the Palestinian and the Israeli side roughly one-half to two-thirds of the total number were civilians or bystanders. And if you look at the findings of the human rights supports — B'Tselem, Amnesty International, Human Rights Watch, Physicians for Human Rights in Israel, and so forth — they all say that Israel uses reckless indiscriminate fire against Palestinians, and B'Tselem says when you have so many civilian casualties, you have, you know, 600 Palestinian children who have been killed, which is the total number of Israeli civilians killed. 600 Palestinian children killed.

They said when you have so much, so many civilians killed — I don't particularly like the phrase "collateral damage" — when you have so many civilians killed, B'Tselem says it hardly makes a difference whether you are purposely targeting them or not, the state has responsibility. So, you could say Israel — using numbers, now — is responsible for three times as much terrorism in the Occupied Territories as Palestinians against Israel. That's the question of terrorism.

Let's turn to an ancillary issue: the issue of torture. Now, the estimates are, up to 1994-1995, that Israel tortured — and I'm using the language of Human Rights Watch and B'Tselem — Israel has tortured tens of thousands of Palestinian detainees. Israel was the only country in the world, the only one, which had legalized torture from 1987 to 1999. The record on torture, on house demolitions and on targeted —

SHLOMO BEN-AMI: 1999 is when we came to office.

NORMAN FINKELSTEIN: Well, I wish that were — I wish that were the saving grace, but the fact of the matter is, being faithful to historical record, the record of Labour has been much worse on human rights violations than the record of Likud. It's a fact that the only Israeli government during the period from 1967 to the present which temporarily suspended torture was Begin from 1979 to 1981. On the record of house demolitions, Mr. Rabin used to boast that he had demolished many more homes than any Likud government. Even on the record of settlements, as Dr. Ben-Ami well knows, the record of Rabin was worse in terms of settlement expansion than the record of

Yitzhak Shamir, and a fact he leaves out in the book, the record of Barak on housing startups in the Occupied Territories —

AMY GOODMAN: Building more houses?

NORMAN FINKELSTEIN: Yeah — was worse than the record of Netanyahu. It's a paradox for, I'm sure, American listeners, but the record on human rights, an abysmal record in general, an abysmal record in general, and in particular, the worst record is the record of Labour, not Likud.

AMY GOODMAN: Dr. Ben-Ami?

SHLOMO BEN-AMI: Well, he's — Dr. Finkelstein already said what needs to be said about the end of the practices or the legal status of tortures in 1999. When it comes to the difference between Labour and Likud, I make this point in a different way in the book, and that is that Labour was always much more keen to advance the defining ethos of Labour, which is settling the land. This was never the ethos of the right. The right dreamt about greater Eretz Yisrael, but did nothing to implement it. You know, in the Camp David — first Camp David agreement, that is with Sadat, the right that was in office dismantled the settlements of Yamit in northern Sinai. The left, that was in opposition, couldn't swallow that collapse of the ethos of settling the land. The right was more biblical, was more sort of religious, less practical in its attitude to the territories, so it was always the case, and this is the point that I make in the book, that the settlements were, in fact, started by Shimon Peres when he was the Defense Minister of Yitzhak Rabin. But you see —

AMY GOODMAN: Of Labour.

SHLOMO BEN-AMI: Of Labour, obviously. Now, but one circumstance that needs to be emphasized, however, is this, that at least as from 1988, I make the point in the book that, surprisingly, until 1988 there was hardly any difference in the political attitude of Labour and Likud. You couldn't really discern any difference in the attitude.

Things start to change in 1988, and I do give credit to Arafat here, contrary to what I do, according to Dr. Finkelstein in the last chapter. Arafat was the pioneer in many senses. He invented the peace process, what we call the peace process, by his declaration of 1988, and it is from that moment that those in Labour who continue to settle are the very people that think that, okay, at the end of the day we will have to find some sort of agreement with the Palestinians, where we might even have to dismantle these settlements, which is in itself an interesting march of folly, that is, that you create settlements knowing that at some point you might have to compromise.

The difference between the settlements created by Sharon and those created by Rabin is this, that Sharon created settlements in order to torpedo a future agreement, whereas Rabin drew a

distinction between what he called — I agree, it was an internal Israeli game — but he drew the distinction between political settlements, that is, settlements that were created in order to derail the possibility of an agreement, and other kind of settlements that might become part of the state of Israel in the context of a peace agreement with the Palestinians. So, this is a very vital difference that, at the end of the day, was accepted by the Palestinians. The fact that, as you yourself say, that in Camp David and elsewhere they accepted the concept — they assumed the concept of blocks of settlements, it only vindicates the position of those Labourites that said, 'Okay, building settlements in areas that make sense will become in the future part of the state of Israel.'

AMY GOODMAN: And the issue of torture of tens of thousands of Palestinians by Israel?

SHLOMO BEN-AMI: To tell you the truth, I don't know about the numbers, and we have seen different governments in — the British have done it. What the British did in Palestine in the '30s, there is nothing new in what we did that the British didn't do before us, and the Americans now in Iraq and elsewhere — what I find very, very uncomfortable is really this singling out Israel that lives in a very unique sort of situation in comparison with other countries, but —

AMY GOODMAN: Well, Norman Finkelstein makes the point, "Israel's Abu Ghraib," so that's making reference to what America did in Iraq.

SHLOMO BEN-AMI: Okay, okay. But if you — if you would come from another planet and examine the resolutions of the U.N., the Security Council, you might reach the conclusion there is only one sinner in this planet, and it's the state of Israel, and not anybody else.

NORMAN FINKELSTEIN: But I am quoting your own human rights organizations. You know, B'Tselem is not the United Nations.

SHLOMO BEN-AMI: Okay, that's okay. I mean, I'm not — but it speaks in favor of Israel that we have human rights, we have B'Tselem, and we criticize ourselves.

NORMAN FINKELSTEIN: Right.

SHLOMO BEN-AMI: And we want to change things, but the solution —

NORMAN FINKELSTEIN: I will agree with that, but then you have to say it doesn't speak too much in Israel's favor that it's the only country in the world that legalized torture. It was also the only country in the world that legalized hostage taking. It was also the only country in the —

SHLOMO BEN-AMI: It wasn't legalized —

NORMAN FINKELSTEIN: Well, yes. As your chief justice called it, “keeping Lebanese as bargaining chips.” Israel was the only country in the world that's legalized house demolitions as a form of punishment. Those things have to also be included in the record.

AMY GOODMAN: Dr. Ben-Ami.

NORMAN FINKELSTEIN: In addition to — I totally agree with you, it's to Israel's credit that it has a B'Tselem, an organization for which I have the highest regard and esteem. I agree with that.

SHLOMO BEN-AMI: Okay, but the thing is that the conditions where Israel has to operate, this is — we do not have a Sweden and Denmark as neighbors, and we have neighbors that have taken hostages, and have taken hostages that forced us to exchange things that were not very popular. Rabin himself gave away 1,500 Palestinian and Lebanese prisoners in exchange for three Israeli soldiers, and Sharon gave away 400 Palestinian prisoners in exchange for four bodies of Israeli soldiers. So we are living in that kind of place.

NORMAN FINKELSTEIN: But that may tell you that's because they take so many people prisoner that they have a lot to give back. Right now, as we speak, there are 9,000 Palestinian political prisoners in Israel.

SHLOMO BEN-AMI: This is because we live in the conditions that we live. We are not, as I said — this is not Scandinavia.

NORMAN FINKELSTEIN: But, Dr. Ben-Ami, you know, as well as I do, international law does not apply to some countries and not to others and some continents and not to others. Either it applies to everybody, or it applies to nobody. So to use the excuse, “Well, in our neighborhood we don't have to recognize international law,” is simply a repudiation of international law.

SHLOMO BEN-AMI: No, I'm not saying — No, no, I'm not saying that we do not have to recognize international law. I say that the conditions —

NORMAN FINKELSTEIN: Well, then, it applies —

SHLOMO BEN-AMI: No, no. I mean, there are conditions where you cannot apply these lofty principles, which are very important, but you cannot apply them. And the British — and the British —

NORMAN FINKELSTEIN: The British is an interesting example.

SHLOMO BEN-AMI: Well, it's an interesting example. They didn't —

NORMAN FINKELSTEIN: B'Tselem did a comparison —

SHLOMO BEN-AMI: They did it in Gibraltar —

NORMAN FINKELSTEIN: The British — that's right.

SHLOMO BEN-AMI: They did it in the Falklands. They did — anywhere —

NORMAN FINKELSTEIN: B'Tselem did an interesting comparison. It compared the British policies of torture in Northern Ireland with Israeli policies of torture. In the 1970s, there were thousands of terrorist attacks by the I.R.A., and B'Tselem's comparison showed that the Israeli record is much worse than the British on the question of torture. That's the facts.

SHLOMO BEN-AMI: Yeah. You face now in this country a challenge of terrorism, so you go to PATRIOT Act and you go to —

NORMAN FINKELSTEIN: But you won't find me justifying torture.

SHLOMO BEN-AMI: These are the conditions that can be very dire, very difficult —

NORMAN FINKELSTEIN: No conditions justify torture.

AMY GOODMAN: Well, let me ask Dr. Ben-Ami, on the issue of the United States, as you look here, coming here for a few days, Abu Ghraib, Guantanamo, do you feel there are problems with the detention of the hundreds of men that are being held at Guantanamo without charge and what happened at Abu Ghraib?

SHLOMO BEN-AMI: Well, I cannot condone that. I mean, I think that, obviously, it is a violation of international norms. There is no doubt about it. But I don't follow the internal American debate. I

don't know if this society is scandalized by what happens and what is the degree of civil opposition, civic opposition, and if you have here organizations like not only B'Tselem, even Shalom Achshav, which is a centrist — it's not a leftwing — organization that exposes the seams of your own government, I don't know. Maybe yes.

I think we are a society in the middle of a very complicated conflict. As I do admit, in this conflict many atrocities were committed by both sides, however, but I do recognize our own shortcomings, blunders and things. And the only solution to this situation — the only, the only solution — is to try and reach a final settlement between us and the Palestinians. There is no other way. There is no other way: to split the land into two states, two capitals, trying to find the best way to end this conflict, because much of the instability of the Middle East has to do with our condition. You don't need to be a bin Laden or a Saddam Hussein, who tried to put on themselves the mantle of the vindicators of the Palestinian cause in order to say that the Palestinian issue is a platform of instability in the region that needs to be solved.

But even when it is solved, let us not fool ourselves. Many of the problems that the West is facing today with the Arab world will persist. The Palestinian issue has been used frequently by many Arab rulers as a pretext for not doing things that need to be done in their own societies. But for the sake of the Israelis, I am not — I am not — when I say that we need to make concessions, it is not because I am concerned with the future of the Palestinians or because I am concerned with international law. I want to say it very clearly, it is because I define myself as an ardent Zionist that thinks that the best for the Jews in Israel is that we abandon the territories and we dismantle settlements and we try to reach a reasonable settlement with our Palestinian partners. It's not because I am concerned with the Palestinians. I want to be very clear about it. My interpretation, my approach is not moralistic. It's strictly political. And this is what I'm trying to explain in the book.

AMY GOODMAN: I want to thank you both very much for being with us. Shlomo Ben-Ami, former Israeli Foreign Minister, author of *Scars of War, Wounds of Peace: The Israeli-Arab Tragedy*, and Dr. Norman Finkelstein, professor at DePaul University, author of *Beyond Chutzpah: On the Misuse of Anti-Semitism and the Abuse of History*, thank you both for joining us.