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Relations between Jews and the United Nations have been complex — sometimes very close, sometimes, especially in recent years, with mounting world criticism leveled at Israel, hostile. This issue of *Sh'ma* examines what it has meant for Jews since the end of the First World War to be scrutinized, protected, criticized, and prodded by representatives of the world's nations. We include several perspectives on these questions: Given its history with the U.N., should Israel care about what happens in this international body? Is there a legitimate parallel between the U.N.'s recognition of Israel and its potential recognition of Palestine? What is the relationship between a people's desire for statehood and independence *and* their longing for international recognition — and what are the ensuing obligations and responsibilities?

We decided to devote an issue to Jews and the United Nations months ago and began soliciting essays for the issue in early July — long before the current fervor outside the U.N. halls heated up. We believed that with the question of Palestinian statehood pending before the international body, an issue examining the history, context, and variations of the Jewish (and Israeli) relationship to the U.N. would be instructive. As we go to press with this issue, neither the Security Council nor the General Assembly has voted on recognizing a Palestinian state. Whatever happens, this issue of *Sh'ma* provides a primer and a critical tool for a more thorough understanding of the matter. It allows for a deeper delving into the topic, and for an awareness that not much about the Jewish relationship to the U.N. is as it initially appears.

—Susan Berrin, Editor-in-Chief

International Law and the Emergence of a New World Order

KAREN NAIMER

In March of this year, as fighting advanced toward Benghazi, Libyan leader Col. Muammar Qaddafi warned protestors that he would show them “no mercy and no pity.” Anticipating a possible massacre if no preventive steps were taken, the United Nations Security Council invoked the “responsibility to protect” and authorized military action. The development of this 21st-century doctrine — which mandates that each state protect its populations

from genocide, war crimes, ethnic cleansing, and crimes against humanity, or risk intervention by the international community when it fails to do so — represents the significant erosion of the principle of state sovereignty. States, in other words, can no longer slaughter large portions of their own populations without consequences under international law. This is a far

cry from Nuremberg, where not a single defendant in the dock was charged for any offenses committed prior to the start of the Second World War because no law existed governing how states should treat their own citizens in a

Hersch Lauterpacht challenged the idea of the state as a metaphysical entity with independent agency, arguing that states do not commit heinous crimes, individuals do, and when those individuals violate the law, they must be held accountable.

time of peace. Credit for the seismic shift in the legal landscape since 1945 is due in large part to Hersch Lauterpacht (1897-1960) and Raphael Lemkin (1900-1959), arguably two of the most influential international lawyers of the last century. Though their paths differed, their contributions — to prioritize the rights of the individual over the power of the state and to

hold accountable those who violate those rights — profoundly impacted the postwar development of international human rights and international criminal law, setting in motion the very system that made this year's military intervention in Libya both legal and legitimate.

Born to a devout Jewish family in Galicia near what was then known as Lemberg (later Lwów, now Lviv), Lauterpacht studied law in Lwów, Vienna, and London, eventually holding a prominent academic post at Cambridge

Lauterpacht's and Lemkin's contributions, each radical for their time, now inspire litigation around the world under the rubric of universal jurisdiction.

University. He provided counsel to the British War Crimes Executive at Nuremberg, and eventually became a judge on the International Court of Justice. Lemkin, born into a Jewish home as well, grew up near Bialystok in Czarist Russia, also studied law in Lwów, and served as a public prosecutor in Warsaw until the outbreak of war, when he fled via Sweden to the United States. He taught at Duke and Yale universities and served as an adviser to the War Department, assisting the U.S. prosecutorial team at Nuremberg. Despite their own flights to safety, both Lauterpacht and Lemkin lost most of their families in the Holocaust.

Coming of age in geographic lands whose borders were viciously contested and constantly shifting, Lauterpacht and Lemkin witnessed firsthand the porous reality of statehood. As legal thinkers, both worked to weaken the previously sacrosanct notions of sovereignty that had empowered states to auto-interpret their own international legal obligations, and that had inspired aggressive nationalism and its attendant antisemitism. These émigrés each understood the vulnerability of the individual at the hands of his or her own state and, consequently, they each advocated for supranational legal mechanisms to constrain state power.

Long before it was in vogue, Lauterpacht championed the recognition and entrenchment of fundamental individual rights and freedoms, existing independent of the state, in a codified and enforceable international bill of rights. He also challenged the idea of the state as a metaphysical entity with independent agency, arguing that states do not commit heinous crimes, individuals do, and when those individuals violate the law, they must be held accountable regardless of whether they were acting under

color of authority (a concept that would be immortalized in the Nuremberg judgment). Correspondingly, Lauterpacht developed ideas on individual duty and accountability, and formulated the theoretical framework for the “crimes against humanity” offense applied at Nuremberg. And because he saw the necessity of a legally binding bill of rights, he took the bold and unfashionable position of speaking out against the U.N. General Assembly's vaunted Universal Declaration of Human Rights, attacking it as aspirational, a “mere statement of generalities,” and a setback.

For his part, after Lemkin heard Winston Churchill refer to Nazi barbarism as “a crime without a name,” he made it his lifework to provide one. He invented the term “genocide” to describe the systematic annihilation in war or peace of civilians targeted not in their individual capacity but because of their membership in a national, ethnic, racial, or religious group. And because a state would never hold itself accountable, Lemkin advocated that genocide fall under the special category of a “universal jurisdiction” offense, permitting the crime to be prosecuted anywhere, thereby stripping those who commit such crimes of impunity. By 1945, Lemkin became a one-man campaign for the adoption and ratification of the U.N. General Assembly's Convention on the Prevention and Punishment of the Crime of Genocide as a universally enforceable mechanism to hold public officials and private individuals accountable for persecution.

It is deeply ironic, of course, that these two men, whose lives were indelibly marked by the monumental breakdown of the rule of law, nevertheless continued to place enormous — almost unfathomable — faith in it, and even, in the case of Lauterpacht, in a fundamentally optimistic view of “the true spirit of man.” Though the legal protections they espoused fell out of fashion with the onset of the Cold War and were by no means sufficient to prevent atrocities since, their concepts have emerged over the last two decades with fresh relevance and renewed force, giving language to a new era of human rights and accountability. Lauterpacht's and Lemkin's contributions, each radical for their time, are now the new normal — inspiring litigation around the world under the rubric of universal jurisdiction, and at international tribunals, including the International Criminal Court in The Hague, where there is currently a warrant for Qaddafi's arrest.



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Recognizing Israel, Recognizing Palestine: Legitimate or False Parallels?

STEVEN BAYME

Parallels between the impending United Nations vote on Palestinian statehood and the November 29, 1947 United Nations Resolution on the partition of Palestine into Jewish and Arab states are, at best, superficial. To be sure, advocates of the Palestinian Unilateral Declaration of Independence (UDI) regularly invoke the 1947 precedent, claiming that much as the U.N. vote in 1947 called Israel into being, so a current U.N. declaration would create the new state of Palestine.

Although such parallels may appear seductive, in truth the differences between the two cases are profound. First, the 1947 U.N. vote did not create a state of Israel. Only Israelis could create a state by their willingness to build state and societal institutions and defend them. Israel resulted far more from the actions of the Jewish people than from the goodwill of U.N. members.

Second, in 1947 there was no prospect of a negotiated settlement between Arabs and Jews. Both sides claimed the same territory. Arab rejection of the very idea of any Jewish state in Palestine was so deeply ingrained that turning to the U.N. in effect signaled the impossibility of reconciling two mutually exclusive claims. By contrast, UDI subverts, if it does not effectively terminate, any prospect of peace negotiations between Israel and the Palestinians. Israel maintains that a true peace connotes the acceptance of Israel into the region. Therefore, it insists, correctly, that there exists no substitute for face-to-face negotiations in which each party acknowledges the rights of the other. UDI attempts to bypass negotiations by recourse to an international body hardly known today for its objectivity in the Arab-Israeli conflict. Moreover, the 1947 resolution provided a road map for a two-state solution without violating existing accords. UDI, however, violates the Oslo Accords, which prohibited unilateral actions concerning the future of the West Bank.

Third, in 1947, Zionist leadership made the painful but pragmatic decision to accept partition. Jews opposed to Israel's relinquishment of historical claims essentially were marginalized. By contrast, the Palestinian Authority has recently reconciled with Hamas, a body irrevocably committed to the destruction of Israel and whose

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RONALD W. ZWEIG

The intention of the Palestinian Authority to win recognition of a Palestinian state delimited by the borders of June 4, 1967 is intended to, and very likely will, upset the applecart of deadlocked negotiations between the emerging state of Palestine and the State of Israel. The outcome on the ground is unpredictable: It may destabilize the relatively quiet existing status quo, leading to demonstrations and violence. But it could also jump-start the stalled negotiating process. Where one stands on the spectrum of prophetic punditry may be a litmus test of one's own politics: Opponents of the two-state solution as well as proponents of a greatly reduced Palestinian state all decry the intention of Palestinian President Mahmoud Abbas to bring the issue to the United Nations. The current stalemate allows for continued growth of the settlements (1,600 new housing units approved for Ramat Shlomo in August alone) as well as continued consolidation of the settler population. Disrupting the stalemate is clearly not in their interests.

Those who support a two-state solution based on the borders of 1967 with agreed adjustments, however, should pause to consider the parallels between this U.N. debate and the Partition debate of November 1947. While the historical contexts are completely different and offer no meaningful factual parallels, scrutinizing the processes can be useful. When the British government turned to the U.N. in 1947, the Zionist movement was in the throes of a deep internal debate: Was the Yishuv ready for independence? Could it stand on its own economically, socially, militarily? The Jewish community had flourished under the protection of the British Mandate. Had the time arrived to move from dependency to independence? This question was always present in the internal debates of the Zionist movement, and was openly discussed at the Paris meeting of the Jewish Agency Executive in August 1946. Only when the question was resolved in the affirmative after four days of debate did the Zionist movement begin the process that brought the Jewish state into

See *Zweig*, page 4

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Bayme continued from page 3

charter, unamended over the two decades since its initial adoption, takes its place within the canon of antisemitic literature.

Finally, Palestinian spokespersons are well aware that a U.N. vote will not create a state of Palestine. Rather, they note that a U.N. declaration will set the stage for pursuing legal claims against Israel — especially before the International Court of Justice. Some predict massive nonviolent marches and demonstrations, foreshadowed both on May 15 and June 5, 2011, with the expressed aim of compelling Israel to utilize violence in response and thereby damaging Israel's moral standing as a democracy. Put another way, the agenda in 1947 was to create two states living alongside one another. Nothing prevented the creation of a state of Palestine at that time. To the contrary, the idea was endorsed by the General Assembly but rejected by the Arab world. In 2011, however, the agenda underlying the proposal before the U.N. is continued delegitimization of Israel as a Jewish state.

American Jews, long immunized by repeated U.N. condemnations of Israel, regard this activity primarily as an unpleasant sideshow. To their peril, Jews ignore the perniciousness of the ongoing campaign to delegitimize Israel in intellectual circles by invoking boycotts, sanctions, and divestments of Israel and utilizing a vocabulary of "occupation," "colonial settlements," and "right of return." By turning to the U.N., Palestinian leadership again demonstrates its true colors — the rejection of Israel's legitimacy as a Jewish state.

Nonetheless, Israel remains committed to a two-state solution. To preserve herself as a democracy and as a Jewish state, Israel searches for ways to realize Palestinian statehood and reach a comprehensive peace with each of her neighbors. Israeli Prime Minister Benjamin Netanyahu not only supported the creation of an independent state of Palestine, but also, in unprecedented fashion, agreed to a ten-month moratorium on settlements to stimulate negotiations and announced before the U.S. Congress that Israel would dismantle certain settlements as part of a final agreement. Regrettably, Netanyahu receives little, if any, credit for his actions. Moreover, rather than resonate to Israel's overtures and return to the negotiating table, Palestinian leaders seek to subvert the process through a U.N. declaration. That direction holds no promise for peace. At best, it promises continued stalemate; at worst, it perpetuates the world's longest-running conflict. 

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existence — not as an aspiration but as a fact. The unavoidable loss of British protection was one concern. Another was the territorial compromise necessary to obtain recognition of Jewish independence. By accepting partition, the Jewish side announced its willingness to abandon its claims to large parts of the Land of Israel. The vote on November 29, 1947 effectively ended the debate on both these considerations. The Zionists would abandon their dream of a Jewish state in all the Land of Israel in exchange for the best compromise deal possible. There were, of course, opponents within the Jewish camp to these concessions, but the realists were able to ride the wave of international endorsement once the U.N. adopted partition, and were able to forge ahead with preparations for statehood. All this occurred in the face of abiding Arab opposition to both partition and any Jewish sovereignty.

A parallel process is taking place now in the Palestinian national movement. By calling for U.N. recognition of a Palestinian state on the other side of the 1967 borders, the moderate leadership in Ramallah is asking for the support of the international community to overcome the opponents of historic compromise within its own camp. It is also suggesting that the institution-building process that created the means of government and the growth of the Palestinian economy has now reached the point where they can give up the protective wings of NGOs and other bodies assisting the Palestinian Authority in running Palestinian affairs (including the Israel Defense Forces). A U.N. vote for the creation of a Palestinian state within the borders of 1967 will strengthen the moderate leadership against Hamas, and the public enthusiasm that the vote will evoke will be a blow to the objectives of the extremists.

Prophecy is a dangerous business, and a U.N. vote will certainly destabilize the current situation — just as it did in the aftermath of 1947. But the Palestinian acceptance of the borders of 1967 works both ways, and it will actually be a huge achievement for Israeli interests. It is exactly what Israeli diplomacy has aspired to since 1949. And, in view of the failure of both sides to resolve their differences in direct talks, it may well be the next step toward an end to the conflict. Parallels between 1947 and 2011 are not only seductive, they can also be instructive. 



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President Obama and the United Nations

STEVE SHEFFEY

President Barack Obama's special envoy on anti-Semitism, Hannah Rosenthal, observed in 2010, "Looking at U.N. statistics over the last six years, where there have been negative remarks against a country, 170 have been against Israel. Compare that to North Korea that had eight... Israel has had 50 resolutions condemning alleged human rights abuses. Compare that to the Sudan which has had five. Clearly Israel is being held to a different standard and that means it [the U.N.] has crossed the line from anti-Israel policy to profound anti-Semitism."¹

The United States contributes 22 percent of the U.N.'s regular operating budget, which came to upward of 582 million dollars in 2010.² Taking into account U.S. contributions to the U.N. peacekeeping budget and contributions to other U.N. agencies, the total U.S. contribution in 2010 was 7.69 billion dollars.³ Where some have suggested that the U.S. respond by cutting funding for the U.N. or boycotting its committees, Obama has charted a wiser course.

The Obama administration has pursued a policy of active engagement at the U.N. to fight efforts to delegitimize Israel. In 2010, Obama told the U.N. General Assembly that "Israel's existence must not be a subject for debate," and that "efforts to chip away at Israel's legitimacy will only be met by the unshakeable opposition of the United States."⁴ And the Obama administration succeeded in pushing through the toughest set of sanctions against Iran ever enacted by the U.N. Security Council.⁵

Perhaps most significant, the Obama administration cast its only veto in the U.N. Security Council against the biased anti-Israel resolution on settlements and promised to veto any U.N. Security Council resolution recognizing an independent Palestinian state of Palestine.⁶

The Obama administration opposed the report of the U.N. Fact Finding Mission on the Gaza Conflict, popularly known as the Goldstone Report in reference to its author, Justice Richard Goldstone. Israel's ambassador to the United States, Michael Oren, said, "The administration came out with a statement against Goldstone that was from our perspective just perfect — condemned it as a travesty

of justice, upheld Israel's right not just to defend itself but to investigate itself during its own military operations."⁷

Although Obama won nearly 80 percent of the Jewish vote in 2008, some maintain that the Jewish vote could be in play in 2012 even though there is little statistical evidence to support this claim⁸ and even though Obama's record is solidly pro-Israel.⁹ The Obama administration worked feverishly in September 2011 to prevent or defeat a vote on Palestinian statehood in the U.N. Security Council and to muster as many votes as possible to diminish the impact of a non-binding vote in the General Assembly. By maintaining that only direct negotiations between the parties can lead to peace, President Obama put the Palestinian Authority in the position of either forgoing their U.N. statehood bid and returning to the negotiating table, or refusing to negotiate, thus weakening their credibility and increasing the likelihood that more countries would join the U.S. in opposing U.N. support for Palestinian statehood.

In a speech described by the Israeli newspaper *Yehidot Aharonot* as the most pro-Israel speech ever given by an American president at the U.N., Obama told the world that "America's commitment to Israel's security is unshakeable" and that "Israel deserves recognition. It deserves normal relations with its neighbors."¹⁰

This type of consistent engagement at the U.N. has been essential in attempting to redress the efforts to isolate and delegitimize Israel. In response to criticism from Rep. Ileana Ros-Lehtinen (R-FL), the chair of the House Foreign Affairs Committee, and others who believe that instead of engaging at the U.N., the U.S. should first demand reforms and only then fund the U.N.,¹¹ Assistant Secretary of State for International Organization Affairs Esther Brimmer said, "President Obama's decision to pay our U.N. assessments in full has given us greater influence with allies, partners, and others, and helped us achieve both our policy goals at the U.N. as well as much-needed management reform and budget discipline."¹²

Prior administrations that generally supported Israel at the U.N. sometimes chose not to veto anti-Israel resolutions. For example, the

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¹ <http://www.jpost.com/JewishWorld/JewishNews/Article.aspx?id=170435>

² http://www.un.org/ga/search/view_doc.asp?symbol=ST/ADM/SER.B/824

³ <http://www.cnsnews.com/news/article/obama-administration-cites-progress-un-slams-republican-critics>

⁴ <http://www.state.gov/p/io/rm/2011/166223.htm>

⁵ <http://www.nytimes.com/2010/06/10/world/middleeast/10sanctions.html>

⁶ <http://www.state.gov/p/io/rm/2011/166223.htm>

⁷ http://www.njdc.org/media/entry/goldstone_israel_adler

⁸ <http://washingtonjewishweek.com/main.asp?SectionID=4&SubSectionID=14&ArticleID=15718>

⁹ <http://online.wsj.com/article/SB10001424053111904060604576574521495803288.html>

¹⁰ <http://www.nationaljournal.com/whitehouse/obama-s-speech-to-the-un-general-assembly-as-prepared-20110921>

¹¹ <http://www.nytimes.com/2011/01/26/world/26nations.html>

¹² <http://www.cnsnews.com/news/article/obama-administration-cites-progress-un-slams-republican-critics>

¹³ <http://blogs.jta.org/politics/article/2011/02/17/2743029/missing-the-resolution-not-missing-an-opportunity-to-miss-an-opportunity>

¹⁴ http://www.un.org/News/dh/infocus/hr_council/hr_q_and_a.htm

¹⁵ <http://www.washingtonpost.com/wp-dyn/content/article/2009/03/31/AR2009033102782.html>

¹⁶ <http://blogs.jta.org/news/article/2009/03/31/1004147/in-reversal-us-to-join-un-rights-council>

¹⁷ <http://www.politico.com/news/stories/0409/20881.html>

¹⁸ <http://www.state.gov/r/pa/prs/ps/2011/03/159343.htm>

¹⁹ <http://www.state.gov/r/pa/prs/ps/2011/03/159343.htm>

²⁰ <http://www.state.gov/p/io/rm/2011/166223.htm>

²¹ <http://blogs.jta.org/politics/article/2011/09/20/3089493/how-much-of-susan-rices-job-is-about-israel>

²² <http://www.njdc.org/blog/post/ricetestimony040611>

²³ <http://blogs.jta.org/politics/article/2011/09/20/3089493/how-much-of-susan-rices-job-is-about-israel>

²⁴ <http://www.nationaljournal.com/whitehouse/obama-s-speech-to-the-un-general-assembly-as-prepared-20110921>

Bush administration neglected to veto a 2004 U.N. Security Council resolution calling on Israel to stop demolishing Palestinian homes.¹³ The Reagan administration supported a U.N. Security Council resolution condemning Israel for its 1981 attack on Iraq's nuclear reactor.

In 2006, the U.N. General Assembly created the U.N. Human Rights Council (UNHRC) to address human rights violations¹⁴ and to replace the U.N. Human Rights Commission, which had lost credibility because it included countries with poor human rights records.¹⁵ The Bush administration refused to join the UNHRC because it believed that the UNHRC was not much better than the Human Rights Commission and that the U.S. could make a stronger statement by not participating.

Before the U.S. joined the UNHRC in 2009, the UNHRC passed 32 resolutions, of which 26 were critical of Israel.¹⁶ The Bush administration refused to engage UNHRC, thus leaving the council to Israel's enemies. U.S. Ambassador to the U.N. Susan Rice explained that the Obama administration joined the UNHRC to battle the "anti-Israel crap."¹⁷

By engaging with the UNHRC, the U.S. not only leveraged its power to defend Israel, but it also helped shift attention to what the UNHRC should have been focusing on during its years of neglect under the Bush administration: freedom of assembly and association, woman's rights, the LGBT (lesbian, gay, bisexual, transgender) community's rights, and religious rights.¹⁸ The U.S. also spearheaded U.N. efforts to highlight human rights abuses faced by the LGBT community around the world.¹⁹ And the U.S. "led

unprecedented resolutions condemning human rights abuses in Libya, Iran and then Syria and putting in place mechanisms to document abuses and hold those governments to account" at the UNHRC.²⁰

These are important ends in themselves, and they also serve to diminish the council's disproportionate focus on Israel, which is a product of both the Arab world's efforts to delegitimize Israel and efforts by certain countries to deflect attention from their own human rights violations.

It is clear that Hannah Rosenthal and Susan Rice understand that the UNHRC and the U.N. in general are laden with anti-Israel sentiment and that engagement with the U.N. and its agencies is the best way to combat that sentiment. For Rice, defending Israel at the U.N. is, in her words, "a significant part of my job."²¹

So what is the rationale for the commitment Obama made in September 2010 before the U.N. General Assembly? At the time, he said, "It should be clear to all that efforts to chip away at Israel's legitimacy will only be met by the unshakeable opposition of the United States."²² According to Rice, it's simple: "We're doing what we think is right."²³ As President Obama told the U.N. in September 2011, the "Jewish people have forged a successful state in their historic homeland. Israel deserves recognition. It deserves normal relations with its neighbors. And friends of the Palestinians do them no favors by ignoring this truth, just as friends of Israel must recognize the need to pursue a two-state solution with a secure Israel next to an independent Palestine."²⁴



Netanyahu's Policies Do Not Help Israel

STEPHEN ZUNES

Steve Sheffey is certainly correct in recognizing the counterproductive ramifications of anti-United Nations efforts by the Republicans and in defending the Obama administration from attacks by the far right that falsely accuse him of not defending Israel. Unfortunately, he falls into the same trap as the Republicans he criticizes by accepting much of the narrative of Israel's current right-wing government and by supporting Washington's defense of that government. While it is certainly appropriate to acknowledge and challenge the anti-Israel bias often found in the U.N. and elsewhere, he flips to the other extreme by

embracing an anti-Palestine bias.

For example, Sheffey refers to an otherwise-unanimous U.N. Security Council resolution vetoed by the Obama administration last February as being "biased" and "anti-Israel." The draft resolution, however, simply called on both Israelis and Palestinians to act on the basis of international law, other obligations, and previous agreements; to help advance the peace process through confidence-building measures and continued negotiations on final status issues; and for regional actors and the international community to support the peace process. The resolution specifically reaffirmed previous

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U.N. Security Council resolutions acknowledging that Israeli settlements on Palestinian lands occupied since the June 1967 war are illegal and constitute a major obstacle to peace, and it called on Israel to cease additional settlement activity in Palestinian areas.¹

Groups like J Street and Americans for Peace Now had encouraged President Obama not to veto the resolution, as did prominent Israeli liberals writing in the *Jerusalem Post* and *Haaretz*.² The illegality of the settlements is beyond question: Article 49 of the Fourth Geneva Convention — to which both Israel and the United States are signatories — specifically prohibits any occupying power from transferring any part of its civilian population onto lands seized by military force. The convention's application to the West Bank and East Jerusalem is explicitly acknowledged in U.N. Security Council resolutions 446, 452, 465, and 471, and in a 2004 advisory ruling by the International Court of Justice.

Sheffey also defends Obama's effort to quash the report of the panel that investigated possible war crimes by both Hamas and the Israeli government during the December 2008-January 2009 conflict, even though the findings of the investigation — led by eminent pro-Israel South African jurist Richard Goldstone — were critical of both sides and were consistent with those of Amnesty International, Human Rights Watch, and other reputable human rights groups.³ The illegal attacks on civilian areas by both sides are well-

documented, and little can be accomplished by suppressing this reality.

Sheffey presumably believes the U.N. was correct back in 1949 in accepting Israel as a member state without insisting that it first negotiate an agreement with the Arab states regarding the Palestinian refugees. By contrast, he defends Obama's insistence that Palestine be allowed U.N. membership only after reaching an agreement with Israel, whose current government appears to be willing to grant the Palestinians only a series of non-contiguous cantons surrounded by a Greater Israel.

There is no question that an anti-Israel bias exists in some U.N. agencies and that the Obama administration has been right to vigorously challenge such abuses of the U.N. process. However, just as Israel should not be unfairly held to a higher standard than other countries, Israeli Prime Minister Benjamin Netanyahu's expansionist and militaristic policies should not be defended when they indeed violate international legal norms — particularly given the ways in which they weaken Palestinian moderates, embolden extremists, and make a negotiated peace impossible. But defending the Obama administration's opposition to the enforcement of international legal standards because the violator happens to be a U.S. ally, defending policies of Netanyahu's government that may threaten Israel's legitimate security interests, and defaming those of us who challenge these policies, does neither Israel nor the United States any favor. 

¹ <http://www.un.org/News/Press/docs/2011/sc10178.doc.htm>

² See, Ami Kaufman, "America's role in the region is finished," *Jerusalem Post*, Feb. 20, 2011 and Gideon Levy, "With settlement resolution veto, Obama has joined Likud," *Haaretz*, Feb. 20, 2011.

³ <http://www.amnesty.org/en/news-and-updates/news/un-vote-goldstone-report-defining-step-accountability-20091106>

Reviewing Obama's U.N. Record

MATTHEW R J BRODSKY

Steve Sheffey's article, "President Obama and the United Nations," is full of praise for the current administration's approach to the United Nations and, more broadly, Obama's pro-Israel stance. The well-cited quotes Sheffey offers may be part of the written record, but his article employs a selective focus on some facts to the exclusion of others. American diplomatic activity at Turtle Bay is not the correct metric for measuring the extent to which an American administration is pro-Israel. Moreover, apart from presidential rhetoric, what matters more is what is done — rather than what is said. The only metric for gauging success or failure is the results.

President Obama's first move on the checkerboard of peacemaking was to call for a

complete freeze of Israeli settlements, including natural growth. No previous U.S. president had made this demand — nor had the Palestinians ever demanded a complete freeze as a precondition to negotiate — yet Israeli Prime Minister Benjamin Netanyahu agreed to an unprecedented ten-month moratorium on the settlements. Instead of engaging in negotiations, the Palestinians refused to come to the table. Aside from this being poor policy, it was a bad strategy, and it strained U.S. relations with all sides.

Sheffey's comparisons between the Obama presidency and previous administrations are also problematic. While it is true, as Sheffey asserts, that President George W. Bush eschewed the 2006 newly created U.N. Human Rights Council (UNHRC), he did so because it was no

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¹ <http://www.commentarymagazine.com/article/will-obama-use-his-un-veto/>

² <http://www.csmonitor.com/2003/1208/p06s02-wome.html>

³ http://www.nytimes.com/2011/05/20/world/middleeast/20prexy-text.html?_r=2&pagewanted=all

⁴ http://www.nytimes.com/2011/05/17/opinion/17abbas.html?_r=2&ref=opinion

better than the previous body, the ideologically slanted and anti-Israel U.N. Human Rights Commission. And President Obama's engagement with the UNHRC gave a U.S. stamp of approval to the committee with negligible results.

Sheffey comments that "the Bush administration neglected to veto a 2004 U.N. Security Council resolution calling on Israel to stop demolishing Palestinian homes," and he describes the Reagan administration's support for a resolution condemning Israel for its 1981 attack on Iraq's nuclear reactor — an attack that no doubt earned Israel plenty of private handshakes. Yet Sheffey fails to mention that President Bush vetoed a total of nine anti-Israel resolutions during his presidency, while President Ronald Reagan vetoed 18 anti-Israel resolutions.¹ In fact, Bush created what is known as "The Negroponte Doctrine," the formula where any Israel-related resolution must also condemn Palestinian terrorism and call for dismantling Hamas et al.²

Presidential support for Israel is far from automatic in the Obama administration. The President's fundamental misreading of the Middle East has resulted in missteps region-wide and he still believes that Palestinian-Israeli peace is linked to all other issues in the region despite the so-called "Arab Spring." One result was the Palestinian Authority's (P.A.) decision to form a unity government with Hamas, the purpose of which was to avoid negotiating with Israel and to bring the issue of Palestinian statehood to a vote before the U.N. last month. The U.S. could have adopted a clear position from the start and immediately worked to prevent the vote.

As Sheffey points out, "The Obama administration worked feverishly in September 2011 to prevent or defeat a vote on Palestinian statehood in the U.N. Security Council..." If Obama's belated effort was "feverish" then it was the result of waiting until the final weeks to prevent the Palestinian push at the U.N. Obama was late in

applying pressure; instead, he opted for another strategy. He believed that he could bring the Palestinians to the table if he extracted more Israeli concessions in advance — namely, by changing four decades of American policy on May 19, 2011 in his "Winds of Change" speech.³ In it, Obama abandoned U.S. policy that was based on U.N. Security Council Resolution 242, which called for Israel to withdraw to "secure and recognized" borders, and instead adopted "the 1967 lines with mutually agreed swaps." With that, President Obama formalized the U.S. view that a territorial resolution to the conflict could be achieved only if Israel agreed to trade away land it held before 1967.

The timing of Obama's speech was stunning. Just three days earlier, Palestinian President Mahmoud Abbas had penned an op-ed piece in *The New York Times*, in which he explained the reason behind the U.N. gambit in September: "Palestine's admission to the United Nations would pave the way for the internationalization of the conflict as a legal matter, not only a political one. It would also pave the way for us to pursue claims against Israel at the United Nations, human rights treaty bodies and the International Court of Justice."⁴

Given the estimated \$600 million a year that the P.A. receives from the United States, it is remarkable how little influence this White House wields over Abbas. American leadership is not defined by how it fares in the U.N., but rather by how it succeeds in affecting the behavior of friends and foes alike. Obama's decision to create daylight between the U.S. and Israel — America's only loyal ally in the region — has led Middle Eastern states to distance themselves from both Israel and the U.S. The vacuum that will be created by America's faltering influence in the region is a recipe for more violence and bloodshed in the future, not the desert-mirage panacea of Palestinian-Israeli peace. 

Steve Sheffey Responds

Zunes is right: Obama is not a J Street president. The U.N. resolution Obama vetoed focused almost exclusively on settlements and did not condemn Arab intransigence; it was an attempt to bypass negotiations with Israel. It is far from clear that Israeli settlements are illegal, although reasonable minds can differ on the wisdom of certain settlement activity. Justice Richard Goldstone himself repudiated much of his report. Steven Bayme's essay in this issue explains why the U.N.'s recognition of Israel in

1947 is dissimilar to proposed U.N. action today.

Many of the policies Brodsky criticizes are not unique to Obama's administration. It's ironic that many who rightfully protest when Israel is held to a double standard apply a double standard to Obama. The Bush administration also called for a settlement freeze that included natural growth, and effectively called for negotiations based on the 1967 lines with land swaps. My detailed responses to Zunes and Brodsky can be found in the digital edition of *Sh'ma* (www.shmadigital.com). 

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What Jewish conversation would you like to have? Send suggestions for future *Sh'ma* topics to SBerrin@shma.com.

Should Israel Care? Three Reflections on a Question

One: David Ben-Gurion's Prescience

DANIEL GORDIS

Strangely, Israel's Declaration of Independence insists that "[The] recognition by the United Nations of the right of the Jewish people to establish their State is irrevocable." The language, though, is actually less odd than prescient. David Ben-Gurion, the declaration's unacknowledged author, intuited that November 29, 1947 was likely to be an aberration and that the U.N. might well decide to undo its momentous 1947 decision.

The U.N.'s unfairness toward Israel is legendary. In November 1947, a Security Council resolution called on the Israel Defense Forces to withdraw to the positions of October 14. As Benny Morris notes in his book, *1948: A History of the First Arab-Israeli War*, the resolution was "illogical — it called for Israeli withdrawal from territory awarded to Israel by the United Nations, territory that had been conquered by Egypt in defiance of the United Nations, and then recaptured by Israel — but there it was."¹ In 1967, the U.N.'s decision to evacuate the Sinai Peninsula enabled Egyptian President Gamal Abdel Nasser's attack in 1973. In 2009, the U.N. overwhelmingly endorsed the U.N. Fact Finding Mission on the Gaza Conflict, known as the Goldstone Report, over Israel's strenuous objections that it was grossly unfair; the author himself, Justice Richard Goldstone, later largely repudiated his own work.

Yet even more critical than the U.N.'s consistent unfairness to Israel has been its unremitting undermining of the very idea undergirding the Jewish state. As early as April 1948, the Americans engineered a Security Council resolution calling for a "special session" of the General Assembly to discuss the "future government of Palestine." Both Arabs and Zionists rejected the move; it is instructive, however, that merely five months after its passing, there was already a plan for a U.N. session that would have undone the U.N. Partition Plan.

In November 1974, Palestine Liberation Organization Chairman Yassir Arafat addressed the General Assembly wearing a gun holster. In his speech, Arafat asserted, "Our resolve to build a new world is fortified — a world free of colonialism, imperialism, neocolonialism and racism

in each of its instances, including Zionism." This was an undeniable declaration of war on Israel — and the U.N. had knowingly afforded him the platform. (Imagine the world's reaction had then-Prime Minister Ariel Sharon worn a holster when he addressed the U.N. in September 2005!)

A year later, the U.N. adopted the infamous "Zionism is Racism" resolution, which passed by a majority much greater than did the Partition Plan. The resolution remained the official U.N. position for fifteen years, until it was quietly withdrawn in 1991. Daniel Patrick Moynihan, the U.S. Ambassador to the U.N. at that time, was spot on when he bellowed that the resolution was "an infamous act," and was "not an attack on Zionism, but on Israel."²

It is in this light that we must see plans for an eventual U.N. vote on a Palestinian state. Every major Israeli political party has now recognized Palestinian rights to sovereignty, but no Palestinian leader has acknowledged Israel as a Jewish state. Most Israelis, though nervous, understand that a Palestinian state is the only hope to a permanent peace in the Middle East. But the U. S. State Department's premonition of 1947 — that "It is extremely unlikely ... that the Arabs will ever accept a Zionist State on their doorsteps"³ — remains correct. The Arabs have not acquiesced to the idea of a Jewish state on their doorstep, and until they do, responding to Palestinian pressure simply continues the inexorable process of undermining a state that many U.N. members now wish they had not created.

When the General Assembly voted for the establishment of Israel in November 1947, Jews wept and celebrated. But when the U.N. votes on Palestine, it will be time to mourn. Jews — and the State of Israel — ought to mourn not the creation of a Palestinian state, for many of us recognize that peace will never come without such a state. Rather, we should mourn the end of an era in which the world recognized Zionism as a legitimate idea. Tragically, with this vote, the U.N. will once again be declaring its opposition to the very ideology that has breathed new life into the Jewish people.

Without question, the U.N. vote should be of grave concern to Israel. There is not much that

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¹ Benny Morris, *1948: A History of the First Arab-Israeli War*, page 357.

² Martin Gilbert, *Israel — A History* (New York: William Morrow, 1998), p. 467.

³ Benny Morris, page 174.

Israel can do, but it dare not ignore these shifting sands. Yet we should note this, no less: If the United Nations votes affirmatively, the loss will be not only Israel's, for the U.N. is also robbing the

Palestinians of a future. Coddling the Palestinians will only forestall their doing the self-searching and compromise necessary for this region to have a chance of knowing genuine peace. 

Two: Israel's Interest in Engaging the World

BRADLEY BURSTON

The United Nation's record of unfairness toward Israel is, indeed, monumental. It is so extensive that even Daniel Gordis' prodigious overview cannot do it justice in the space available. One further example should suffice: the U.N. Commission on Human Rights. So flagrant was its anti-Israel bias, so exclusive and malevolent its focus on the Jewish state, that by 2006, the U.N. itself could take it no more, and dissolved the panel — only to have its successor, the U.N. Human Rights Council, criticized by two U.N. Secretaries-General and the council's own president for having consistently and disproportionately singled out Israel for condemnation.

It's only natural, then, for Israelis to want to give up on the U.N., to treat the world body with scorn and suspicion, its decisions regarding the Palestinians seen as little more than missiles aimed at Israel's very existence.

It's only natural for Israelis to conclude that the international community is implacably against us, no matter what we do, so we may as well do exactly as we please.

It's only natural — but not necessarily in Israel's best interest. It's only natural — but in the long run, a position that could worsen Israel's isolation, and in the process demoralize and further polarize the Israeli public.

In a peculiar and unhealthy progression, adopting that type of pariah status — even if the state asserts that the status was forced upon it — allows the state to lose perspective and entertain a false sense of freedom of action. Pariah status is a mindset that can lend support to self-destructive policies and measures such as unbridled settlement construction and the imprudent advocacy of disproportionate military moves.

The sense that Israel is wrong no matter what, can encourage a government to enshrine the status quo. But the status quo to which we are accustomed — of unaddressed Palestinian aspirations for independence amid the unchecked pressures of settlement — has become, in itself, a force clouding Israel's

very future.

At this point, it is in Israel's best interest to engage the world, to work with the U.N. rather than despise it, to demonstrate flexibility and show initiative. Gordis points to precisely what is in Israel's best interest when he states that most Israelis understand that a Palestinian state is the only hope to a permanent peace.

What Israelis cannot understand is how to get there. Where the U.N. and the Palestinian issue are concerned, and at a time when peace talks are little more than a memory, Israeli society may be divided into three groups. There are those on the right who, for the sake of a strong, secure Israel, oppose Palestinian statehood. There are those on the left who, for the sake of a strong, secure Israel, believe that a Palestinian state must be established as soon as possible.

Then, by far the largest group, there are the centrists who, for the sake of a strong, secure Israel, want to see two states, but who also feel that their own leaders and those of the Palestinians lack the ability and, more importantly, the genuine desire, to forge a workable peace.

For the time being, the conclusions of that last group are, sadly, correct. Nonetheless, what is crucially important to Israel's future is where the center of the Israeli political spectrum is headed, and if, in fact, it can be motivated to move toward peace.

Perhaps the most critical point in this regard is one to which Gordis alludes in passing, the question of whether Arab and Muslim states and peoples can ever really accept a Jewish state in their midst, and whether Israel is willing to face down its own extremists.

In the end, the importance of the U.N. decision may lie in helping to catalyze an answer to these excruciating questions. If the harrowing process can paradoxically bring Israel and the Palestinians back to talks, striking a chord of involvement among moderates on both sides, the answer will be yes.

For Israelis, whose lives are a thicket of paradox, the choice will be daunting, but it may

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ultimately prove unavoidable. The “U.N. Autumn” only underscores the difficulty: In order to separate from the Palestinians, Israel will have to engage them in honest if tough diplomacy; in order to become fully independent, fully in control of its own fate, Israel must engage the U.N. and the world, not withdraw from it, scorn it, or

refuse to cooperate with the international community’s sincere efforts for a just peace.

For much of the past year, official Israel has tried to go it alone, feuding even with its indispensable ally, Washington. The experiment was instructive. Going it alone, we now know, gets you nowhere but backward and down. 



Three: The Mirror of Humanity in the East 40s

MARC GOPIN

We are living at a moment when the international institutions of the global community are still at a formative early stage. As an international body, the United Nations is young and primitive, and will fare no better than the primitive human community it represents. The U.N. is what the nations of the world will make of it, including Israel. The U.N. has had shining moments and disastrous moments, saving thousands of lives by its vision and gravitas, but also costing thousands of lives by occasional ineptitude or hypocrisy.

Israel should care about what happens at the U.N. because countless Jewish scholars and activists, for centuries, from the time of the prophets to the present, have spoken of humanity’s vision of the central and sacred importance of the rule of humanitarian law as the glue that can hold together a future global community. It is no accident how deeply indebted Hugo Grotius (1583–1645) and so many other philosophers and jurists were to Jewish scholarship, which helped to create the basis of what would become an elaborate system of international law — later concretized in the U.N.

I think often in this regard of Raphael Lemkin (see Karen Naimen’s essay on the cover), a man who lost almost all of his 60 family members in the Holocaust, but who well before the Holocaust became the man most responsible for articulating the concept of genocide and developing the legal basis for the the U.N.’s Convention on the Prevention and Punishment of the Crime of Genocide. A Jewish man, a fighter in the Polish Army against the Nazis, he began his legal career championing the cause of the Assyrian Christians who had been massacred in Iraq, as well as exposing the Armenian Genocide. He was a permanent fixture at the fledgling U.N., and the day the Genocide Convention was passed, a convention that he largely wrote, he would be found alone,

weeping in a darkened U.N. assembly hall. Winston Churchill nominated him for a Nobel Prize in 1950.

Israel should care about the U.N. because extraordinary Jews like Lemkin had a major role in its creation. Israel has scholars, both Jewish and Arab, who are among the most creative and courageous legal minds in the world, champions of international human rights, and visionaries of a world governed by the rule of law and democracy. Any court of law is only as good as its judge, jury, and advocates; though the U.N. is grossly imperfect, one never abandons it. By embracing the U.N. despite its flaws, Israel continues to nurture and promote a legacy of the Jewish people that embraces the rule of law as the key to human dignity and decency. From Isaiah to Amos to Hillel, our ancient teachers wanted us to be a nation that pursued justice and only justice, a nation that would model and teach these precepts to the world.

The U.N., in a very real sense, gave birth to the State of Israel. If it now gives birth to Palestine, which is, after all, a fulfillment of the original two-state solution, it may be a bitter pill of political defeat for some, but it also may be righting a wrong of history of which everyone is guilty, not just Israel. This is not the best of circumstances under which the U.N. could give birth to a new nation, but that is all the more reason to stick with it, to make sure that the rule of law, the heart and soul of human decency, remains something to be struggled for at the U.N. as a new nation is born.

As Jews and Israelis, we should be with Lemkin and stand in solidarity with every step forward for humanity as a whole as the greatest bulwark against genocide and injustice. Lemkin understood, as Israel should, that humanity’s embrace of global institutions, of international conventions and bodies, is the key to the rule of law, and the key to our future as a race on this fragile planet. 

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Rabbi Marc Gopin is director of the Center for World Religions, Diplomacy, and Conflict Resolution (CRDC) at George Mason University, and a partner in MEJDI, the Middle East Justice and Development Initiatives, a Jewish-Arab company that conducts regular tours to Israel and the Palestinian territories.

Photography of Conflict

There is a visual history over and under the surface, spoken by the land and its stones and by all the civilizations that have arisen there. Israel is a sophisticated and manipulated palimpsest. Extensively covered by the media, debated by nations, claimed by religions, it is also a case study about the phenomenon of empires.

Shai Kremer
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 Digital C-print
 30" x 40"
 Edition of 7

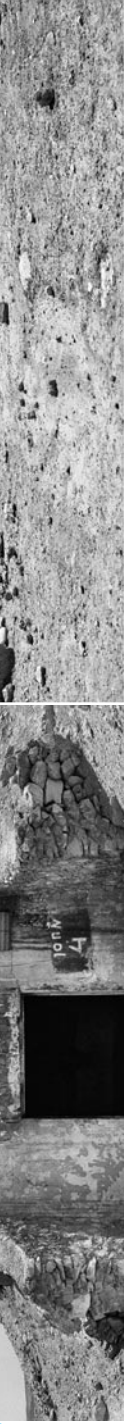


Roi Kuper
 From the series "Necropolis"
 8 black & white photographs

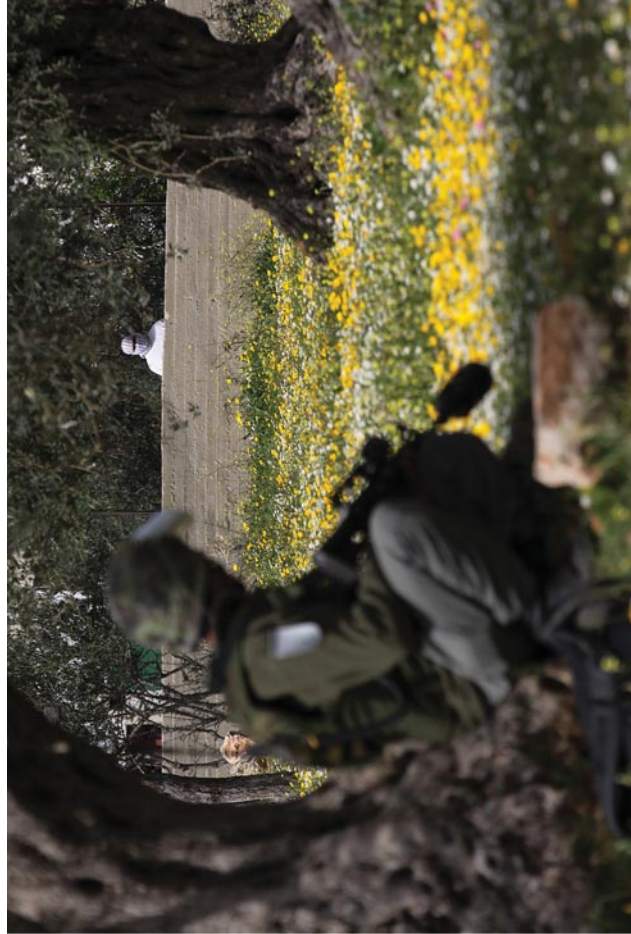


The photographs creating the series "Necropolis" (created with photographer Gilead Ophir) highlight the abandoned Israeli army compounds, constructed for military purposes, that are left orphaned in remote areas. These structures are transformed into a type of memorial to Israeli history; in the past, they were monuments to heroism, and today they stand neglected, dismal, and ugly.

Adapted from a statement by Rona Sella, Herzliya Museum



In the olive groves at the edge of Nilin village in the West Bank, a masked Palestinian confronts an Israeli soldier during the weekly protest against the West Bank security barrier. The ritual resembles a cat-and-mouse chase, but one in which people get killed and injured.



White from head to toe, in full combat gear, the “White Soldier” conducts his patrol, walking down the paths of Jerusalem, through Palestinian villages and Israeli settlements. “White” may be perceived as a symbol of purity, surrender, or even of the “Angel of Death.” A soldier is a charged image as well, which correlates to control and sovereignty, security and oppression. View additional images at the project’s Web site: www.whitesoldier.com.

Rina Castelnuovo

Nilin, West Bank

Color photograph

30" x 40"

Courtesy of Andrea Meislin Gallery, New York

Born and raised in Israel, Rina Castelnuovo was trained at the Academy of Fine Arts in Rome. She is a contributing photographer to *The New York Times* Jerusalem bureau. Her work has been shown in many galleries and museums including the Jewish Museum in New York, the Museum on the Seam in Israel, and the Andrea Meislin Gallery in New York. ■ Born in 1956, Israeli photographer Roi Kuper has been working since the mid-1980s in Israel as a photographer. A teacher at Shenkar College, Multidisciplinary Art Department in Ramat-Gan, Kuper has contributed works to the collections of the Tate Modern in London, the Israel Museum in Jerusalem, the Tel Aviv Museum of Art, and the Herzliya Museum of Contemporary Art, as well as to private collections in Israel and abroad. ■ Internationally acclaimed photographer Shai Kremer concentrates on landscape photography. Trained at Tel Aviv's Camera Obscura School of Art, he received a masters degree in fine arts from the School of Visual Arts in New York. Kremer now lives in New York and Israel. His work is included in many public collections, including the Metropolitan Museum of Art, New York, the San Francisco Museum of Modern Art, and the Israel Museum in Jerusalem. ■ Born in Toronto, Canada, and raised in Givat Shimon — a West Bank settlement — Yuda Braun is a 27 year-old Jerusalem-based artist. Since 2009, Braun has been performing a piece of performance art entitled “The White Soldier.” The photographs are by Alexander Janezko (www.alexanderjanezko.de).

Giving Multilateral Diplomacy a Chance

DANIEL KURTZER

My first assignment, when I entered the U.S. Foreign Service in 1976, was as a “rotational officer” in the U.S. State Department’s Bureau of International Organization Affairs. I served for six months backstopping our delegation to the United Nations General Assembly and the Security Council; then worked for six months on U.N. conferences related to water and desertification; and finally represented the U.S. at the semiannual meeting of the U.N. Development Program, where I was responsible for dispensing more than \$80 million in U.S. foreign assistance. The U.N. experiences were exciting, not just because they marked my entry into diplomacy, but more importantly because they provided an opportunity to assess up close the work of the U.N. — much that was good and some that was not.

Without excusing the excesses of what sometimes happens during U.N. debates or in some U.N. forums, I believe that the American government should embrace multilateral engagement. Many countries still look to the U.S. for leadership, and thus it is not a foregone conclusion that the sheer weight of numbers will always prevail in multilateral diplomacy. We ought to test whether the weight of reason and reasonability can win.

It will be hard to convince many Americans to adopt this approach rather than our current position, which almost instinctively opposes U.N. initiatives. It seems that most Americans think of the U.N. only when the organization or some of its members do foolish things. We all paid attention when the General Assembly adopted the odious resolution equating Zionism with racism. We recoiled when a U.N. conference on racism and racial discrimination was hijacked by anti-Israel countries and became a forum for hate and antisemitic invective. And recently we have watched as the Palestinians have turned to the U.N. for acceptance as a member state.

It wasn’t always this way. There was a time when many Americans and people around the world looked to the U.N. for inspired global leadership, for opening up the possibility of international relations governed by rules adopted through reasoned debate. Today, however, this seems like a pipedream.

Despite the experience of the past decades

— and one cannot dismiss this experience lightly or cavalierly — this situation need not persist into the future. Indeed, quietly but often effectively, multilateral diplomacy has proven helpful — at least for advancing the possibilities of peace in ways unattainable through bilateral diplomacy alone. For example, after the U.S. invasion of Afghanistan in 2001, an international conference was convened in Berlin to help define the shape of a future Afghan government and to bring under one roof all the local and international stakeholders in a hoped-for peace settlement. As an essential part of the 1991 Madrid peace conference, multilateral negotiations were held on such disparate issues as water, the environment, economic development, refugees, and arms control and regional security. A multilateral steering group guided this process, in which Israelis and Arabs from throughout the region, including Saudi Arabia, sat together, many for the first time.

To be sure, not all multilateral meetings have such fairy-tale qualities. In 2000, after the Palestinians launched an uprising, the Intifada, President Bill Clinton called a summit meeting in Sharm El-Sheikh, Egypt, to try to end the violence and resume negotiations. Not only did the summit fail to produce the sought-after outcome, but the drafting session chaired by foreign ministers (which I attended) was the single most acrimonious and contentious meeting I have ever witnessed. The raw emotions being played out in the streets of Israel and Palestine were reflected in the anger of the diplomats around the table. Neither bilateral nor multilateral diplomacy could help restore comity between the sides.

Of the many extraordinary diplomatic experiences that I was privileged to witness or participate in during my 30 years of serving our country in the Foreign Service, few experiences gave me as much satisfaction as helping to create and then oversee the multilateral peace negotiations in the 1990s. We didn’t solve all the issues on our agenda, but we created opportunities for people to meet, for persistent problems to be discussed, and for the future to be examined. Using multilateral diplomacy today as it was intended might actually be healthy for our country and our standing in the international community. 

Daniel Kurtzer is the S. Daniel Abraham Professor in Middle Eastern Policy Studies at Princeton University’s Woodrow Wilson School of Public and International Affairs. He served previously as the U.S. Ambassador to Egypt and to Israel.

Justice and Human Rights

JILL JACOBS

A few years ago, I was involved with an effort to stop the city of Chicago from demolishing Cabrini-Green, a public housing development in the heart of the city. The residents took the unprecedented step of bringing the city to federal court on charges of violating international law on displacement. While the residents ultimately lost this bid, they did earn a multiyear stay of the demolition. And by changing the conversation from one about justice to one about human rights, these residents placed their particular situation within the broader context of international human rights. This effort drew the attention of the United Nations, and of national and international bodies that might not otherwise have focused on a housing struggle in an American city.

The connection between human rights and social justice is important, and one that I've considered recently as I shifted from many years of working in Jewish social justice to the position of executive director of Rabbis for Human Rights. The phrase "social justice" brings to mind work on labor issues, poverty, and even the environment. The phrase "human rights" often brings to mind issues of torture and prisoners of war.

However, the U.N. General Assembly's Universal Declaration of Human Rights actually covers most of the areas of economic and social life traditionally categorized as "social justice issues." According to this document, adopted by the U.N. in 1948, human rights include access to sufficient food, health care, and education; the right to organize for better working conditions; the right to be free; and the right to be a citizen of a country and a participant in its government.

The difference between human rights and social justice is not only a semantic one. The phrase "human rights" focuses on what each person deserves, simply by virtue of being human. The phrase "social justice" focuses on the responsibilities of society toward its members.

There is a long-standing debate about whether Judaism believes in rights or only obligations. For the most part, Jewish law speaks of *chiyyuv* — obligation. Jews have a responsibility to give a portion of earnings in *tzedakah*.

According to Jewish law, employers must pay a living wage. Judges must treat each person fairly, regardless of his or her position in society. These are not acts of altruism; rather, these are obligations that each individual assumes in the interest of creating a more just society for everyone.

At first glance, the language of rights and the language of obligations seem to be at odds with one another. One asks, "What does each person deserve?" and the other asks, "What must each person give?" I choose instead to see rights and obligations as necessary complements to one another. Having a right does us little good if no individual, community, or government bears responsibility for ensuring our access to that right. On the flip side, there would be little incentive to take on obligations toward another person if we did not fundamentally believe in that person's right to a certain standard of living.

These two concepts — rights and obligations — come together in the biblical statement that human beings are created in the image of God. As creations in the divine image, human beings have basic rights to a dignified and safe life. The rabbis of the Talmud describe any injury to a human being as an injury to God, and any degradation of a human being as a desecration of the divine image. Accordingly, the laws of *tzedakah* insist that every person deserves sufficient food, clothing, and shelter; criminal justice laws maintain the humanity of the accused; and hundreds of laws protect the vulnerable from the whims of those with more social, political, or economic power.

But being a creation in the divine image also imposes obligations. Like God, human beings can make change in the world, and can accept sacred obligations toward other people. Thus, humans have not only rights, but also obligations to ensure that all other people also enjoy those rights.

In our efforts to create a more just world, we need both the discourse of human rights and the discourse of social justice. Human rights law reminds us that each of us, as a creation in the divine image, deserves a fair standard of living. The language of social justice insists that each of us also has an obligation to help create the world in which we want to live.

Rabbi Jill Jacobs is the executive director of Rabbis for Human Rights-North America. Her most recent book is *Where Justice Dwells: A Hands-On Guide to Doing Social Justice in Your Jewish Community* (Jewish Lights, 2011).



‘Hysteria’: Reading the Palestinian Application

NATHANIEL BERMAN

“Hysteria”: This, according to the Israeli newspaper *Haaretz*, is how the diplomatic world has perceived official Israeli responses to the Palestinian application for United Nations membership.¹ Israeli statements have wildly oscillated among expressions of fear, supplication, aggression, moralism, negotiation, dismissiveness, and even biblical sermonizing by its secular prime

coexisted within the heart of a single thinker or text. A clear, if somewhat domesticated, example of this phenomenon is the Israeli Declaration of Independence, subtly poised between invocations of millennial Jewish claims and contemporary international legitimacy, the latter epitomized by the 1947 Palestine Partition Plan, General Assembly Resolution 181 — a tension that reappears in an uncannily, perhaps deliberately, similar form in the text of the Palestinian application.

In fact, this tension between unilateralism and multilateralism has characterized many, if not most, nationalist movements for nearly two centuries. The tension embodies the paradox that nationalist passions are almost always enacted on an international stage — from the Greek struggle of the early 19th century to those of our own time. At one and the same time, and with the same intensity, nationalists desperately seek international recognition *and* fiercely reject the notion that it is necessary for their legitimacy.

For example, it was often the same Zionists who celebrated the incorporation of the Balfour Declaration into the League of Nations’ Palestine Mandate, or the legitimization of a Jewish state by Resolution 181, who also adopted Ben-Gurion’s famously contemptuous phrase, “Um-Shmum” (אִי־שָׁמוֹם, or “UN Shmu-en”). And today’s oscillations among incompatible responses to the Palestinian application — by Israelis *and* Palestinians — may be seen as hysterical expressions of this perennial nationalist ambivalence about the international community.

This ambivalence has its closely related parallels among internationalists, from Woodrow Wilson to his contemporary homologues. Internationalists have long *both* embraced nationalist claims as indispensable to world order *and* sought to discipline nationalism, coercively if necessary, into “reasonable” channels. After World War I, for example, the League of Nations recognized Poland and the other new Central European states on condition of the ratification of treaties securing minority rights; in the 1990s, the U.N. guaranteed Bosnian independence on condition of comprehensive provisions for its ethno-national groups, including territorial autonomy

At one and the same time, and with the same intensity, nationalists desperately seek international recognition *and* fiercely reject the notion that it is necessary for their legitimacy.

minister. This range may indeed be viewed as symptomatic of “hysteria” in its classical Freudian understanding — in which the ostentatious incoherence of the hysterical performance is analyzed as an enactment of a violent conflict between opposed identities within the hysteric, aggressor, and victim, male and female, homosexual and heterosexual.² The question for analysts in such cases is to identify the unresolved conflict involving the contradictory expressions with which they are faced.

In this case, a significant clue may be found in one particular contradiction in the Israeli response: between criticizing the Palestinian application as excessively *unilateral* vs. criticizing it as excessively U.N.-focused — i.e., *multilateral*. The oscillation between these contradictory criticisms suggests that they say less about the Palestinian application itself than about a deep-rooted ambivalence on the part of the critics.

The tension between unilateral and multilateral strategies, after all, generated some of the fiercest debates in the Zionist movement itself. The unilateralists, those most concerned with “auto-emancipation,” with “Hebrew labor,” with the recreation of Jewish subjectivity, often clashed with those preoccupied with persuading, pressuring, and mobilizing the “great powers” (from Britain to the Ottoman Empire), without regard to their liberal or oppressive character, to support the Zionist cause — a conflict that, among other things, led to the great rupture between Zionist leaders Bernard Lazare and Theodor Herzl.³ At other times, rather than a clash between partisans of the two opposed approaches, the tension has

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¹ *Haaretz*, August 30, 2011.

² Sigmund Freud, *Hysterical Phantasies and their Relation to Bisexuality*, (1908).

³ Bernard Lazare, *Le Congrès Sioniste et le Sultan*, (1902).

for the three principal groups, minority rights, and extensive U.N. oversight of Bosnian political life. The 1947 Palestine Partition Plan, which included many similar features, was a complex instantiation of this internationalist desire to facilitate the realization of nationalist desires while channeling them into internationally acceptable forms. And all the nationalists upon whom such international forms were imposed *both* celebrated the international recognition they implied *and* resented the paternalistic tutelage embodied in requirements to which their imposers would never agree to submit themselves.

The fever surrounding the Palestinian application is only the most recent exemplification of these broader dynamics. While both sides seek the imprimatur of the international community for their positions, they each fear that the turn to the international forum will result in the inflection of any final settlement by specifically internationalist interests and values. This fear goes beyond a general resentment of depending on international endorsement for a cause that each sees as not contingent on outside authorization; rather, it concerns the specific impositions on their present or future sovereignty that might emerge from an inter-

national settlement on issues such as land swaps, refugees, settlers, Jerusalem, demilitarization, foreign peacekeepers, international supervision, and so on.

This analysis suggests that periods in which such dynamics intensify may be unpredictably dangerous: the instability inherent in ambivalence may bring wild swings between pacific and bellicose stances on the part of the opposed parties or between obsessive preoccupation and negligent inattention on the part of the international community. It also suggests hidden possibilities: Palestinian invocation of Resolution 181, whose conditions many contemporary Israelis would see as infringements of their sovereignty, implicitly entails acceptance of a maximalist Israeli demand: recognition as a “Jewish state” — since the creation of a “Jewish state” and an “Arab state” was that resolution’s cornerstone.

The hysteria surrounding the Palestinian application could yet be beneficial if all involved learn from it: not to mock their antagonists but to accept the need for an accommodation of all our contradictory values — independence *and* interdependence, nationalism *and* internationalism, sovereignty *and* international supervision ... Israel *and* Palestine. 



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The Vertical Alliance Today

SAMUEL MOYN

A late colleague of mine, Yosef Hayim Yerushalmi, famously proposed that since the Middle Ages, Jews have always sought a “vertical alliance” in politics. With this phrase, he meant that the main Jewish political strategy — a smart if not uncomplicated one for a typically beset minority — was to ingratiate ourselves with the highest

It is critical to remember that many Jews have emotionally cherished and defended those ideals the U.N. helped introduce to the world — including the human rights of non-Jews living under Jewish sovereignty or occupation.

power around. At first, it was the king from whom the Jews sought whatever protections they could get in a dangerous world — and especially against local hatreds. Yerushalmi observed that the vertical alliance survived the collapse of European monarchies. Instead, it was simply transferred to the new nation-states that arose as monarchies fell. How else to understand the fact that Jews have been among the most fervently French among the French, German among the Germans, and American among the Americans?

But no one until now has applied Yerushalmi’s notion of the vertical alliance to international affairs. In the 1940s, when the United Nations was founded, a few Jews thought the time had come for fidelity to the vertical alliance to be elevated even higher than the modern nation-state in an era of new international governance. Earlier in this issue, Karen Naimar describes Hersch Lauterpacht and Raphael Lemkin — two Jews who made such a plea, albeit in very different ways. And in a time when the U.N. is treated by many Jews as a pigpen where anti-Zionists plot to destroy Israel in the language of high principle, it is certainly worth recalling how, in the 1940s, a few Jews fervently hoped to construct a model of international governance that would make the world safe for the Jewish people. Indeed, one could name a series of figures, including French Jew René Cassin, one of the authors of the U.N.’s Universal Declaration of Human Rights of 1948, who were central to a new form of Jewish internationalism.

It is tempting to celebrate the attempt in the 1940s to construct the U.N. as the vertical

pinnacle of Jewish politics. But with greater historical hindsight, it is clear that Jewish internationalism wasn’t new in the 1940s. And, in retrospect, the U.N. failed to become the vertical pinnacle that attracted the Jews’ highest political allegiances.

On the one hand, Jewish internationalism dated back to the 19th century, long before there was any global treaty like the one that founded the League of Nations between the world wars or the U.N. a quarter century later. As Abigail Green has shown in her magnificent scholarship, notable Jews like Sir Moses Montefiore in Great Britain allied with their states in their imperial globalism. It was such imperial nation-states — like France, where the Alliance Israélite Universelle, the first global Jewish advocacy group, was founded — that seemed the most likely agents to keep the Jews safe from their enemies. In terms of the vertical alliance, the buck still stopped at the state. When crises like the Damascus affair broke out, with Jews in foreign lands suffering at the hands of their states, Jews mobilized to bring the pressure of the British and French empires to bear on their oppressors.

On the other hand, the U.N. — as its very name implied — originated as a concert of states and, in fact, of great powers. Its Security Council still reflects the World War II situation in which a few hegemony planned to rule the globe. The General Assembly, where the rest of the people of the world sit, is relegated to mostly symbolic authority, though its proclamations surely do have some weight. But because the U.N. did not purport to provide an alternative to the state, it never transcended the notion that the primary allegiance of Jews was to states. As a result, the U.N. ended up becoming another place where the states in which the Jews claim citizenship — and especially the United States — could act on their behalf.

As internationalists, Lauterpacht and Lemkin insisted that states can go terribly wrong — and clearly the vertical alliance of German Jews with their state did not work out well. Yet Jews voted with their feet in the 1940s in still choosing the nation-state as the power that would protect them, most graphically in the creation of Israel but throughout the Diaspora as well. And in the post-World War II

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period, many campaigns of Jewish protection would show that the 19th-century model remained in force. When it came time to “save” Soviet Jews suffering repression, it was not to the U.N. that Jews turned, but rather to the United States in an effort to help their co-religionists abroad.

The failure to create a vertical alliance with the U.N. does not imply that the U.N. is useless for Jews, either historically or today in broader human affairs. We should also recognize that the vertical alliance Jews have long sought in politics still largely culminates in their nation-states, like the State of Israel the U.N. helped recognize in the same year it proclaimed “human rights.”

Of course, it is critical to remember that many Jews have emotionally cherished and defended those ideals the U.N. helped introduce to the world — including the human rights of non-Jews living under Jewish sovereignty or occupation. But perhaps the best proof of where the vertical alliance stands today is how Palestinians have sought to make use of the U.N. in concert with their international supporters. Like the Jews in 1948, they have sought the U.N.’s help in forging their state, which shows that for most peoples, the vertical alliance still goes only so high. 

Discussion Guide

Bringing together a myriad of voices and experiences provides *Sh'ma* readers with an opportunity in a few very full pages to explore a topic of Jewish interest from a variety of perspectives. To facilitate a fuller discussion of these ideas, we offer the following questions:

1. Is it legitimate to draw parallels between the U.N. recognizing the State of Israel and a state of Palestine?
2. Should Israel care about what happens at the United Nations?
3. Do you think the Arab states will ever accept a Jewish state in the Middle East?
4. How might the Israeli leadership move forward toward a two state solution with Palestine? If so, how?
5. Why is attention — good or bad — disproportionately focused on Israel? Is Israel held accountable to a different, higher standard?
6. How has the U.N. vote influenced the position, or status of the United States in the Middle East and as a global leader?

The United Nations' War against the Jews: Destructive and Self-Destructive

GIL TROY

Tragedically, the United Nations has gone from being the Jews' best friend to the Jews' worst enemy. This descent not only hurts Israel and the Jewish people; it damages the U.N. itself. Like so many times before in Jewish history, the noxious, obsessive, attack on the collective Jew — in this case, Israel — has revealed deep flaws in the organization's character and structure.

Back on November 29, 1947, the U.N. appeared to be the Jews' savior. It was not just that the U.N. had recognized Jews' rights to a Jewish state in Palestine. More important, the U.N. embodied the Allied ideals mobilized to defeat Nazism. Jews, particularly American Jews, believed in the U.N.'s promise — that this world body could solve conflicts with words, not weapons, advancing justice and peace in a world that had just devoured six million Jews.

By 1975, the U.N. had established itself as a brand name for doing good worldwide. The General Assembly's Convention on the Prevention and Punishment of the Crime of Genocide and the Universal Declaration of Human Rights, both adopted in December 1948, established a language and a legal structure for advancing human rights. U.N. peacekeepers, with their distinctive blue helmets, calmed the world's most volatile flashpoints, patrolling in Cyprus, the Congo, and the Sinai. The U.N. also was — and remains — the most effective international social service agency in history, pushing economic reform, championing education in developing countries, fighting parasitic diseases, pressing for universal immunization, and, ultimately halving child mortality rates.

In 1975, however, the U.N. passed Resolution 3379 on November 10, declaring

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¹ See Daniel Patrick Moynihan, *A Dangerous Place*, with Suzanne Weaver, (Boston: Little Brown & Company, 1978).

² Noam Chomsky, *Fateful Triangle: The United States, Israel & the Palestinians*, updated edition, (Cambridge, South End Press, 1983, 1999).

³ Edward Said, *The Question of Palestine*, (New York: Vintage Books, 1979, 1992). p. 111.

"Zionism is racism." A year earlier, the General Assembly had invited the chairman of the Palestine Liberation Organization, Yassir Arafat, to its podium. Arafat's welcome to the world forum for peace traumatized Jews. But passing Resolution 3379 became a larger event because of Israel's U.N. Ambassador Chaim Herzog and his American colleague, Daniel Patrick Moynihan. Moynihan made the American public aware that the Soviet Union had conspired with dozens of newly formed Third World countries to hijack the U.N. What had been a democratic forum celebrating democratic values now had Third World and Communist dictators using democratic norms they violated at home to pursue their totalitarian agenda in New York.¹

The resolution hurt Israel but devastated the U.N. Even leading anti-Zionist academics like Noam Chomsky and Edward Said scoffed. Chomsky noted the "profound hypocrisy, given the nature of the states that backed it (including the Arab states),"² as well as the sweeping denunciation of Israel's very right to exist by "referring to Zionism as such rather than the policies of the State of Israel."³ This twist made the resolution so potent, helping to elevate many attacks on Israeli actions to a broader repudiation of Israel's legitimacy. Sir Brian Urquhart, the U.N. Under-Secretary-General for 14 years, would call the resolution "the stupidest thing anybody ever did at the U.N.... an absolutely mindless piece of provocation" that "did nothing for the Palestinians," either.

Eventually, in 1991, the U.N. repealed the resolution — only the second repeal in U.N. history. The repeal came about because of biparti-

san leadership from Americans, persistent pushing from Israel, effective Jewish community lobbying, and the Soviet Union's collapse. Many former Soviet satellite states voted for the repeal to exorcise the nightmare of Soviet domination, given that the "Zionism is racism" resolution was, in Moynihan's words, "the big Red lie."

"Zionism is racism" became the most famous, and notorious, slogan ever associated with the U.N. It entered into international discourse, perpetuated by Arab diplomats, European intellectuals, American academics, and anti-Israel citizens of the world.

At the World Conference against Racism, held in Durban in 2001 — and its review conferences in 2009 and 2011 — the U.N. resurrected the charge. More broadly, since the 1970s — even during the Oslo decade of peace processing — Israel has repeatedly attracted more negative attention and more opprobrium than any other country. While the disproportionate and obsessive nature of the attacks against Israel appear almost medieval in their antisemitism, they also reflect the U.N.'s political dynamics. The United States is among the few countries willing to pay the high price in Third World support for siding with Israel over the Palestinians.

As a mark of the U.N.'s failure, one could easily write a history of recent attempts at Middle East peace without mentioning the U.N., but one could not write about the worldwide campaign to delegitimize Israel without focusing on the U.N. Rather than advancing universal justice and pursuing peace, the U.N. has demeaned itself by remaining the world headquarters for antisemitism and anti-Zionism. 

Working with the United Nations

HARRIET MANDEL

While the United Nations is the central address for world powers to convene, it is not a "world government" or even a world power. It has no jurisdiction over any country and no independent financial resources. It is a parliamentary forum where member states arrange and prioritize regional and international agendas that focus on issues of socioeconomics, human rights, humanitarian efforts, security, and war and peace. U.N. debates serve as a valve to diffuse frustrations of states, and often act as an alternative to war. The U.N. is a venue for horse trading involving

national interests, mutual back-scratching and deal-making, and Machiavellian diplomacy.

What is Israel's current situation at the U.N.? In 2000, Israel was elected to the Western European and Others group in New York. This catapulted Israel to a new and active role at the U.N. On June 14, 2005, Israel's U.N. Ambassador, Dan Gillerman, was elected vice-president of the 60th U.N. General Assembly. In 2007, Rony Adam, head of the Israeli Foreign Ministry's U.N. Department, was unanimously elected to head the U.N. Committee for Program and Coordination. Israel, which has chaired a number

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of commissions, including the Commission on Population and Development, is a member of the Commission on the Status of Women as well as the Commission on Sustainable Development. Israel has sent police support to Haiti through the U.N. and soon may be considered a candidate for the Security Council. A significant breakthrough occurred in 2007, when the U.N. General Assembly adopted a resolution by consensus condemning any denial of the Holocaust, and designated January 27 as an annual International Day of Commemoration.

After 30 years working at the U.N., I offer these reflections:

- Israel does not view itself as a “one-issue” mission to respond to negatives against the Jewish state. Indignation is not a foreign policy. Israeli diplomats form valuable relationships with representatives across the world focusing on issues far beyond the Middle East.
- Human tragedies abound. As a Diaspora community, Jews have a history and interests that connect them to the lives and traumas of all peoples. We must listen to other nations’ narratives, issues, and challenges, and find ways to build

global coalitions.

- Israel thrives on bilateral business, trade, and cultural relations with many U.N. nations that value Israel’s preeminence in numerous fields. As informed Jews, we can learn about these relations and cultivate global links that support Israel’s work.
- Nurturing common goals is extremely helpful. We can acknowledge and express appreciation for countries and diplomats who work with Israel, while also understanding the limitations of that cooperation.
- Relationships matter. We should establish and invest in long-term personal relationships with diplomats — especially the next generation diplomats who will shape and make policy in the future. And we must listen to their concerns and points of view.

Working on the global stage is as rewarding as it is challenging. The Jewish communal test at the U.N. is to release ourselves from a mindset of isolation. As Israel is integrated into world affairs, we must overcome the insufficiencies of an imperfect organization, find commonalities, build friendships, and create bridges of understanding. 

Theater of the Absurd

HARRY REICHER

In his recent address to the United Nations General Assembly, Israeli Prime Minister Benjamin Netanyahu characterized the U.N. as “the theater of the absurd.” In that theater, the status of the Palestine Liberation Organization/Palestinian Authority has now entered its third act. It is a play in which reality takes a backseat to theatrical make-believe.

The first act consisted of the conversion by the General Assembly of the nature of the Palestinian question. As recently as 1967, when the U.N.’s Security Council passed Resolution 242, it was completely silent with respect to any notion of Palestinian statehood; rather, it referred merely, and as a secondary consideration, to “achieving a just settlement of the refugee problem.” Resolution 242 was quite pivotal in the Arab-Israeli conflict, as it was carefully and sedulously crafted over a period of five months, and it had the unanimous support of the full council, including the Soviet Union; it is, arguably, the last positive contribution

the U.N. made to resolving the conflict.

The influence of the great era of decolonization in Africa and Asia spilled over into the Arab-Israeli conflict (though not elsewhere in the Arab world). In a series of resolutions, beginning on December 10, 1969, the General Assembly began to convert the Palestinian question into one of independence, proclaiming the “inalienable right” of the “Palestine Arab refugees” to self-determination. This took place despite the fact that the principle of self-determination in international law (itself an extremely vexed question) certainly did not apply to the Palestinian Arabs, who were and were regarded at that time — even among Arab leaders — not as an independent group but as another component part of the pan-Arab nation. Moreover, terms such as “colonial power” and “self-determination” could not apply to Israel and its relationship to the Palestinians because Israel had taken control of the West Bank and Gaza during the Six-Day War of 1967, a

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quintessential war of self-defense, and was therefore entitled to retain control unless and until a comprehensive peace was negotiated.

Hand in hand with these developments, the General Assembly converted the status of the PLO, first by granting it observer status, entitled to participation in all assembly work, and culminating in the replacement of the designation “Palestine Liberation Organization” with the designation “Palestine” within the whole U.N. system — that is, treating it almost as a state.

Now, in its most recent act, the U.N. is considering Palestinian statehood, coupled with membership in the U.N. itself.

International law has long recognized conditions for statehood that may be summarized as follows: demonstrating true independence through clear control, internally, over defined population and territory, with full capacity to conduct foreign relations. On no reasonable conception of statehood is the Palestinian Authority qualified.

Article 4 of the U.N. Charter specifies that membership in the organization is open only to states, and, moreover, only such states as

“peace-loving,” and are “able and willing” to carry out the obligations of the U.N. Charter. In addition to not being a state, how, it may be asked, can the Palestinian Authority claim to qualify under Article 4 when the Palestinian National Charter has made clear that it aims to destroy Israel — itself a member of the U.N.? As the U.S. State Department’s annual human rights report shows, the Palestine Authority violates charter obligations in other fundamental ways, such as in the ruthless and brutal denial of human rights in territories under its present control.

In one area after another, the U.N., which began with such altruistic and noble goals, has been politicized and demeaned beyond recognition. The General Assembly includes 193 members, of whom a strong majority are non-democratic and quite cynical violators of the rule of law. In fact, if the U.N.’s own criteria for membership were applied to every member, very few countries would qualify for membership. In this environment, international law really counts for naught, and cynical realpolitik rules.



Ethics continued from page 24

Game boards and screens can allow for visualization of scenarios typically fettered to words on a page. Designers delve deep into material — becoming teachers through their game.

The process of game design can allow for modeling of values in action. I recently led a workshop in which a student “modded” (modified) a *Settlers of Catan* game board, based on two mishnaic texts. In this young man’s game, the winner not only had to reach ten points through resource management and expansion, but also had to demonstrate care for his competitors. As the rules of Exodus 23:5 teach, you might think you can refrain from helping your enemy raise his donkey. You may not.

Games are by no means a silver bullet for solving the problems of Jewish education, and there is the potential to misuse the genre of games. Note that above, I discuss good games. Simply calling something a game, neither makes it a game, nor makes it good. Bad games are boring, disengaging, and shallow, and they have little re-playability. With the increasing popularity of the game medium, Jewish educators are at risk of using the name “game” to deliver education that goes no further than trivia, rather than delving into deeper inquiry. Educators who wish to use Games for Learning

(to promote inquiry, critical thinking, systems thinking, and increased engagement) take on the responsibility of game literacy: learning what makes a game “good”; studying at least the basics of game design (a serious professional and, now, academic discipline); and, yes, actually playing a variety of games.

In addition, balance is critical; video games are not without danger. The case of game addiction in Korea, for example, is serious. Many of today’s compelling games are focused on combat without reflection (though the best games ask players to question assumptions and address the consequences of their actions). We must guide our learners to find a healthy mix of playing great video games, enjoying thoughtful media, and spending time away from games — in nature and the outdoors (our mobile devices now can be used to integrate innovative games and outdoor activity as well). Part of learning game literacy is learning when to turn off the game. The Serious Games and Games for Learning movements look to take advantage of the best that games have to offer and to leverage those attributes to provide effective and compelling learning environments. Just as not all books, films, or paintings are “great,” the same goes for games.



¹ See James Paul Gee’s *What Video Games Have to Teach Us About Learning and Literacy* (Palgrave Macmillan, 2007)

² Henry Jenkins, “Reality Bytes: Eight Myths About Video Games Debunked” <http://www.pbs.org/kcts/videogamerevolution/impact/myths.html>, The Video Game Revolution

³ See the Rapunzel Project at the Games for Learning Institute at New York University. J.L. Plass, R. Goldman, M. Flanagan, and K. Perlin, “Rapunzel: Improving Self-Efficiency and Self-Esteem with an Educational Computer Game,” proceedings of the 17th International Conference on Computers in Education [CDROM] (2009), 682-689

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Yehudah Mirsky, fellow at the Jewish People Policy Planning Institute

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- The Salon offers opportunities to teach and be taught, to listen and be listened to, to inspire and be inspired.
- The Salon creates a laboratory for sharing innovative and thoughtful ideas.

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Sh'ma Ethics Sigi Ziering

This year, our Sigi Ziering column focuses on ethical issues arising from new trends in social media. Each month, an esteemed guest columnist will wrestle with what Jewish texts and our interpretive tradition teach us about privacy, connectivity, experimentation, and much more. This column is sponsored by Bruce Whizin and Marilyn Ziering in honor of Marilyn's husband, Sigi Ziering, of blessed memory. Visit shma.com to view the series and responses.

Rabbi **Owen Gottlieb** is a Jim Joseph Fellow and a doctoral candidate in education and Jewish studies at New York University where he specializes in digital media and games for learning. He is the director and founder of ConverJent (www.converJent.org), which nurtures Seriously Fun Jewish Games for Learning, is incubated at Clal (www.clal.org) in New York City and part of PresenTense NYC. He blogs at www.mysticalcreative.com.

Video Games, Game Design, and 21st-Century Jewish Education

OWEN GOTTLIEB

Why are good video games so compelling and why are the answers to that question crucial for Jewish education today?

Good video games model complex systems. They provide immediate feedback, and keep the player just at the edge of her or his competence — neither over challenged nor bored. Players take on roles and special abilities, engaging their imagination. The fun of play is built upon elaborate rule systems. Players are invited to problem solve and strategize based on those rules. Players of good games will work for hours to reach the next challenge, mastering the intricacies of the game system.¹ Add the networked, online layer, and now players can team up with friends and make new friends while navigating these compelling problems together. Lest you think games are for boys only (I believe games are one key way to re-engage boys in Jewish learning), it is important to note that more women play web-based games than men² and games have been used to increase girls' self-esteem through computer programming.³

Good gaming, like good learning, is exhilarating. James Gee notes that the sweet spots that good games hit are the same sweet spots that we strive for, but all too seldom reach, with education. In the disciplines of digital media and learning (DML) and the learning sciences, researchers explore how media and technology can best improve education. The research often stresses collaborative, project, and inquiry-based learning. Learning-sciences projects often take advantage of networked computers alongside face-to-face teamwork and stress the importance of students learning

through designing.

Secular grant-funders such as the MacArthur Foundation have dedicated millions of dollars to expand DML and improve secular education. One example of digital-age education is New York City's Quest to Learn (www.q2l.org), a public school with a curriculum entirely based on games and game design. The AVI CHAI Foundation has started to explore DML, recently sending nine Jewish educators, myself included, to the eighth annual Games for Change Festival in New York (www.gamesforchange.org).

How can DML and the learning sciences inform Jewish education?

Let's take game design, for example, which I use in the process of teaching Jewish sacred texts. Both analog (board and card) and digital game designers model complex, rule-based systems, often with narrative elements. Rabbinic literature is replete with rule-based systems (halakhah) as well as narrative (*aggadah*).

When learners in my workshops design or prototype a game, they collaborate to create a model based on the text. They must take into account outcomes, resources, conflicts, probabilities, and more. They must work through a variety of scenarios, tracing the possibilities of play. As the rabbis of the Mishnah and *Gemarah* performed astoundingly complex scenario planning, so must a game designer think through the consequences of rules and interactions. Games are also fantastic for modeling geography. Imagine playing out scenarios on a map — either a fictive sci-fi environment modeled on the Ancient Near East, or the neighborhood of a Jewish farmer in Mishnaic times.

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