

The need for a paradigm shift in American thinking

Middle Eastern responses to 'what we are fighting for'¹

Summary

The proposed study, which takes the form of an answer to a debate initiated last year by US colleagues in defence of the policy of their government, comprises two parts: the first addresses the fight against 'terrorism', the second the problems specific to US policy in the Middle East. In both cases the study proposes a fundamental shift premised on shared universal values to be applied in the protracted conflicts at hand.

In the first case, the argument is that the current planet-wide 'war against terrorism' addresses the issue from the wrong angle. The precedent of two centuries of political violence, which has also been directed against civil populations in the Clausewitzian concept of all-out war, reveals the legal, political and practical aporia faced by putting the issue in terms of 'terrorism'. This is not to say that a concerted response to the intolerable use of violence against innocents is not possible. On the contrary, such global response is made the more effective by a recourse to international law, especially to the available instruments offered by international criminal law.

The second issue, which is closely linked to the first by the specific Middle Eastern character of the massacres perpetrated on September 11, requires a paradigm shift in the appreciation of the ME crises in the United States. An effective response requires the adoption of a genuinely universal and humanist way of thinking in response to the democratic deficit across the region, and to the bitterest regional and international conflicts, especially over Israel-Palestine and Iraq.

Definitions and method

¹ Paper originally prepared in May 2001, expanded and edited in response to the American intellectuals' letter in support of the US government's use of force in the wake of the 11 September Massacres ("What we are fighting for", 12 February 2002, posted with footnotes and commentary, www.americanvalues.org) The present text has been finalised by Chibli Mallat over several collective meetings convened to respond to the US letter through 2002. Its main conclusions have been endorsed by a number of Arab and Western colleagues across the world, following a lecture organised at the German Orient Institute in Beirut end November 2002. A list of signatories follows at the end of the text. The 'Democratic Iraq Initiative', infra fn 21, an offshoot of this work, has developed separately because of the urgency of the Iraq situation, and was endorsed by a different set of signatories, whose list also appears at the end of the text.

Together with the initial group of signatories, the full Arabic text and footnotes of this 'blueprint for democracy in the Middle East' appeared in the op-ed page of the leading Lebanese daily *al-Nahar*, in two instalments, on 20 and 27 January 2003, under the following titles: "*Musahama fil-jidal hawla wathiqat al-muthaqqafin al-amirkiyyin: al-haja ila tahawwul jadhri fi tariqat al-tafkir*" (Contribution to the debate over the text of the American intellectuals: the need for a paradigm shift in the way of thinking)" and "Radd 'ala risalat al-muthaqqafin al-amirkiyyin (2): 'al-'adala la tataba'ad', hakimmu sharon, Response to the American intellectuals, 'Justice is indivisible': Prosecute Sharon). 'Justice is indivisible' is a citation from the 13th Century jurist Ibn abi al-Dam, from his book on the practise of judges (*Adab al-Qadi*), and is a recurrent concept in the classical legal literature of the Islamic tradition, as natural in that context as "equality before the law" in the American tradition.

Further signatures, comments and reactions are welcome and should be addressed to nada@mallat.com. The Arabic, French and English versions, as well as serious comments and the list of signatories, will be made available on www.mallat.com

One can find many an area of agreement or disagreement over the logic and formulas chosen by policy-makers or academics in “what we are fighting for.” The present rejoinder offers a perspective from within the Middle East, and is designed to operate as counter-narrative rather than mere rebuttal.² It calls for a paradigm shift in US thinking about the US government policy in the Middle East: on the legal level, away from a war on terrorism, on the substantial level, away from the support of leaders who rely on the US to pursue policies that conflict with universal (and American) human values.

The standpoint from which the answer comes is Middle Eastern. By way of contrast, responses from Indonesia or Nigeria as predominantly Muslim states are different by nature and lie outside the purview of our reflection, which is more narrow geographically. The tragedy of September 11, the thousands of innocents killed in New York, the violence unleashed in the aftermath, in which many innocent people have also died, must be more precisely analysed in terms of the “Middle Eastern character” of a conflict dominated since by the use of force.

That the message is primarily initiated by Arab Middle Easterners does not preclude other “nationals” in the region from willing to share it fully or in part —

² We have taken note of the various reactions posted on the American Values site, and of western discussions in the Arab and press over the past year. For purposes of simplification, it might be useful to summarize the exchanges: in the original letter, 60 US intellectuals defend the vision of a military reaction to September 11 on the strength of US values of democracy, values which also include their belief in a just war, and the concept of separation between state and religion. They also dwell on their puzzlement about the use of Islam as a weapon of hatred, and challenge putative readers who do not share their point of view to explain why they do not agree with what the US government is fighting for (12 February 2002). The answer of 153 Saudi intellectuals underlines the convergence of Islamic values with US/Universal values. It decries the massacres of Sep.11, but challenges the absence of causal appreciation between September 11 and US policy in the Middle East, and asks for that policy either to be more balanced or for the US to abandon the region altogether. This in their view explains why the Far East is not perceived negatively in the region. (How We Can Coexist, www.islamtoday.net, 7 May 2002) In rebuttal, the US writers challenged the application of democratic values in Saudi Arabia, asking the Saudi colleagues why they remain silent over exactions committed in their country before questioning those in application domestically and internationally by the US, and their position about *jihad* and “Islamic piety as practiced in Saudi Arabia”. (Can We Coexist, a response from Americans to colleagues in Saudi Arabia, 23 October 2002) Two other responses also appeared in reaction to the original American text. A Letter from United States Citizens to Friends in Europe, signed by 141 intellectuals, underlined the misuse of the concept of self-defense and the general unawareness in America “that the effect of US power abroad has nothing to do with the ‘values’ celebrated at home” (14 April 2002). A letter by German writers was published on 2 May 2002 in the *Frankfurter Allgemeine Zeitung* (A World of Justice and Peace Would Be Different), criticizing the aggressive attitudes of the USG, its black-and-white view of the world, its callousness before the killing of innocent bystanders, and its impermeability to the negative effects of globalisation.

and one hopes people from all hues and cries, from within America, the Middle East or anywhere else. The present answer might be supported by Iranians, Turks, but also Kurds, Israelis etc., because of our common geopolitical belonging, but their perspective can understandably have different concerns and nuances, although one hopes this contribution will speak also for many of them. This reflection is meant to be ambitious, and the question transatlantic colleagues should try to answer after examining it is whether they can subscribe to its reasoning and conclusions; and if not, why not? Much of what they say is acceptable wholeheartedly, though some important elements are not. Considering how grave the present situation is, this contribution chooses to concentrate on these points of contention rather than on convergence.³

In the letter, in addition to a section on “American” values, extensive comments were offered on religion and state, and on the conditions of a just war being fulfilled under the ongoing use of force by the USG.

To start with the latter issue, any conclusions on just war will hardly be decisive, for two reasons: when the enemy is described as “terrorist”, the classic pattern of war between two states is inoperative. Secondly, just wars conjure up the problem of objectives and causes, and the historical-political and legal contexts within which any war is being carried out. Nor is the concept of just wars particularly enlightening insofar as conquests and aggrandizements in religiously-moulded contexts of centuries past offer an insufficient understanding to the qualitatively different faces of war in present times. It may be that convergence over the basic

³ In their letter, US colleagues briefly mention poverty and material concerns as central problem areas in the relation between Western societies and the rest of the world. This however is tangential to their message, and we call on them to develop a more thorough appreciation of their leaders’ lack of attention of the imbalance in world resources, compounding the risk that the ongoing tensions and crises the world over feed on a profound lack of equality amongst men and women living on the same planet. A provocative but enlightening approach to the imbalance of world resources can be found in Eduardo Galeano, *Upside Down*, New York 2000 (original 1998).

The need to fight poverty and its other manifestations, including pandemic illnesses like Aids, is acknowledged by western governments, but the acknowledgment hardly translates in any fundamental structural correction to economic policies. It is true however that this angle opens up a tangential avenue to the discussion at hand, and needs to be addressed in a different forum. Our colleagues who wrote the 2002 Arab UNDP Report have started the debate on that front. We shall focus here on moral “American” values and the policy allegedly flowing from the assertion and protection of these values by the United States after September 11 as developed in “what we are fighting for.”

philosophical tenets of what constitutes a just war is generally acknowledged, but the response chosen here is deliberately legal-political and policy-oriented. It purposefully avoids the ontological and philosophical discussion about just wars, which prevails in the US letter. Much common ground is shared internationally over such philosophical, moral, or ontological tenets: aggression is unacceptable, self-defence and right to resist are acknowledged, violence in the name of religious or any other ideological values is improper. While interminable discussions can linger on who starts a war, and when the use of violence is accepted, and by whom, the problem lies elsewhere, namely in US policy towards the peoples and individuals living in the Middle East.⁴

Far less useful in the original letter is the summary offered on “American values”, which one can easily sympathise with and adopt wherever he or she might come from, by merely substituting ‘democratic’ or ‘human’, or indeed ‘religious’, for ‘American’. It is characteristically unhelpful to brandish generalities about this or that national, civilisational or religious “value”: one will find in the Qur’an or in the Bible, as in any sacred text, enough verses and commentaries to defend one view and its opposite.⁵ Such is the nature of scripture, which is open to radically

⁴ A new definition of war is required, which is a legitimate exercise beyond the purview of the present exchange. It is discussed for instance in Mallat, *Democracy in America* (in Arabic, Dar an-Nahar, Beirut, August 2001, chapters 11-12, 14-16). This exercise is also under way in decision-making circles in the US, particularly in the context of an Iraq war, see the deserved success of Eliot A. Cohen, *Supreme Command: Soldiers, Statesmen and Leadership in Wartime*, New York 2002 (Emphasis on the need for full civilian leadership of the war). The concept of “preventive” wars developed by the US president in September 2002 is troubling in its present crude form. More promising are the linkages made between moral values in foreign policy and the use of force as last resort in the works of Harold Koh (the need to pursue openly and doggedly a human-rights foreign policy), Paul Kahn (how moral can violence ever be ?), and Thomas Franck (democratic governance as basic right). Because of the unique colonial context of the nineteenth and twentieth centuries, Clausewitz, Ho Chi Minh, or Frantz Fanon have much more appropriate contributions on modern warfare than Saint Augustine, and the 14th century sociologist and historian Ibn Khaldun (d.1406) has far more alluring insights on the dynamics of tribalism than the anachronistic literature of the Islamic canonists on *jihad*, a malleable concept in the classical and modern Arab texts, and one which is often misused in the west under an essentialist cultural connotation of bloodthirsty and violence-bent Islamic or Arab societies.

In any case, war in classical *fiqh* (Islamic law) is more appropriately understood as literature on *siyar*, and the traditional *fiqh* compendia include a book on *siyar*, within which the law of warfare is discussed (See for instance volume x of the thirty-volume treatise of 11th century Transoxanian scholar Sarakhsi, *al-Mabsut*. The literature was known earlier as *maghazi*, literally conquests).

⁵ Examples are standard, and the Saudi colleagues have listed the main ones on the side of tolerance, foremost the Qur’anic injunction “No compulsion in matters religious”, which other sayings ascribed to Caliphs ‘Umar and ‘Ali supplement. There is an equally rich warmongering choice in Islamic civilization. In the Christian tradition, the episode of Jesus’ anger against the merchants of the Temple is used to deflect the message of peace and non-violence elsewhere in the New Testament, and Jewish

opposed poles of exegesis over the long span of time since its canonization.⁶ At the same time, the basic axiom which premises any divine message on its co-terminousness with peace and justice will never prevent those who use violence in the name of their respective creeds from being dismissive of that simple article of faith.⁷

Far more alluring is the fact that “what we are fighting for”⁸ presumes that force should be used as last resort, and that dialogue and non-violence are the privileged means to social change and to the resolution of conflicts. One can but concur with these good intentions. The problem is that the call for dialogue by our colleagues does not prevent their unqualified endorsement of the violence waged and condoned by the US government in the wake of the September 11 massacres, which is the main area of disagreement we have with them.

Our legal disagreement: war on terrorism ?

advocates of violence rest their references in some fiery passages of the Book of Joshua, as opposed to calls for patience, equanimity and passive resistance in the Book of Job or Prophets.

⁶ For the concept of canonisation and a better understanding of the permanence of religious history, the works of the late John Wansbrough (d. 2002) should be consulted, and the corresponding exegetical works of Muhammad Baqer al-Sadr, the leading Islamic thinker of the 20th century, who was assassinated by the Iraqi government in April 1980. *Deutungsbeduerftigkeit*, which is the quintessential literary character of sacred texts to allow a full range of interpretations, — indeed calls for and requests interpretation —, is also a Wansbroughian concept.

⁷ Those two axioms, *Deutungsbeduerftigkeit* and religion as a divine message of peace (note the etymological meaning of Islam, from *silm*, peace) make also the comparative study of divine messages get lost in Byzantine discussions over what is common to all worldly religions and what sets each other apart. Considering that Samuel Huntington is one of the signatories to the US Letter, it would be appropriate to reconsider the one-sided aspect (but one side is correct) of *the Clash of Civilisations* (1993 as article, 1995 as book, with civilisations defined religiously) in the light of this duality.

⁸The most accurate translation of “What we are fighting for“ should be rendered as “*Ma nujahidu min ajlih*” (*nujahid* being the verb form of the substantive *jihad*), and offers a small example on political exotism and its nefarious polarisation, typical of which the use of *Allah* for God and *jihad* for war or violence. Maria Rosa Menocal has put it well in a recent book: “One of the inappropriate and alienating ways we speak about Islam in English is to use the Arabic word *Allah*, God, as if it were a proper name, creating the false impression that this is some different God.” *The Ornament of the World*, New York 2002, 18. A good start is to stop using both words, as well perhaps as the nebulous *al-Qa’ida*, which fulfils an exotic scarecrow function setting people apart by an awkward and falsely learned wording. *Al-qa’ida* (with the full letter ‘*ayn*), means rule as well as base (as in the base of a pyramid), and it is hard to be against rules and bases. An alternative is extremist Islamists, Salafists (from *salafi*, looking to the forebears, akin to fundamentalist forms of political Christianity), or Wahhabists in reference to the Arabian peninsula origin of the violence-bent branch associated with Usama ibn Laden. Even that depiction is not quite accurate, and the name *al-Qa’ida* may well be a western intelligence (unwilful) construct, in or around 1997 to an elusive phenomenon of diffuse violence and a nebulous and elusive network. The one, more sinister self-denomination the group under the patronage of the Taliban and the ‘Aghan’ Arabs around ibn Laden, is ‘the Front to Fight Jews and Crusaders.’

Months after war was massively engaged, the use of force is not about to abate, and that should raise the question of when war is supposed to end. But let us dwell first on the signatories' more positive contribution in their open letter, and indeed the most puzzling one, which is the absence of the concept of 'terrorism' as a justification for their fight.

While the dominant presumption is that "the Enemy is terrorism", it is remarkable that not once is the word "terror" or "terrorism" used in the colleagues' text, at a time when the US government's military action abroad is based on a simple justification of its "war on terror/ism". The ambiguity is compounded by the title bestowed by the *Washington Post* in its initial coverage of the letter, and in the label thereafter adopted in the website that carries the debate.

If the word "terrorism" is missing because of a conscious decision, the authors' explanation for that notable discrepancy with the USG would be useful. If the absence of the words "terror" and "terrorism" in their long letter is not conscious, it would be also helpful to reflect in common on this puzzling absence, and seriously consider moving away from the allegedly consensual qualification of what happened on September 11, 2001. Shared doubts about the inchoate use of terrorism and attacks and their consequences on world policy and relations offer an important premise of a different, more constructive response to be hammered out together.

Here is our position on the issue: with regard to what happened on September 11, its depiction as "terrorist attack" fails to convey the full horror of what happened. "Attack" is a word too general and non-descript to convey the massive loss of civilians that day. In addition, the term "terrorism" was never defined by law in any consensual manner.⁹ It is a mistake to describe the tragic events on September 11 other than as "massacres", in lay parlance, and as "a crime against humanity" in

⁹ It was the US government which prevented the listing of terrorism as a crime in the Rome Statutes for the International Criminal Court, because terrorism lacks a proper definition. This was and remains a correct position.

international law.¹⁰ An “attack” did take place, and “terror” ensued, but terror and attacks happen regularly on the planet without constituting the watershed that September 11 has brought onto the world stage. The signal horror of what happened that morning results from the occurrence of the large-scale and premeditated random killing of people over a short period of time, in a context which is revolting for its massiveness and the innocent people killed in it, whatever motives the killers may have been prompted by to commit the massacres.

The use of the words “massacre” (in the plural or the singular) and “crime against humanity” instead of “attack” and “terror/ism” is not merely a play on word, and the consequences are equally significant for law and policy.

As a crime against humanity, the perpetrators, facilitators, and abettors of the September 11 massacres must be sought under international law across the planet, and it is the duty of all countries and governments to help actively in their arrest, trial and punishment after due process is served. While measured use of force should not be precluded against the rulers of a country who refuse to respond to international justice requesting the surrender of mass-scale political assassins hidden or protected on their territory, an open-ended war on any “terrorism” is ill-conceived, unjust, and interminable.

No answer is what the wrong question begets:¹¹ Legions of scholars have failed to offer a working definition of terrorism over the two hundred years since the word appeared on the public scene in connection with state violence exercised by radicals in the French revolution. There is no reason why the human mind should succeed presently in this impossible task. The fuzziness which is associated with “terrorism” allows any party or government on the planet to solve a “terrorist” act,

¹⁰ One should note the use of the word ‘mass murder’ in the US letter text. But again, this remains an exception in the depiction of the bloodshed on September 11 which is current both in US media and in the wording of the US government as “terrorist attack.” An article covering “the rush to war and the need for a proper characterization of September 11” in an analytical spirit close to the one proposed here is by Juan E. Méndez, “Human Rights Policy in the Age of Terrorism”, *Saint Louis University Law Journal*, 46, 2002, 377-403.

¹¹ John Hart Ely, *Democracy and Distrust* Cambridge Mass. 1980 (how constitutional review prevents the tyranny of majority), p.43, citing Alexander Bickel.

as it pleases it to define, by resorting to full-scale war on another country. Such a reaction would constitute a manifest misapplication of the search for justice to account for victims of political violence. Nor is it possible to evade the old-time problem of the terrorist and the freedom-fighter through the looking-glass of history, or the question of “state terror/ism”.

In contrast, use of violence may be justified in response to the massacre carried out on September 11 because it is a crime against humanity in terms of scale, nationality of victims, and wantonness — hence the concept of crime against *humanity*. But organized, declared and measured violence would be premised on bringing those responsible for September 11 to justice as the main objective of any coercion exercised in the course of this worldwide search. This is also why September 11 is unique in many ways, while terrorism isn't. The open-ended and over-inclusive use of military force in connection with “terrorist attacks” has already brought the planet on the brink of nuclear war by unduly stretching the justified response to a crime against humanity carried out on September 11, thus giving way to knee-jerk reactions in complex conflicts which have been plagued with violence for decades. This is most apparent in the century-long crises between India and Pakistan over Kashmir, and between Arabs and Israelis over Palestine. It also sees gruesome illustration in the case of Chechnya, amongst so many other spots of protracted political violence across the planet.

The sound appreciation of what one is fighting for is fundamental. If Americans and others agree with our concern about the incorrect and at best imprecise definition of the USG reaction to the September Massacres, as appears from their conscious (or unconscious) rejection of the use of the inchoate and inadequate words terror and terrorism in their letter, an important agreement can be reached on the universal enhancement of the rule of law. The common search for “justice infinite” can be then achieved, as was correctly described in the early action of the USG and hastily abandoned soon after. The proper reaction should have obtained from the association of the retribution against the perpetrators and abettors of the massacres with *justice*. Justice translates in the need for the whole of humanity to cooperate with the US authorities for the arrest and trial of all those responsible for

the massacres perpetrated on September 11, in the same way as Americans and others should support and help punish any victims of massive crimes, especially those of an international nature, stretching from the Holocaust to the ongoing mass crimes in Congo.

Justice means due process, far more dedication to its projection internationally, and the identification of neutral judges and tribunals to supervise any use of violence. It cannot be a license to wage war whenever an “act of terror” is committed somewhere. The category under which the September 11 massacres should be understood is *sui generis* in criminal law. Because of its magnitude and callousness, it belongs to a specific type of crimes euphemistically known as “serious violations of international humanitarian law”, as these crimes are described in the Rome Convention on the ICC and derivative treaties and laws across the world. This is where the fundamental mistake of the USG in its overreaching war lies, and where the support it seeks finds its blind spot among the larger Middle Eastern audience. We shall not dwell on how the US has turned its back on the ICC, but call our colleagues to respond to that signal failure by living up to the principles they themselves advocate, especially in a context where the ICC is more necessary than ever to respond to mass murders such as those committed on September 11.¹²

¹² Alternatively, if the United States government is looking for a Kantian “end of history” in the sense of the suppression of political violence on earth (as the only possible workable definition of terrorism entails), then its domination of the planet *manu militari* appears as the inevitable condition to fulfill it. This belief in perpetual peace is hardly a justification presented by the US authors of the Letter, or an acceptable or realistic objective of the currently declared war on terror/ism. We trust the signatories do not think the war to end all war is at hand in what their government is fighting for. If terrorism = the use of violence for political ends (against civilians generally, but not so necessarily, e.g. in German or British legislation in the 1970s and 1980s), where does this put Clausewitz's scientific definition of war “as the continuation of state politics by other means” ?

As an important follow-up to this side discussion, it would be enticing to examine the still pertinent treatise of Emmanuel Kant on *Perpetual Peace* (“Zum ewigen Frieden”, 1795) as a more ambitious horizon to a common endeavour than the parameters of “what we are fighting for” offer, or indeed the present response. Kant writes prophetically in “the definitive article for a perpetual peace among states” that “one neighbour must guarantee to another his personal security, which cannot take place except in a state of legislation.” This forerunner of the phrase “democracies do not enter into war against each another” is further detailed by the subjection to “a state of legislation” of the domestic scene, the international scene, and the universal scene, corresponding for Kant to “civil right, limited to a people (*jus civitatis*),... rights of nations, regulating the relations of nations among each other (*jus gentium*), and cosmopolitan right, as far as men, or states, are considered as influencing one another, in quality of constituent parts of the great state of the human race (*jus cosmopolitanum*).” Kant, *Perpetual Peace*, New York 1932, 10-11. The treatise deserves full-fledged treatment for a unique insightfulness,

Under this critical perspective, the problem should now appear clearly in our view of the events as they unfolded after September 11. A different approach is needed, where legal categories recognisable under international law (*jus cogens*) determine any use of violence, preferably in the shape of independent and effective national or international tribunals that use of force would strengthen rather than undermine. International criminal tribunals in Yugoslavia and Rwanda offer a prime example, as do national tribunals such as the British House of Lords' decision in the Pinochet case and the hopes offered in Belgium, the United States and elsewhere by so-called universal jurisdiction and the long-arm reach of justice for especially heinous crimes recognised as such by international law.

Supporting the punishment of one set of mass perpetrators of crimes by “enemies” of the United States cannot go together with supporting mass perpetration of crimes by leaders of countries which are “allies” of the US. From a policy perspective, the plague of double standards needs to be fought openly and consistently, and nowhere is consistency more necessary than in the Middle East, where the question “why do they hate us ?” finds its response in the dominant ME perception of utter injustice flowing from a decades-long practice of successive American governments in their open and unqualified support of Israeli violations of international law. Nor is the deep sense of injustice limited to the US support of Israeli practices. The sense Arab Middle Easterners have of being consistently abandoned or lied to by America’s policy-makers also rests on the more nuanced but no less tolerant American support for long-standing autocratic governments

to be coupled with the works of the Arab poet-philosopher Abu al-‘Ala’ al-Ma‘arri (d.1058), author of a treaty on tolerance (*risalat al-ghufran*), a forerunner of the *Divine Comedy*. *Risalat al-ghufran* relates the redeeming features of a large number of literary and philosophical figures despite their ending up in Hell.

Ma‘arri, in addition to a measured view of all religions, has also opposed killing animals to provide for people’s food, and even taking the bees’ honeycombs away from them for man’s benefit. While the issue of politics and religion is far too vast to be discussed here beyond the agreement that the use of violence in the name of religion can never be accepted, the distance between the two with regard to the state is an ever recurring question, East and West. One is greatly disturbed by the so-called Christian Zionism phenomenon in the US, but it is also true that not enough space is allowed to a ‘neutral’ state in the Middle East, leading to a lower threshold for tolerating religious proselytism, or criticism of any faith. A useful entrypoint to dealing with ‘blasphemy laws’ in the Middle East is the poet’s advice in 1923 to his children: “*wa la tata‘assabu abadan li-dinin fa kullu ta‘assubin yushqi wa yurdi/ likullin dinuhu wa li-kulli dinin masunu karamatin ta’ba al-tahaddi*” (Never follow religion fanatically, all fanaticism brings misery and backwardness/ to each his religion, and to each religion a penumbra of dignity that will not accept a crude challenge).

across the region, particularly “US-friendly” governments in the Arab Gulf and in the Levant.

This is also why it is preferable to base the debate on a perspective rooted in law rather than on any philosophical underpinnings described in terms of Augustinian “just wars”, and American, secular or other uncertain civilisational values (Muslim, Western, European, Judeo-Christian, Arab...). Philosophy comes after the wings of Minerva's historical owl have stopped fluttering¹³ – even if it is true that the very flight of history is also informed by the strength of the moral ground, especially as it applies to the weaker side. America is on troubled terrain in recent history, and there is a groundswell of diffidence (if not hatred) of the ME “natives” against those perceived to command the largest outside power exercised in the region, yet exercise their power *selectively, unjustly and inconsistently*.¹⁴

¹³ Hegel, in the “Introduction” to the *Philosophy of Right* (1820). A similar metaphor can be found president Muhammad Khatami’s book, *Bim-e Muj* (fear of waves), Tehran 1993, the title of which refers to a famous verse of the great Persian poet Hafez seeking in knowledge and wisdom salvation from dark waves of history (or passion).

¹⁴ A practical and simple test consists of two guidelines which policy makers should be made to adopt by US colleagues across the ocean, to start reversing the “hatred” and “diffidence” associated with the way Arab Middle Easterners perceive US policy's increasing injustice in the policy carried out since at least half a century.

Guideline one: Listen to the people of the region. Regular summitry and Mideast embassies in Europe and America are insufficient and distortive. Governments overall lack legitimacy, and Middle Eastern leaders are mired in double talk. They are concerned about the perpetuation of their personal rule before any other matter, and they react to major crises and challenges with this perpetuation as a dominant concern, whether the crisis regards Palestine, Iraq, or “Muslim fundamentalism”. In such a context, the gap between peoples and governments has been increasing every day, and the voices of the individual citizens become further distorted when it comes to their governments speaking for them abroad. As a corollary, civil society in Europe and the US must force their governments to open up to civil society in the Middle East, and to narrow it down with ME governments. This reversal of course must be done openly, determinedly, with no shame. If representatives of civil society sound political or demanding, this is no reason to shy away from them. In Middle Eastern countries, many an individual will say the truth more readily and should carry more attention, and certainly more respect, than her head of state in policy matters. Both officials and civil society leaders in the West should not hesitate to open up to those segments in Middle Eastern civil society whose values they share. Civil society leaders in the Middle East should be encouraged in their national, regional and global networking, they must be supported financially, structurally, politically. *Mostly, support should be done openly and directly, over the head of the government, and if necessary, against it, for non-violent political change at the top.*

Guideline two: Western leaders should be forced to think principled. America and Europe need to be attentive to the deafening call for change, and support those calls which square with Western values of freedom and progress. *Any relativity of rights is a smokescreen for repression. Any ambivalence and double standards are sharply perceived in the Middle East.*

While the expression of universal values might take a local form, such “native” expressions must be encouraged so long as they remain within the universal frame of rights which every person in the planet shares.

Our central disagreement: US policy in the Middle East

The present message comes at a time when policy reviews are being shaped with little or no input from people from the region, and where war looms large over Iraq.¹⁵ Trite as this proposal for a just ME policy may sound, it is not perceived as such in the West, and this state of mind represents the most important shift advocated for the end of “Middle Eastern diffidence” and the corresponding US soul-searching for “why they hate us”.

Precisely because the September 11 connection is ‘Middle Eastern’ and covers such a large area of the world stretching from Morocco to Pakistan, applications may be hard to prioritize, and history tends to confound analysts, especially in a region where tyrannical republics are turning dynastic at the very moment when the world is moving slowly, but steadily, to basic norms of democratic change. The convulsions in the Gulf around a wayward Iraq and the protractedness of the Arab-Israeli conflict — the longest now in modern world history— skew all national development, which gets overdetermined by those two conflicts. Since at least the First World War, all countries and peoples of the Middle East are closely interlocked.¹⁶ Kuwait and Iraq are carefully watched from Tehran to Morocco. People in Beirut and Amman follow daily developments in Damascus, while Riyadh and Damascus closely observe what happens in Iraq. All closely watch and are closely watched in Israel by Jews and non-Jews under Israeli domination. Arcs

The checklist is simple enough. Westerners are asked to treat Middle Easterners as fellow human beings, rather than as a special category which responds to separate (read “less human”) values:

1. Have I listened to the “real voices” in the Mideast today, beyond the thousand and one official encounters? Have I given enough time and open support to the people as the receiving end of their governments’ rule?

2. Have I thought in a principled manner, have I treated the leaders and the people of the Mideast in the same way as I would treat my Canadian or French counterparts? Have I re-organized priorities in my attitude towards the Middle East without sacrificing my principles?

¹⁵ Colleagues should appreciate that the message Middle Easterners put forward as “civil society” is asymmetrical to the one put forward by American intellectuals: we have a problem of democracy in our countries far more acute than the peoples of the West face in theirs, and our distance to our governments is far larger than the distance of Westerners to their elected representatives. This should command some appreciation of the far more difficult task one faces in articulating a full-fledged alternative policy as will be presently sketched, and the amount of metaphoric language needed to address the risks of repression. The difficulties of Saudi colleagues after the publication of their letter are telling.

¹⁶ For a balanced and rich recent survey, Ghassan Tuéni, Jean Lacouture and Gérard Khouri, *Un Siècle pour Rien*, Paris 2002.

of crisis are many and carry a strong regional charge. It is hard sometimes to square “global” reality with the principle, and there are legitimate questions on what should be prioritized in terms of policy.

Despite the difficulty of setting priorities, a “domino theory” of democracy should be pursued, in the belief that the exemplum of democracy in one state is closely followed across the region.¹⁷ But the change can either come slowly, as those countries closest to basic democratic practices are encouraged, defended, or supported. Or it can come by way of a “revolution” in countries where the weight of authoritarianism compels support to those democrats who have taken on the system and are trying to change it by peaceful means.¹⁸

The distinction here between radical action and peaceful protest is necessary (even though not always decisive, and not necessarily absolute, as the US intellectuals themselves readily accept),¹⁹ as it is far more legitimate morally, and should be far easier practically, to talk with non-violent dissenters than with advocates of force for governmental change. By this token also, Muslim-democratic and secularly-oriented dissidents rank highest in the required attention and support of Western governments and peoples, and violence-yielding actors (whether religiously animated or not) should rank lowest on the scale of “recognition”. It may be appropriate to remember that Woodrow Wilson was a hero of the Middle East in the early 20th century for his principled stand on the right of self-government against colonialism, especially in Palestine, and that, at century’s end, the Iron Wall came down crashing without a single shot being fired. Middle Easterners deserve no less than a Wilsonian spirit for Israel-Palestine, and no less than the frank, open, and peaceful engagement to end the authoritarianism of US-supported governments, from Tunisia to Israel to Saudi Arabia, — an engagement that corresponds to the whole-hearted sympathy and support that

¹⁷ One advocate of the domino theory is Professor Bernard Lewis, who uses it in a recent article in *The New Yorker*, and at a conference on the Future of Iraq at the American Enterprise Institute (Oct.5, 2002), see full minutes on www.aei.org.

¹⁸ Jihad Zein has introduced the concept of “revolutionary American project” in his recent columns of the Lebanese daily *al-Nahar*.

advocates of freedom and democracy behind the Iron Curtain received during the Cold War.

True, it is often hard to think of change outside the context of regional crises, most compellingly the Iraq crisis and the fight over Palestine. The standards of “solving” these crises should not be different from those delineated above: how a crisis can be redirected, managed or countered to help produce democrats at the helm is the key question, whether that crisis is regional or domestic, or whether it seems to move at fast pace or looks sluggish or dormant.

Change in Iraq is on the agenda in Washington, and that may be the best news for the peoples of Iraq since the end of the Gulf War,²⁰ but change for the sake of change is meaningless. A serious effort must be engaged to bring democracy to Baghdad as the Allies did in Germany and Italy in World War II, in Kosovo and Serbia two years ago, and in Afghanistan now, although the Balkan and Central Asian examples show that pusillanimity remains a threat to statesmanship. Terrorism or Weapons of Mass Destruction in the case of Iraq are *not* good reasons to go to war again, only the protection of the hapless civilians of Iraq towards democracy in Baghdad can justify forms of measured military coercion. Here also a profound shift in the attitude of the USG is required.

More practically, the large opposition to the regime can be helped to effectiveness, and its leadership encouraged amongst moderates who believe in democracy and human rights, and who have shown commitment and a track record in their years of opposition, working for the passage and implementation of the Iraq Liberation Act of 1998, an exceptional piece of legislation in US and world history, the more unfortunately ignored as it remained a dead letter for four years. The ILA is however a domestic piece of legislation, and cannot run afoul of international law, so that a rising consensus in the international arena, especially in the Security

¹⁹ Reference here is to the right to resist occupation and/or dictatorship by force, which is formally consecrated in law since the American Revolution. A similar debate has taken place in classical Islamic history over the *fitna*, or revolt/chaos. In both cases, the literature is extensive.

²⁰ For a sense of dislike towards the Iraqi ruler, see the column of veteran Arab statesman Ghassane Tueini, “*Risala ila Saddam Hussein : al-istiqala ashraf*” (Letter to Saddam Hussein: Resignation is more honourable), *al-Nahar*, 11 November 2002.

Council, is also necessary. The problem is that talk of “regime change” in Iraq goes beyond what is allowed under the present state of international law regarding that country, however severe the disarmament conditions under the Ceasefire Resolution 687. Nothing in contrast stands in the way of forcing the Iraqi government to comply with Resolution 688, which requires it “to cease repressing its own population.”

The question of Iraq must be reformulated with two priorities in mind: how can individual Iraqis who are not responsible for their government’s policy be protected in any process of change ? What are the mechanisms that can be put in place to enhance the chances of an open, non-violent successor rule ?

On the first, clearly a massive bombing campaign will not be able to avoid the suffering of innocents, and the best possible scenario for Iraqis is the implementation of a “collapse” theory which can be designed with the help of Middle East and European democrats.²¹ In addition to supporting the people against repression, which requires engaging seriously with the democracy-bent strands of the opposition, especially resistance within Iraq, work against dictatorship is painful and can easily lead to “excesses”, and *the Iraqi opposition leaders must be held accountable* as the process of change unfolds and they get closer to power, by the proper use of *human rights monitors* to accompany the change, and the setting up of *an effective international tribunal* to try the leaders of the current government — *as well eventually as those who will use change to*

²¹ Collapse theory discussed in Mallat, *The Middle East into the 21st Century*, London 1996, 114-119, and revived in Democratic Iraq Initiative, see e.g. Nicholas Blanford, “Don't make Saddam mad, make him lonely”, 12 September 2002, for an early version, and a large press coverage (Reuters, NPR, CNN, The Christian Science Monitor, and the Arab press) since January 2003. The coverage is also available on www.mallat.com. The idea of having a US general rule Iraq is too ludicrously colonial to entertain seriously. For the development of the Democratic Iraq Initiative, the following petition was signed by a number of prominent Arabs: “We call upon public opinion in the Arab world to exercise pressure for the dismissal from power of Saddam Hussein and his close aides in Iraq, in order to avoid a war that threatens with catastrophe the peoples of the region, foremost amongst whom the Iraqi people. The immediate resignation of Saddam Hussein, whose rule over three decades has been a nightmare for Iraq and the Arab world, is the only way to avoid more violence. We call likewise for the rule of democracy in Bagdad, and for the stationing across Iraq of human rights monitors from the United Nations and the Arab League, to oversee the peaceful transition of power in the country.” The list of signatories as of Jan.25 appears at the end of the present text.

impose violence and misuse their victory to repeat the crimes of those whose rule they replaced.

Iraq is a good example of the domino theory of democracy being initiated within the prism of “revolutionary” change, but the process of accountability, which must guide the determination to bring the current form of Iraqi rule to an end, cannot stop at the doorstep of Washington’s nemesis in Baghdad. Accountability tolerates no exception, including the “allies,” foremost amongst whom the governors of Israel, who have expelled, dominated, subdued, or imprisoned a population as large as theirs for over fifty years. A country cannot be deemed democratic when it humiliates a population on the territory it occupies because it does not share its religion, or its particular type of nationalism. Israel is no exception to authoritarianism in the Middle East, despite the real freedom it does allow for the Jewish segment of its population. Even without dealing with the territory occupied since 1967, one must acknowledge that over a quarter of the Israeli population is not Jewish.²² This comes in addition to the fact that the majority of the people living on the land of Palestine were expelled and prevented by sheer force from exercising a universal right to return to their homes for over a half century.²³

Talk of Israel as “the sole democracy” in the region is both incorrect and unfair:²⁴ It is tantamount to justifying the ethnic cleansing of any brutal conqueror who

²² The French paper *Le Monde* reported in October 2002 the non-Jewish population in Israel at 27 per cent of the population (not including territories occupied in 1967). The Arab-speaking non-Jewish population is estimated at 18-20 per cent. The rest includes transient foreign workers, but also a large section of Russian immigrants who are not Jewish.

²³ Coercive expulsion of the local Palestinian population is now acknowledged in the contributions of Israeli ‘revisionist’ or new school history of 1948 (Tom Segev, Benny Morris, Ilan Pappé, Avi Shlaim, Nur Masalha, the last a Palestinian Israeli following the tradition of Walid Khalidi. The literature is extensive. A weak, narrow rebuttal can be read in Efraim Karsh, *Fabricating Israeli History*, London 2000)

²⁴ The most remarkable studies of present-day Israel are those of Baruch Kimmerling, from *Zionism and Territory*, Berkeley 1983, to *The Invention and Decline of Israeliness*, California 2001. A senior professor of sociology at Hebrew University, Kimmerling has this to say in his latest monograph, p.181: “Given the nature of Israeli ‘reality’, as described in this book..., it is easy to conclude that only one of the five necessary conditions for considering Israel as a democracy is present... The main reason for this is the historically inherent inability to separate religion from nationalism and nationality implicit in the ‘Jewishness’ of the Israeli state.” The five conditions are listed as follows: “1. Periodic free elections, including the possibility of changing the ruling political elites or parties through such election; 2. Sovereignty of the people, exercised through a legislative system constructed by a parliament, according to which the judicial system operates. No independent or parallel legislative and judicial system can be created by the state. 3. Equal and inclusive citizenship and civil rights. 4.

destroys or expels the people of the territory invested, only to pretend thereafter that it is exercising freedom of choice within the exclusive segment of its conquering population, especially when it is used as bridgehead for other conquerors and colonizers. Nor can any fair observer suggest that coexistence in Israel between the two basic segments of the population or freedom of expression for non-Jews are superior to those found in other countries in the region. In Israel, state domination of non-Jews has been far more brutal and systematic than anywhere else in the Middle East, save perhaps for Iraqi Kurds at the hands of the Baath government. Until Americans acknowledge a reality which is plain to all Arab Middle Easterners, and to a significant number of people living in historic Palestine, including Jews, there will be no let up of diffidence towards US policy in the region. What is required is not merely an agreement that is more comprehensive than a two-state solution and the end of occupation in the Territories, but an acknowledgment that Israel is not a democratic state and never was.²⁵

This does not mean that concern with US policy and attitude is limited to Israel, or that anyone can countenance the killing of innocent civilians under any justification whatsoever. The Israeli dimension is particularly sensitive because of the unabashed and self-congratulatory support of Israel by successive American governments, against the values portrayed in the US intellectuals' letter, and against the law of civilised nations as can be seen from the systematic flouting of

Universal suffrage where every vote is equal. 5. Protection of the civil and human rights of minorities from the tyranny of the majority.” This does not prevent “Israeli political culture and most of its academic analysts, however, [from] systematically and compulsively deny[ing] the basically undemocratic nature of the Israeli regime.” (at p.182)

²⁵ Since the long held belief that “a people without land have come to a land without people” and “that Jews made the desert bloom” has stopped being bandied about in the west in the mid-1980s, there are generally three arguments made in favour of the policy of Israeli governments towards the native Palestinians since 1948. The first is that the displacement of population that year was the same as what was done to Jewish Arabs, i.e. Jews living in Arab countries, secondly that such displacement is common in war. Less often used is the example of other countries built on the displacement/massacre of the native population, probably because of the touchiness of the model in the light of the now universally ‘condemned’ treatment of the natives throughout the European colonisation of the Americas. The first argument is incorrect, the second is insufficient, and the third inadequate. All three arguments have been undermined by the continued resistance of the Palestinians to reverse a fundamental injustice. For a comparative reading of the historical treatment by the two leading historians of the Middle East, the late Albert Hourani (*A History of the Arab Peoples*, London 1992) and Bernard Lewis (*The Middle East: A Brief History of the Last 2,000 Years*, London 1995), see

UN resolutions by Israeli governments ever since the State's inception. We shall return to it later, in the sincere belief that the seriousness with which the Iraqi dictator is dealt with must one day be applied by a just American government to those Israeli rulers who similarly advocate and practise unfettered violence.

Whether for Israel or other US "allies" in the region, a common understanding with our US colleagues should mean a policy where the current large number of aid "conditionalities" move away from a purely economic realm to a democratic one: the Egyptian government must be warned openly against shutting up its dissidents — most recently and cruelly Saadeddin Ibrahim — by a serious threat to diminish the large support in aid that comes annually to Cairo from Western coffers, and this would be rendered easier if a ladder of "freedom conditionalities" is adopted across the board towards the historic allies of Washington. Examples of harrassed dissidents abound,²⁶ with non-violent expression getting systematically undermined by prosecution and prison terms and a systematic use of "rule by law" instead of the rule of law.²⁷ Practices of authoritarianism that have now extended to the whole planet, the United States included.²⁸

All is not necessary gloomy. The fight for democracy can also achieve success, and instances of success must be welcomed and rewarded. Bahrain and Morocco should be saluted for the increase in the constitutionalist dimension of their rule, and the former Moroccan prime minister Abd al-Rahman al-Yusufi singled out for

"Hamesh fi ikhtilaf al-a'imma: hujrat 1948 wa uslub al-tarikh" (A footnote in the battle of the giants: the flight of 1948 and style in history), *al-Hayat*, 30 March 1996.

²⁶ Taujan Faisal in Jordan, Mounsef Marzouki in Tunisia, Saadeddine Ibrahim and his colleagues in Egypt, Habib Younes (and the closure of the MTV station) in Lebanon, Riad Seif and his companions in Syria, in a sad litany of Amesty International lists over the past years. All have spent time in jail, or are still imprisoned, for expressing their opinions. Others, like the Egyptian Nasr Hamed Abu Zeid and the Tunisian Mounsef Marzouki, and most Iraqi dissidents, live in exile.

²⁷ "A closer examination of the Israeli judiciary system clarifies the fact that the judiciary not only does not extend help and protection against the arbitrariness of the government regarding its Arab subjects and does not protect civil and human rights but it also constitutes one of the most sophisticated tools of repression employed since the State of Israel was brought into being." Baruch Kimmerling, "Jurisdiction in an Immigrant-Settler Society: the 'Jewish and Democratic State'", *Comparative Political Studies*, 35, Dec. 2002, 1119-1144.

²⁸ In the United States, it is not just the constraints on civil liberties and due process, which have elicited a battle in courts, but also the profiling of individuals with a "Middle Eastern character", let alone the inventions of legal categories like non-combatant and discovery of forlorn places like Guantanamo for prisoners of the Afghan war, just to avoid the Geneva Conventions. The major human

the most remarkable shift toward democracy and the care for human rights across the Middle East in the past decade. This does not mean allowing a lapse in one-man rule in Bahrain, or giving up on the rights and pleas of the Sahrawis in Morocco, or failing to insist on the independence of Lebanon under general international principles as well as regional accords, and on the need to respect alternation at the presidential helm in accordance with the Constitution.

Morocco having offered the most remarkable embrace of democracy in the last decade, young leaders in Jordan and Syria, and the other more absolute dictators and monarchs across the region, must be persuaded of the Yusufi model they need to follow to avoid the descent into repression. No tolerance should be allowed when it comes to jailing liberal dissidents. A step in support of these prisoners of conscience requires a qualitative move in Western capitals, which should embrace them openly as they do with the main dissident of Burma. This is why the precedent in Morocco is key, and the greatest success of the late King was the appointment as Prime Minister of the leader of the opposition, whom he had jailed several times earlier.²⁹ Thinking of dissidents in jail or under the threat of jail for expressing their opinions, like Saadeddin Ibrahim in Egypt, Riyad Turk in Syria, Azmeh Bishara in Israel as the Yusufis — even as the Mandelas — of the Middle East, is a required qualitative change in Western attitudes: in the same way our American colleagues have extended their support wholeheartedly to the dissidents under Soviet rule with little or no hesitation, a similar attitude is expected from them, and eventually from their governments, in the Middle East. This is a key objective worth fighting peacefully for.

Need for accountability for the leaders' stifling of the electoral process is true of all the privileged allies of Washington. The rule in Tunisia is as unacceptable as the one in Libya, and the lack of peaceful alternation at the top goes from the Saudi rulers to the Egyptian president who — it should be repeated so close Egyptian rule has been to US governments since it has embraced a separate peace

rights organisations, and courageous circles in America, have stood up against that policy with few achievements so far.

with Israel — has renewed his term in office for a fourth time and entered his third decade as absolute ruler of Egypt,³⁰ or the leader of the Palestinian Authority, who tried to make the world forget, on the account of the people's revolt against Israeli occupation partly for the inadequacy of his representation, that the mandate he received in the first and last elections of the Palestinian people ever is *caduque*. Decent Palestinians and other Arabs have never found a change of leadership in Palestine unhealthy. Quite the opposite: but the change should not come in the name of the “war against terrorism”, but as the vindication of all those who have been stifled or jailed under his Palestinian Authority's fiat over the past years, from parliamentary leaders to civil rights advocates. The right reason is important when the US challenges its Middle East “allies” as well as its “enemies”.

Nor is it possible to convince anyone in the Arab world that America seeks justice so long as the current Prime Minister of Israel is feted in Washington as a man of peace. Until he is tried for a career steeped in bloodletting and war, with massive violence directed especially against civilians, there will be no peace in the region. In the context of those serious violations of human rights, where the massacres of September 11 join a long string of mass brutality connected with the Middle East, criminal accountability for massive violations of human rights should not stop at Baghdad or Belgrade. The current ruler of Israel, who was indicted by independent Belgian prosecutors at two successive judicial levels in 2001 cannot be given any different treatment than the one offered to the Balkan indictees. Morris Draper, the foremost US diplomat in charge at the time in Beirut, has affirmed that Ariel Sharon was responsible “without any doubt” for the massacres of Sabra and Shatila in 1982.³¹

²⁹ In November 2002, the USG mentioned Morocco as a model to be followed elsewhere in the area. This position should be commended and amplified.

³⁰ It was suggested already in 1993 that president Husni Mubarak would set a remarkable precedent if he did not seek a third term, “*Al-ra'is al-sabeq jaran fil-hara* (the former president as ordinary neighbour ?), *al-Hayat*, 30 July 1993.

³¹ It is heartening to see the introduction by former secretary of state George Shultz to the just released book by John Boykin on A. Sharon's brutal role in 1982, *Cursed is the Peacemaker: The American Diplomat Versus the Israeli General, Beirut 1982*, Applegate Ca. 2002. There is mention of Sabra and Chatila in the introduction, however, and far more courage is needed in the United States when it comes to Israel.

International and national justice exercised internationally as in the case of Belgium under the universal jurisdiction of 1993-99 or Britain under the Torture convention are models to be supported and developed. Activating an International Criminal Tribunal for Iraq in the very terms which presided over the ICT for Yugoslavia and the ICT for Rwanda gives far more mileage than massive bombings which essentially harm an unprotected population and forced conscripts. Western leaders should help bring the ruler of Libya to judicial account for the disappearance of Musa al-Sadr, Mansur Kekhia, and scores of Libyans, as much as he should be questioned for Lockerbie or the UTA bombing. But America will never be more cheered across the Middle East than in helping to bring the current Israeli Prime Minister to justice: unless our American colleagues start understanding this fair and appropriate demand — to bring a criminal considered by a commission of enquiry inside his own country as “personally responsible” for a crime against humanity, the diffidence and doubt, if not open hostility will continue. This quest for uniform justice cannot be emphasised enough, and we call on our American colleagues to open up the campaign in America to get Mr Sharon in jail where all mass murderers belong.³²

The electoral process, and the change at the top is also crucial in the process of accountability. The people must be able to cast their votes freely, and the voices of the rulers when they misbehave must be equally constrained. In order to get free elections, officials and non-officials in the west must openly call for them and

³² To give two related examples on the depth of the bias of talented and influential US columnists, William Safire’s unqualified support of Ariel Sharon for over two decades, to the point of salvaging him from the boycott of a large section of Israeli journalists in 1983-1984 and considering him to date the ultimate “expert-reference” for good and evil in and around Israel; and the case of Thomas Friedman, who made his name as a young journalist for his coverage of Sabra and Shatila, yet has not written a single line about the legal case that the victims of the massacres have been fighting in Belgium over the past year and a half. One still hopes for a louder and more mainstream US appeal to confront a manifestly recidivist war criminal as chief ally presiding in government over the destiny of much of the Middle East. A timid — albeit encouraging, so severe has become the witchhunt against any criticism of Israel in the US — call on the USG “to deal with... Sharon’s Israel” appeared in a *Washington Post* column by Jim Hoagland, as well as an unprecedented description side by side of ‘jihadists and sharonists’. The letter of a collective of nine Israeli women groups to the victims of Sabra and Chatila supporting their search for justice on the occasion of the 20th anniversary of the impunity of Ariel Sharon offers an opportunity to break the silence and the zero-sum confrontation. See on the letter Robert Fisk, “Prosecute Sharon for war crimes, Israeli women say”, *The Independent*, 24 September 2002, and www.indictsharon.net for the American-based section of the worldwide campaign in support of the Belgian case. More than a million people have signed an e-mail petition requesting that Sharon be brought to justice.

insist they be free, by ensuring for instance that high-level delegations of respectable people — including leaders of Nelson Mandela’s persuasion in young democracies and veteran peace advocates like Jimmy Carter — attend and monitor them. They must also project their own democratic beliefs on the region, starting with their closest allies. Westerners would never accept “a Christian state”, let alone a Jewish one to rule over their own society, and the call for secularism appears loud and clear in our colleagues’ letter, and should be supported insofar as it is equanimous and nuanced. “Jews” are interchangeable with other national and religious denominations, and we are concerned for the tragic loss of Arab Jewish populations across the Middle East since the establishment of the state of Israel, impoverishing Arab countries and increasing mono-coloured and intransigent nationalisms in our own societies. Ways that would accommodate the Jewish majority’s fears and concerns with the rights of non-Jews, as is tentatively done in the west by way of federalism and the courts, can be encouraged in Israel and elsewhere in the region. The disparaging way “Jews” are depicted in our countries must be fought consistently, and a serious effort for their return and compensation where appropriate must be considered as a priority for Arab governments.

In a similar vein, Islamists must be condemned whenever they take up arms and carry out violence indiscriminately, and rewarded as any other group when they operate in accordance with human rights. This is true in Algeria and elsewhere, — Turkey now more than ever —, and Americans should start reflecting on their unqualified support for narrow sectarian rule in the Gulf, which must also be questioned for the limitations on Christians and other minorities’ peaceful practice of their religious rites. Flogging is as reprehensible in Jeddah as it is in Kabul, and torture equally unacceptable in Beirut and in Tel Aviv. Also in the same logic, the Christian dimension of Jerusalem must be rehabilitated.³³ The Judaisation of the

³³ Since the occupation of East Jerusalem in 1967 by Israel, its Christian population has dwindled from 27,000 to less than 4,000, whereas West Jerusalem had been completely purged of non-Jews in 1948. For a balanced view of a long and contentious history (despite only a passing reference to the ethnic cleansing in West Jerusalem in 1948 of its non-Jewish inhabitants, at p.163), see Bernard Wasserstein, *Divided Jerusalem*, New Haven 2001. Such forms of “ethnic cleansing” will never rest until redeemed in some effective manner. Nor should the expulsion of Jews from the Old City in 1948, or the assassination of elderly Lebanese Jews in Lebanon in the mid-1980s remain under silence. While cold-blood mass killers must be brought to justice, as those who engineered the blowing up of eighty-five innocent people in the Beirut suburbs on 28 March 1985, an extensive and sophisticated exercise in

capital of the Holy Land is not acceptable and must be reversed in accordance with the concept of the *corpus separatum*, which was adopted by the United Nations half a century ago precisely for the purpose of the coexistence of communities belonging to the three world religions, in a comprehensive and balanced scheme which remains a central achievement of international law to date.

The peace process will not revive so long as the present rulers dominate Iraq, Palestine and Israel. In a new Madrid conference, if it is to reconvene, all rulers must be held at arm's length and forced to bring their opposition with them. Should they be called onto the negotiating table, suspected criminals should be treated with reserve, as did US diplomacy in the later stage of the Balkan negotiations, and authoritarian rulers extended a handshake only conditionally and reservedly. The more opposition figures in the halls and the less deference to the rulers, the more it is possible to exact a measure of compromise which rejects violence as the privileged means for change. In the negotiations over the Arab-Israeli conflict, as large a popular representation as possible should be sought. Palestinians in exile should be represented directly, not vicariously, and internationally run elections can be organised in the camps where they have been living in misery for sixty years. The main reason of this terrible segregation is due primarily to the fact that the governors of Israel have prevented them from coming back to their home as requested by international law, but serious efforts must also be exerted to improve their lot in the regions where they live, especially in Lebanon and the Occupied Territories, where daily life for refugees is sub-human.

The mosaic of religions, ethnies and sects which has plagued the Middle East can be also the base of its renewal. For that, forms of constitutional federalism are needed across the Middle East: in Israel-Palestine, Sudan, Iraq and Turkey, Western North Africa, even Lebanon and Saudi Arabia if necessary, while all attempts at secessionism and the emergence of smaller nationalistic or sectarian entities should be categorically rejected, and actively fought. This is no less true

Truth and Justice is needed in the region. Truth and Reconciliation/ Justice must include the dark role played by American and Western governments in the latter part of the 20th century in support of

for Palestine, where the Palestinian state risks bolstering the fearful wall which the exclusivist “national unity government” (of Israeli Jews) has conceived. Much better than an emphasis on a walled Palestinian state, a search for federal models for Israel-Palestine will allow the emergence of a community of equals in a united country rather than segregated territories built up both in concrete blocks and in Security Council resolutions. In such a profoundly different concept of coexistence in the region, the right of return can be easily acknowledged to introduce the principle of freedom of movement (and eventually establishment) for all the citizens of the Middle East, starting with the diaspora Palestinians and Jews from Arab lands.

The fulfillment of this policy requires strenuous efforts in our societies, in conjunction with like-minded individuals and governments in the world, East and West. With no single country in the Arab world or the larger Middle East operating as a full-fledged democracy, a modest practical message one should ask American intellectuals to put to their leaders would sound as follows: listen to the people in the Middle East and act on principle. The rest, whether philosophies of just war, questions about the “otherness”, extremists of all hues, including Christian, Jewish and Islamic fundamentalists, and the universal affirmation of “American values” alongside “Middle Eastern values”, all will fall into place much faster than one thinks. Then, with a just US policy in the Middle East, both sides of the ominous East-West divide will be acting on a common platform to reverse the paradigm of hatred presently driven by extremes, including the ill-conceived “war on terrorism” carried out by the current American government with no end in sight.

Signatories

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authoritarian rulers in the region, from Iran’s Shah in the 1950s, to Saddam Hussein in the 1980s, to the present rulers of countless countries.

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