

{JULY 10 2004}

# THERE ARE JUDGES IN THE HAGUE

---

**O**ne of the Israeli newspapers, Haaretz, put the two events on the front page: the 100th anniversary of the death of Theodor Herzl, the founder of the modern Zionist movement, and the judgement of the International Court of Justice, which declared the Israeli Separation Wall illegal.

This coincidence may seem fortuitous. What connection could there possibly be between a historical anniversary and the latest topical event? But there is a connection. It is expressed in one sentence written by Herzl in *Der Judenstaat*, the book that became the cornerstone of Zionism.

This is what it said: “There (in Palestine) we shall be a sector of the wall of Europe against Asia, we shall serve as the outpost of civilization against barbarism.”

This sentence could easily be written today. American thinkers propound the “clash of civilizations”, with Western “Judeo-Christian” culture battling “Islamic barbarism”. American leaders declare that Israel is the outpost of Western civilization in the fight against Arab-Muslim “international terrorism”. The Sharon government is building a wall for the purpose, or so it says, of protecting Israel against Palestinian-Arab terrorism. It declares at every opportunity that the fight against “Palestinian terrorism” is a part of the struggle against “international terrorism”. The Americans support the Israeli wall with all their heart and their wallet.

Even the semi-official name of the barrier – the “Separation Fence” – emphasizes this tendency. It is intended to “separate” between nations, between civilizations, and indeed to separate culture (us) from barbarism (them).

These are profoundly ideological reasons, mostly unconscious, for the building of the wall. On the surface, it seems to be a practical response to a real and present danger. An ordinary Israeli will say: “Are you nuts? What are you talking about? What has this to do with Herzl? He died a hundred years ago!” But there is a direct connection.

This is also true for another aspect of the wall. In Herzl’s day a phrase was coined that became the slogan of the Zionist movement in its early years: “A land without a people for a people without a land.” That is to say, Palestine is an empty country.

Anyone who tours the length of the planned path of the wall is struck by one aspect

that leaps to the eye: it has been determined without the slightest consideration for the life of the Palestinian human beings living there. The wall crushes them as a man steps on an ant. Farmers are cut off from their fields, workers from the workplaces, pupils from their schools, sick people from their hospitals, the bereaved from the graves of their beloved ones. It is easy to imagine the officers and settlers bent over the map and planning the path – as though through an empty space, with nothing there except settlements, army bases and roads. They argue about topography, tactical considerations and strategic objectives. Palestinians? What Palestinians?

The Israeli Supreme Court that handed down its decision last week concentrated mainly on this point. It did not contest the generals' pronouncement that the wall is necessary. If the generals say so, the court stands to attention and salutes. Neither did the court decide that the wall must be built on the Green Line, the internationally recognized border between Israel and the territories it occupied in 1967, which is also the shortest and most easily defended line. But it recognized the fact that the territories contain a Palestinian population and demanded that their human requirements be taken into consideration.

During the week that has passed since then, it became clear that the army is ready to make some changes to the path of the wall, but not to change its basic concept. The "improved" path still creates enclaves for the Palestinians and limits their freedom of movement, if less than the former path. Some of the farmers will be reconnected with their land. Nothing more.

Now comes the International Court of Justice and announces principles that are much closer to those supported by the Israeli peace forces that have demonstrated against the wall. It says that the wall itself is illegal, except where it follows the Green Line. All the sectors built inside the occupied territories violate international law as well as conventions and agreements signed by Israel.

The court says that those sectors of the wall must be removed, the situation restored to what it was before, and the Palestinian compensated for the damage inflicted on them. All the countries of the world are called upon to abstain from giving any aid to the building of the wall.

Will this have any impact on Israeli public opinion? I am afraid not. During the last few months, the official propaganda machine has been preparing the public for this day. The judges of the International Court, it was said, are anti-Semites. It is well known that all the nations, with the possible exception of the United States, want to destroy the Jewish State. Some years ago a jolly song was very popular: "All the world is against us / But we don't give a damn..." So, to hell with them!

Will it have an impact on world public opinion? Probably, though the court's

“advisory opinion” is not binding and the court has no army or police to enforce its decisions. There is no point in submitting it to the Security Council, where it will automatically be shot down by an American veto. At any time, and even more so on the eve of elections, an American administration will be loath to offend the pro-Israeli lobby, both Jewish and Evangelical. The US will ignore the court and go on financing the wall.

But in the veto-free UN General Assembly there will be a wide-ranging debate that will shine a spotlight on the real character of the wall. The propaganda machine of the Sharon government, aided and abetted by most of the world’s media, has produced an image of the wall as a necessary means for the prevention of suicide attacks inside Israel. The debate in the General Assembly may help to publicize the real purpose of the monster.

The day before the judgement I was in a big tent at A-Ram, just north of Jerusalem, a town that is one of the principal victims of the wall. A hunger strike of Palestinians and Israelis against the wall has been taking place there. The place has attracted pilgrims from all over the country.

Inside the tent, the world premiere of a film took place. Its director, Simone Bitton, an Israeli of North African origin living in Paris, shows the wall as it is.

In the film, Palestinians describe what the wall has done to them. A Jewish Kibbutz member calls it a disaster for Israel, a disaster of our own making. The Director of the Ministry of Defense, General Amos Yaron (who was relieved of his army command by the Kahan Inquiry Commission for his involvement in the Sabra and Shatila affair) explains that the Palestinians themselves are to blame for their suffering. After all, if they just stopped resisting the occupation, there would be no need for the wall.

But the most moving sequence of the film was purely visual, a sequence without words. One sees green fields and olive groves stretching to the horizon, and occasional villages with their soaring minarets. A crane lifts a huge concrete slab into place on the wall. It hides a part of the landscape. A second slab is raised and hides some more. The third slab blocks the landscape entirely – and you realize that before your very eyes, another village has been cut off from life forever, with the huge, 8-meter-high wall enclosing the village from all sides.

But at the same moment a thought crossed my mind: After all, the same crane that puts the blocks there can also remove them. It happened in Germany. It will happen here. The decision of the judges of The Hague, coming from 15 different countries, has made a contribution to that.

Perhaps it is an irony of history: the judges who represent European culture demand that the wall be removed. If Herzl had witnessed that, he would have been puzzled.