



ADVANCE SHEET – May 10, 2024


President's Letter

I here tender a personal comment on the most volatile of contemporary political issues, my excuse being that it was first published twenty years ago in 2003 in an obscure and now discontinued publication of the Hudson Institute, *American Outlook*. I received little reaction to it, other than a complimentary phone call from a noted authority on the Middle East, the late Professor Bernard Lewis of Princeton

George W. Liebmann

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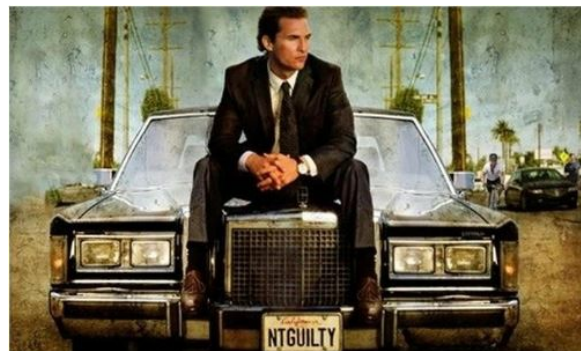
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They're Off And Running

Yesterday was opening day. I can tell by the blank look on your faces that the question most of you are asking is “Opening day for what?” The answer of course is Pimlico Race Course. Once one of the most famous horse racing tracks in the world, it is now the problem that seemingly has no solution. The site of so many famous races over the years, including the match race between Seabiscuit and War Admiral (immortalized in the film *Seabiscuit*), to the degree that anyone notices the place at all, it is one day a year, that being the third Saturday in May. The figures for Preakness weekend, however, are markedly down. A combined 65,000 people attended Friday and Saturday in 2023, compared to approximately 182,000 in 2019. For better or for worse horse racing seems to be dying. Like most things it is a combination of factors, including a growing movement that looks at the sport as cruel to the growing ability to place a bet on just about anything from just about anywhere. I was recently in the little convenience store across the street from the Mitchell Courthouse when I encountered a woman who was beside herself with anger. It seems that she had just witnessed her electronic horse get nipped at the wire on one the numerous screens in the store dedicated to the stuff that dreams are made of.

Although most things have dramatically changed since 1938, the year of the match race, or certainly since the 1870s (Pimlico opened in 1870 with the first Preakness taking place in 1873), one institution that was around in 1870, and is in many ways much like it was back then, is the Baltimore Bar Library. Dedicated to providing collections and services that you are not likely to find in very many other libraries, the Library strives to continue being what it was and hopes to continue to be, while keeping abreast of advancements in methods of access and delivery. I suppose our motto could be “The more things change, at the Library, the more they stay the same:” at least in the ways that matter. I suggest that you come see for yourself. I look forward to seeing you soon.

Joe Bennett



The Bar Library Film Series Presents

The Lincoln Lawyer

Mickey Haller (Matthew McConaughey) runs his law practice out of a Lincoln Town Car rather than an office. Haller is hired to defend the son of a wealthy Los Angeles businesswoman in an assault case. Details of the crime bring up uncomfortable parallels with a former case, and Haller discovers the two cases are intertwined. The film also stars Ryan Phillippe, Marisa Tomei, Josh Lucas, William H. Macy and Bryan Cranston. *Rotten Tomatoes* describes the film as “briskly enjoyable entertainment.” Audiences polled by *CinemaScore* gave the film an average grade of “A-” on an A+ to F scale.

WHEN: Friday, May 17, 2024 - 5:30 P.M.

WHERE: The Clarence M. Mitchell, Jr. Courthouse (100 North Calvert Street)
Main Reading Room of the Baltimore Bar Library (Room 618)

COST: Free – Soft Drinks & Snacks will be served.

RESERVATIONS: May be made at the Library, by telephone or e-mail. In order to keep track of attendance, **reservations are required.** For more information telephone 410-727-0280 or e-mail us at jwbennett1840@gmail.com.

Political Pitfalls and Dreadful Demographics

Achieving a lasting peace between the Israelis and Palestinians will require, among other things, two moves that should have been made long ago.

July 15, 2003, American Outlook (Hudson Institute)

by George W. Liebmann

Two important causes of the continuing conflict between Israel and the Palestinians do not receive sufficient attention. The first is found in the nature of the Israeli political system. In Israel, as Henry Kissinger aptly said, there is no foreign policy, there are only domestic politics.

The political system produces highly unstable governments, and it delivers effective power to extreme religious parties. As a result, to all the complications originally created by the Balfour Declaration (1917), with its vision of two peoples on one land, Israel adds policies that are avowedly irredentist and that make the nation increasingly inhospitable to the Palestinians who live there. In addition, the Israeli governments are typically so weak that both the government and whatever negotiations are impending can be thrown off course by a single terrorist act—and extremists on both sides know that.

The second root cause of the failure to reach agreement has been the failure of all concerned—Israel, the Arab states, Europe, and the United States—to do enough to relieve the Palestine refugee problem, or to give even a glimmer of hope to the rapidly multiplying youth of Gaza and the West Bank, from whose ranks suicide bombers are now drawn. When it was found, four years after World War II, that there were still Holocaust survivors in refugee camps in

Europe because no country would take them, this was rightly regarded as scandalous. Israel has accordingly received American aid which now exceeds, at present value, \$100 billion, together with large amounts in private remittances and reparations from the German states.

The situation for the Palestinians has been quite different: We are now fifty years on from the flight or expulsion of the Palestinians, and no hope for their young is in sight. The relief supplied them is subsistence aid, and their political structure offers little hope that any large, sudden foreign subventions will be wisely used. At best, absent drastic change in Western policies, the Palestinian young can look forward to citizenship in an impoverished desert state—a place scarred by oppression and war, whose moderate leaders have long since been driven out of politics or into exile, and which is run, like post-independence Algeria, by guerillas or gorillas.

Boon to Extremists

The first of the problems mentioned earlier, the Israeli governmental and parliamentary system, is not the product of a Constitutional Convention, operating in secret and including the many fine leaders who were present in Israel in 1948. On the contrary, the Israeli Fundamental Law would never be described as the greatest document ever struck off by the hand of man. It was the product of a Provisional Council in 1948, at which the familiar was confounded with the necessary.

Although Israel, like Britain, has the advantage of an adaptable and unwritten constitution, the political system it has engendered differs in not being based on territorial democracy or constituency elections. This is not surprising; one cannot expect much local patriotism in a nation of recent immigrants. Nor was the Israeli Fundamental Law, like that of the Fifth French Republic, imposed by a worldly-wise military leader who had opposed adoption of his nation's preexisting constitution and spent the next fifteen years considering what his nation's interests, and particularly its foreign policy interests, required.

The Israeli Fundamental Law evolved from the constitution of a private voluntary association, the Congress of the World Zionist Organization (CWZO), a transition ably traced by Samuel Sager in an article in *Parliamentary Affairs* in 1972. The object of that constitution was to maximize membership by providing a voice to each national association and the factions within it, and it was imitated during the British Mandate, by the Elected Assembly of the Palestine Jewish Community. The Standing Orders of the CWZO became the Standing Orders of the Knesset (the Israeli parliament), and were not significantly modified until 1965. The CWZO's Standing Orders had been adapted from those of the Third French Republic by Theodore Herzl, the founder of Zionism, who had been a political journalist at the Palais Bourbon from 1891 to 1895.

Of the effects of proportional parliamentary representation, such as exists in the Israeli political system, there can be no doubt. It is a boon to extremist parties wherever it is practiced. Within such parties, as one Israeli political scientist has noted,

Candidate selection . . . has been limited to ideologically faithful activists. There are other incentives to splintering. Spokesmen of small parties are called disproportionately often by the Speaker of the Knesset. Further, in all

cases where there is a large difference in party keys to the cabinet, it is the smaller parties that receive the “bonus” ministries.

This system has had enormous political consequences. It is doubtful, for example, whether a majority of the Israeli electorate has ever fully supported the policy of expanding settlements that has been pursued by both Labor- and Likud-led governments for the last twenty years at the insistence of all or some of the religious parties. It is even less clear that such a majority exists for the measures that have tended to transform Israel from a secular state into a sectarian one. Furthermore, it is doubtful that a majority of Israelis deem prudent or wise the current prime minister’s appeals for additional Jewish immigration from Argentina, France, Russia, and South Africa.

Oceans of prose have been written about Israeli politics and the peace process. Without embracing everything in political scientist Amos Perlmutter’s 1977 article in *Foreign Policy*, two propositions he advanced remain incontestably true. The first is this:

"Authoritative government provides the link between public opinion and policy in a democracy. The inevitable coalition governments in today’s Israel do not possess sufficient authority or a wide enough base of support to give them adequate room for political maneuver and flexibility in policy-making."

Whether the cure is to be found in the American and British system of first-past-the-post voting in territorial constituencies, the German disqualification of splinter parties, the French use of run-off elections, the American and French assignment of foreign policy to an elected president, or the French and German blend of geographic and proportional representation, change must be made. Its nature and timing is entirely the responsibility of the Israelis themselves. Israel’s Fundamental Law is not immutable. It is entrenched only to the extent that the electoral system can be amended only by a simple majority (one-half plus one) of all the members of the Knesset.

The second proposition advanced by Perlmutter bears on the first: “Israel depends on the good will of the American people, the generosity of American Jews, and the United States’ moral sense.” That good will, that generosity, and that moral sense all depend, however, on the presence of a government that carries out its commitments “without mental reservation or purpose of evasion.” Americans may not forever support a political system that is a forcing ground for extremists and the failure of which is writ large in the modern histories of Germany and France.

Barriers to Emigration

The dimensions of the Palestinian refugee problem are considerable, and they are growing worse.

On the West Bank, there are just over 2 million people, in an area of 5,651 square kilometers; in Gaza, there is a population of about 1.1 million in an area of 370 square kilometers, more than half of which is farmland. There is little industry in these places, especially in Gaza; the population lives on international subsistence relief, some agriculture, and employment on the other side of the (frequently closed) borders with Israel. The fertility rate per woman, the surest measure of a primitive economy, is 5.61 on the West Bank and 6.91, among the world’s highest, in Gaza. The availability of international relief

eliminates the Malthusian constraints on the birth rate that otherwise might exist. There are said to be approximately 550,000 students in schools and colleges on the West Bank, all but about 75,000 of them in primary schools, and proportionate numbers in the Gaza strip. These people have little reason to hope that things will soon improve in their homeland.

Although there are many Palestinians elsewhere in the world (the total diaspora is said to number 3.3 million), it cannot be said that there have been serious efforts at resettlement. It is notorious that the more conservative Arab states have not welcomed any influx from without, whether of Palestinians or of Westerners. The Jewish community has not taken up the cause of fostering Palestinian emigration to the United States, which does grant a small number of visas through a worldwide lottery system. The same is true in Western Europe, which has nevertheless managed to absorb extraordinary numbers of refugees from unlikely places such as Afghanistan, Albania, Algeria, Kurdistan, and the former Yugoslavia.

Had a serious effort been made to resettle such of the Palestinian young as wished to emigrate during the half-century beginning in 1950, it is likely that this overpopulation would never have occurred and that the problems of the Middle East would have greatly diminished by now. Surely the United States, the five major Western European countries, Benelux, Scandinavia, Australia, New Zealand, Canada, Russia, other European nations, and the more prosperous Far Eastern and Latin American states—are collectively capable of providing 50,000 to 100,000 visas a year for the Palestinian young, and Israel itself some visas for the diminishing band of elderly Palestinians who departed in 1950 and wish to return.

Such a suggestion, of course, may seem counterintuitive in the midst of a War on Terrorism, even though there were no Palestinians among the September 11 hijackers and those Palestinians who have emigrated have caused little trouble in their new home countries. The Western European countries should be a highly logical source of such visas, given that they have already absorbed large Islamic populations, need young workers to support their aging populations, and have thus far made little contribution to a solution other than finger-wagging at the United States.

It is unclear whether so many Palestinians each year would wish to emigrate; people do not lightly renounce their families and associations. In addition, nations offering visas would be wise to require linguistic competence and a period of civic education and to that end might want to provide facilities for education, or at least for distance learning, to those seeking their citizenship. However, the hopeless conditions in Palestine-held territory suggest that more than a few people would take advantage of the opportunity to move to a nation offering far better prospects.

It would seem clear that such an initiative, even on a more modest scale, would fundamentally change the equation in the Middle East. Young Palestinians, or at least a substantial portion of them, would begin to sense the possibility of a brighter future. There would almost immediately be remittances from those who emigrated, and there might ultimately be foreign investment. The aspirations of a substantial portion of the young would be directed toward the West, and not inward or toward Islamic radicalism. The system could reserve most visas for the young and unattached, which could well induce a significant fall in birth rates in Palestine. Hence, even if this policy made little immediate

difference in Palestinian economic conditions or the reduction of violence, expectations of future improvement could well improve present behavior.

Some among the beneficiaries of such a scheme will object that dispersing the Palestinians in this way would deny the claim of Palestinian nationhood. But it is as certain as such things can be that there will be a Palestinian state. Whether to remain in such a state should be a choice for the Palestinian young, not their nationalist elders.

Others will object that there is no assurance that Arab terrorism will stop. That is true. It almost certainly will continue, in fact, at least for a time, though the measures proposed here should reduce enthusiasm for some of it. They have also the great added merit of not depending for their effectiveness on either Mr. Arafat or Mr. Sharon, let alone on an agreement between them. If a settlement is ever to be reached, conditions must change on the ground. The ability to alter such conditions does not rest entirely with the present Israeli and Palestinian authorities.

Those in Western Europe who criticize Israeli policy, and those in the United States who care about Israel's future security, should at last take the need for Palestinian visas and Israeli constitutional reform seriously. It is time to renounce the illusion that an ever-expanding population confined to a shrinking amount of barren land can be expected to renounce its historic claims in the absence of other outlets and opportunities. It is equally forlorn to suppose that a political system permanently dominated by extreme religious parties can enter into agreements which will endure past the next incident or provocation.



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