The Goldstone Chronicles

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We have a new verb, ?to Goldstone.? Its meaning: To make a finding, and then partially retract it for uncertain motive. Etymology: the strange actions of a respected South African Jewish jurist under intense pressure from Israel, the U.S. Congress and world Jewish groups.

Richard Goldstone is an author of the ?Goldstone Report,? an investigation of Israel?s military campaign in Gaza between December 2008 and January 2009. It found that Israel had engaged in a ?deliberately disproportionate attack designed to punish, humiliate and terrorize a civilian population,? for which responsibility lay ?in the first place with those who designed, planned, ordered and oversaw the operations.? It said both Israel and Hamas may have committed crimes against humanity in a conflict that saw a ratio of about 100 Palestinian dead (including many children) for every one Israeli.

Now Goldstone?s volte-face appears in the form of a Washington Post op-ed. It?s a bizarre effort. He says his report would have been different ?if I had known then what I know now.? The core difference the judge identifies is that he?s now convinced Gaza ?civilians were not intentionally targeted as a matter of policy.? 

His shift is attributed to the findings of a follow-up report by a U.N. committee of independent experts chaired by Mary McGowan Davis, a former New York judge, and what is ?recognized? therein about Israeli military investigations. Well, Goldstone and I have not been reading the same report.
McGowan Davis is in fact deeply critical of those Israeli investigations— their tardiness, leniency, lack of transparency and flawed structure. Her report—stymied by lack of access to Israel, Gaza or the West Bank—contains no new information I can see that might buttress a change of heart.

On the core issue of intentionality, it declares: “There is no indication that Israel has opened investigations into the actions of those who designed, planned, ordered and oversaw Operation Cast Lead.”

It says Israel has not adequately answered the Goldstone Report’s allegations about the design and implementation of the Gaza operations or its objectives and targets. Victims on both sides, McGowan Davis argues, can expect no genuine accountability and no justice.

In short there is a mystery here. Goldstone has moved but the evidence has not, really. That raises the issue of whether the jurist buckled under pressure so unrelenting it almost got him barred from his grandson’s bar mitzvah in South Africa. Is this more a matter of judicial cojones than coherence?

The fact that Hamas has not conducted any investigation into its unconscionable attacks on southern Israel—rockets and mortars still fall—is appalling if unsurprising. Goldstone makes much of this. But it does not change the nature of what Israel did in Gaza, nor allay the McGowan Davis concerns about Israel’s investigative failings.

Goldstone, a Jew who takes his Jewishness seriously, has been pilloried by Israel. He fell afoul, as perhaps no other, of the siege mentality of a nation controlling the lives of millions of Palestinians but unsure what to do with them or with the world’s growing disavowal of this corrosive dominion that humiliates its victims and eats into the soul of its masters.

The charges cascaded: He was a self-hating Jew, a hypocrite, a traitor. For Alan Dershowitz he was despicable. For Benjamin Netanyahu, the Israeli prime minister, Goldstone was up there with the Iranian nuclear program and Hamas rockets as one of Israel’s three major strategic challenges.

Theories already abound on the Goldstone psyche. It was an emotional meeting last year with the South African Jewish Board of Deputies that set him on the retraction road. No, it was a bruising debate last month at Stanford University. No, it was a rightist Israeli minister telling him his report fueled those who knifed West Bank settlers. He was broken, one friend suggests.

I don’t know. I asked Goldstone. He responded in an e-mail that he was declining media interviews. I do know this: The contortions of his about-face are considerable.

Goldstone expresses confidence that the Israeli officer responsible for the killing of 29 members of the al-Samouni family will be properly punished. Yet the McGowan Davis report is critical of this investigation and notes that no decision had been made as to whether or not the officer would stand trial.
It also notes that more than a third of the 36 Gaza incidents identified in the Goldstone Report are still unresolved or unclear. There have been just two convictions and the one for credit card theft brought a more severe sentence than use of a Palestinian child as a human shield! And this gives Goldstone confidence?

Israel is celebrating what it calls a vindication. It is preparing to welcome Goldstone. It is demanding nullification of the report, even though Goldstone is only one of its four authors. Meanwhile the facts remain: the 1,400 plus Palestinian dead, the 13 Israelis killed, the devastation, the Hamas rockets and the need for credible investigation of what all evidence suggests were large-scale, indiscriminate, unlawful Israeli attacks in Gaza, as well as Hamas' crimes against civilians.

To Goldstone?: (Colloq.) To sow confusion, hide a secret, create havoc.

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