



Give Peace A Chance: Legal Implications of the Israel-Palestine conflict

Professor Clive A. Stafford Smith
30th April 2026

Michael Franti sings a mantra in the “Armageddon Version” of one of his best-known songs—

“We can bomb the world to pieces, but we can’t bomb it into peace.”

But when it comes to Israel or Palestine, all the talk is about who is right and who is wrong, who is an antisemitic Jew-hater and who is an Islamophobic genocidal maniac; very little of the talk is about how to achieve peace for everyone. This has now spilled over into Iran and across the Middle East (to which one might add Europe and the US).

Let’s talk about various people, their countries, and why they ended up in a pickle. First Bush-to-Trump, the United States and the steep decline of American soft power; then Keir Starmer, the U.K and any notion of British liberalism; and then Benjamin Netanyahu, Israel and antisemitism.

Because I am Anglo-American I suppose I have an interest in both the UK and the US; because my entire family on my father’s side is Jewish, I claim a profound personal interest eliminating antisemitism; because I have spent the last quarter century representing scores of Muslims who have been victims of prejudice, I claim an equal interest in neutralising islamophobia; on top of this, in part because of my respect for my gay Jewish grandfather, who was a pacifist and agreed only to be an ambulance driver in World War One, I have been raised with the view that we should always seek peace rather than war.

What is happening is deeply sad, but it also imposes a duty on us to try to help set it straight.

* * *

On September 11th, 2001, Al Qaida committed a terrible crime against America. The U.S. did not treat it as a crime, but as a war. This was, of course, precisely what Usama bin Laden would have wished.

Whose fault is it that Americans, who enjoyed immense sympathy immediately after 9/11, came rapidly to the end of that honeymoon and will not recover for a long time.

- Then came the Iraq War in 2003, and a further steep decline and [headlines](#) such as “Why Bush is worse than Bin Laden”
- Then came Abu Ghraib, Guantánamo Bay, the Rendition to Torture Programme, etc.
- There was a brief bump when Barack Obama became president, but he failed to fulfil his promise to close Guantánamo, and he replaced torture with drone assassination with Hellfire Missiles fired from Predator Drones at people who were overwhelmingly not a threat to the US.
- Now the U.S. is at its lowest ebb ever.

Richard Stengel, who was Undersecretary of State for Public Diplomacy for President Obama, recently [professed](#) that the reputation of the US will only get worse, and may never recover:

I believe because of Donald Trump and his war in Iran, American popularity will descend to depths it has not seen this century and may never recover to the median levels that we saw with Jimmy Carter and Ronald Reagan. Forget Barack Obama numbers – they’re out of reach. *** I’m afraid there is no soft power action, no movie, no song, no video game, that can make up for an errant Tomahawk missile that kills dozens of children at a girls’ school.

Was the cause of much of this the extremist hatred of Usama Bin Laden and others, or what the US did itself?

It is an unfortunate truth, often skirted, that the America reaction to the original crime has done far more than Bin Laden to ensure that we are now often despised where once we were admired. In a totally perverse way, it has also “inspired” vastly more deranged people to seek to do us harm.

If there is one statistic that tells the tale, it is that when the U.S. invaded Afghanistan they found a “charter member” [list](#) of Al Qaeda members as it would have been *circa* September 10, 2001:

A fascinating bit of evidence about al Qaeda’s early days emerged yesterday during the trial of alleged al Qaeda operative Khaled al-Fawwaz – what federal prosecutors call a list of 170 charter members of the Islamic terrorist organization, including the defendant. The FBI says U.S. forces recovered the list from a building in Kandahar, Afghanistan, two months after the invasion to retaliate for 9/11.

The names would all fit on one bit of paper, printed on both sides. It would be a poor comment on U.S. security if the nation faced an existential threat from 170 people nobody had ever heard of. Yet because of our frankly hypocritical, criminal and foolish actions after 9/11, in a cycle of hatred that list expanded exponentially, the U.S. conducted an endless ‘War of Terror’ (as Borat called it).

I know the proponents of violence don’t like to hear it, but the violence by irrational Americans who thought it was a solution was the progenitor of a great deal of the violence by deranged extremists.

While it is merely hatred-hyperbole to pretend that the American government is somehow worse than the people who run Iran, or North Korea, or Russia, that is no excuse. We advertised that we were much better.

There is a principle here: *Hypocrisy is the Yeast that best ferments Hatred*. We, as Americans, told the world that we were soldiers of Human Rights, and then we became Torturers.

There is another principle here: While some fools will shout that I am anti-American, *I am no more anti-American for wishing we would do better than I am Islamophobic if I say Hamas were ugly criminals for October 7th*. (I am a true-believer in the U.S. Constitution, and it is the First Amendment that allows me to state a view for which I might be sent to a Gulag in another country.)

* * *

Whose fault is it that Keir Starmer's approval ratings are so low? Is it because of him or his enemies?

- He did various things based on his own insecurity (banning Andy Burnham from running, finding scapegoats for his choice of Peter Mandelson, etc.). These decisions are recognised for what they are: Weakness.

Ultimately Starmer's weakness extended, and is closely linked, to Netanyahu:

- He thought kowtowing to the current Israeli government (which is antithetical to most things Labour stands for) would overcome the allegations of antisemitism against Jeremy Corbyn's time as leader of the Labour Party.

Starmer's subsequent decisions have exacerbated the very antisemitism he said he was opposing. The fundamental problem with equating "distaste for Netanyahu's version of Zionism" with "Antisemitism" is that this kind of stupidity rebounds on all Jews. It is the essentially equating Netanyahu-ism with Judaism.

At the same time, anyone with eyes to see would recognise that for the last 25 years (since 9/11) the surge in prejudice has been overwhelmingly aimed at Muslims. (I have often said that my African-American clients on death row were beneficiaries of this, as the people who like to hate had found someone else to despise.)

So how to eliminate both of the pernicious bigotry?

Starmer and his government apparently thought the way forward was to proscribe Palestine Action as a terrorist group. In doing so, he turned a huge number of people against Israel and undermined Jewish liberalism.

- The government sacrificed the British tradition of protest on this altar, so that citizens saw an 83-year old woman, retired Catholic priest, being taken away under arrest for holding a sign up saying "I oppose Genocide, I support Palestine Action".
- He was exposed as a humourless and unprincipled automaton when the police would not arrest the man carrying the sign "I support Genocide, I oppose Palestine Action."
- The surge in arrests meant that over three percent of all British trials would be these pointless cases, so Starmer's idea (as a Human Rights lawyer) for whittling away the backlog was to get rid of jury trials for half the current cases.

- His hypocrisy was exposed by the fact that, as a lawyer in 2003, he successfully defended a man who tried to set fire to a B-52 bomber that was headed to Iraq, arguing the actions were clearly illegal, but morally justified.

Because human beings are strange and illogical, many people will believe that these foolish measures were designed by and for the protection of Jews, so all of this rebounded on the Jewish people. This was no fault of our own, it was Starmer's doing.

So in the end Starmer is unpopular because he is hapless and has abandoned his principles. So the impending disaster for Labour at the polls is not the fault of a bunch of supposedly rabid anti-Semites who oppose Israel's actions in Gaza; it is the fault of Starmer for not standing up for any principles. And the eventual result will likely be a government that is forced to include the venomous prejudice of Nigel Farage's Reform Party.

There is another principle here: *I am not anti-British because I say that Keir Starmer is, in an historical moment when we needed to inspire people towards decency, one of the most useless leaders this country has ever had, any more than I am antisemitic when I say that Benjamin Netanyahu wins the award for provoking more antisemitism than anyone else in the world in the last few years.*

There is a second, unfortunate, principle: *when a leader acts atrociously, as Netanyahu has, it is unfair, but inevitable, that many people equate him with his entire nation.* Nobody who endured World War Two or the Holocaust spends much time saying, "Yeah, but there were lots of Good Germans." When Nigel Farage's xenophobic hatred is matched, in a weak way, by Shabana Mahmood, not many people trying to escape persecution thing, "Sure, but most British people are really nice."

* * *

Israel's slide even in my own imagination from the plucky David of 1967 into the manipulative David of 2026 who drew the readily flattered Trump-Goliath into the Iran war is extraordinarily sad and must be reversed.

I was already very drawn to Israel when I was seven. The Six-Day War took place in June 1967, and somehow it inveigled its way fully into my consciousness, faraway in Newmarket. For me, it was a true David & Goliath story, where tiny Israel (albeit supported by the U.S.) fought a short and devastating war against Egypt, Syria and Jordan (who were supported by the Arab world, and normally the Russians). I was too young to understand the general folly of war. I was a boy: Robin Hood was my hero (still is), and the endless wars with France in the Middle Ages were imbued more with the glamour of the movies than the ghastly horror of reality. Israel captured the Sinai Peninsula, Gaza Strip, West Bank, East Jerusalem, and Golan Heights, doubling its territory – it seemed extraordinary, and I had no idea of the tears that would later be shed over these placenames.

Five years later, in 1972, I went to Israel when I was 12 years old. I still had no idea then that I had Jewish roots and the trip was really a visit to all the sites in the Bible that were important to my Church of England school. But what impressed me most was how *small* the country still was. Plenty of people use and abuse the phrase "From the River to the Sea", but the Mediterranean is only 30 miles from the River Jordan. At its narrowest point, the strip of land between the West Bank and the beach is only nine miles, considerably less than the bike rides I used to take from Newmarket to Cambridge.

In 1973, the same Arab countries launched a surprise attack on Yom Kippur to avenge the drubbing they had received six years before. It did not work out that way for them, but it did reveal that the Israeli army was not invulnerable.

I was then, and remained, an admirer of what I view as the true spirit of Israel: peaceful coexistence. To be sure, it was foolish and probably just wrong for the British to issue the Balfour Declaration, and to support the creation of a Jewish state in an area that should be shared by at least three major religions – all of which, unless one contorts their holy books in a grotesque way, have a thread of peace and kindness running through them. But at its best the dream of a peaceful Israel-cum-Palestine consisted of a proper reading of the Torah, the Bible and the Quran.

There were Israelis who wanted peace. Some of them were a surprise. I was not a big fan of Menachem Begin, the leader once himself tarred as an *Irgun* terrorist by the British, in part for his role in the bombing of the King David Hotel that killed many people. Neither was I an advocate for Moshe Dayan, the black-patch-eyed general who was always focused on a strong military. But they were realistic about what had to happen, and along with Golda Meir, while History tells us that they all had faults, they were at least working towards a peaceful solution.

I do wonder what caught my imagination about all this at a very young age. It was not until much later in my life that I learned that my father was fully Jewish. That didn't come until I was in my thirties, when my father suddenly came out with it in the pub at Cromer one evening. My paternal grandmother Trix was Jewish too, of course, and in retrospect she looked the part, but she was a fully-fledged anti-Semite (glad to shed her last name Whisker, which was a bit of a giveaway, a transliteration of Russian). My grandfather Albert Smith (surname sensibly chosen) was equally reticent about admitting his Jewish heritage, and he was also a gay pacifist which, for someone born in the 1880s, was something one kept in the closet. He was nearly thirty when he was drummed into service as an ambulance driver on the Italian front in 1917-18. In his diaries that I found in much later in life, he clearly suffered from "Nerves" thanks to the Tenth, Eleventh and Twelfth (pointless) Battles of the River Isonzo. In the spring of 1918, on leave and uncertain whether he would survive, he had been pressed-ganged into marriage.

When I was at the University of North Carolina at Chapel Hill, I made what was for me the slightly odd choice to join a fraternity. Young American men join them, and their sisters turn to Sororities, I think, partly because these are places where they can find a family away from home. Most Americans have not spent more than a Summer Camp away from their families by the time they enrol in college. They can escape the "dormitories" to a Frat House where they have their own room, three meals a day, and "frat brothers" with whom they tend to indulge in wildly alcoholic parties.

Like every tradition, the Greeks (so named because each is named with a string of Greek letters) has its positives and its negatives. I was not keen on all-boys clubs like that because I had been in one since I was eight years old – first Old Buckenham Hall School, and then Radley College. To join a Fraternity, the general rule was that you had to be invited, and then go through the dreadful hazing process, where the older members would test your mettle with a degree of sadism.

I was happy enough in the room I had rented from an elderly lady in a little cottage over towards Carrboro. However, by the middle of my second year the overwhelming majority of my friends were members of Tau Epsilon Phi (τϵφ), one of the two Jewish fraternities at UNC. I was invited to join, and I did with two stipulations – I was going to remain in my quiet cottage, and I was not going through any hazing. I had, at Radley, been waterboarded by the prefects in between

various other pointless abuses, and at the exalted age of 20 I felt that hazing was something for someone who was much younger.

Since I was still blithely ignorant of my Jewish genes, I was admitted to TEP as something of the statutory goy (gentile). I viewed my experience of the Jewish frat houses as a microcosm of the State of Israel. At UNC, the other Jewish fraternity was Zeta Beta Tau (ZBT). I had no friends there, and it had a reputation for being loutish in a drunken way. When I was at UNC there was a scandal involving rape there; indeed, it later lost its accreditation, and was only reinstated in 2024.

By the time I reached university I had decided that there are basically two lessons one can learn from the Holocaust. For some, it teaches them that we must do everything to avoid it happening again, devoting all our time to preventing the rise of a racist and cruel government. For others, who tend to believe we face the “nasty, brutal and short” lives in the world of Thomas Hobbes,¹ the lesson is that if there is to be another holocaust it is best to get in first.

ZBT reflected (unscientifically, probably just to me) the worst side of Israel. In my mind they, along with some of the more annoying young men at TEP, were the type who would loudly speak of antisemitism, but the only thing they would do later in life was to send money to support the IDF (Israeli Defence Force). They were cynical about the chances of peace.

My closest friends were Al Rosenthal and Adrian Halpern. Both came to visit me in England one summer, and we toured the continent in the campervan that belonged to my Aunt and Uncle. Al was, for me, the epitome of all that was best about Israel. Upon graduation, his plan was to go there and work on a kibbutz. He wanted to get a law degree so he could support those who were downtrodden – Jew and Arab alike. He was the hope for a peaceful future.

* * *

By the time I knew my father was Jewish, the world was a very different place from the days of my youth. Until 1977, the left-wing dominated Israeli politics, generally seeking out ways to do what could be done for peace. Among the party’s leading figures throughout the second half of the 20th century were many names that even I knew in my youth – Abba Eban (foreign minister, 1966–74), Golda Meir (prime minister, 1969–74), Yitzhak Rabin (prime minister, 1974–77 and 1992–95), and Shimon Peres (prime minister, 1984–86 and 1995–96). All are no doubt the objects of disdain to some, but they have a lot more going for them than Netanyahu. Rabin and Peres were awarded the Nobel Prize for Peace in 1994 for their efforts to establish a lasting peace treaty with the Palestinians. Back then the U.S. had people like Jimmy Carter trying to make that happen. Netanyahu and Trump are hardly going to compete.

1977 was the first year the Likud coalition first got into power. As I write, only four out of 120 members of the Knesset are Labour. Instead of Carter, the U.S. President is Donald Trump, who wants a Nobel Peace Prize, but he thinks it can be earned by creating the Gaza Riviera and bombing Iran back to the Stone Age.

Indeed, Israel has seen right-wing populism since long before Trump, Farage and their ilk. And right-wing populism is built on the politics of fear and hatred – as has been true since long before Adolf Hitler.

¹ I do not subscribe to the view that Hobbes was such a nihilist (he was not even very enamoured of prisons), but unfortunately for him his name has become associated with such a world.

One principle here is that, as my gay Jewish grandfather Albert knew, *there is a good reason why Alfred Nobel established a Peace Prize but decided not to have a War Prize*. In parallel with this, while a unilateral war of aggression is a war crime, a unilateral offer of peace is not.

Second, *the better lesson of the Holocaust is that we should do everything to avoid a repetition rather than being the ones who get in there first*.

* * *

Which brings us to Benjamin Netanyahu.

We must always seek to understand those with whom we disagree.

It takes a fool to pretend that antisemitism has not been a revolting taint on the world for well over 2,000 years. There were major purges from Judaea in 732 and 576 BCE, 73 CE, and less well known ones at other times. Rome banned Jews in 139 BCE, and then again in 19, 38, 41, 73, 117 CE, and plenty of times in between.

Things only got worse when Christians started hating Jews for apparently being the cause of the death of Jesus Christ (conveniently forgetting that Jesus must have been Jewish himself). The Philosopher Ramon Llull (1252-1315) invented a philosophical system known as the *Art*, which was meant to be a universal logic that proved the truth of Christian doctrine. While he was made a saint by the Catholic Church in 1847, his arguments were used to “prove” that those who followed other faiths were fatally deluded – so fatally that his “logic” was used to torment Jews some more.

There are too many instances of Jews being kicked out of Britain to document them all here: Leicester in 1231, Cambridge, Gloucester, Marlborough, Worcester in 1275, and so forth, culminating in all Jews being banned from the whole of England for 365 years (1290-1655).

And so it goes on. When Britain had a Prime Minister called Disraeli, he had to be careful not to be really Jewish.

The stereotypes that racists have about Jewish people today were not dissimilar to the motives behind these pogroms – those in power often thought Jews were people they could soak for their money. At other times, the Jews and their “foreign ways” caused ignorant people to think they were behind little-understood tragedies such as the Black Death.

The principle here might be that Antisemitism has always existed. But I prefer to think of it this way: the World has forever had to endure amazing prejudices (where the root of the word comes from making up your mind before getting the facts). It is frankly stunning that white people spurn those with coloured skin while travelling to their countries to get a tan (and collect melanoma), and if Martians landed on Earth and saw us in action they would think us utterly mad,

* * *

Yet Antisemitism is alive and well. Across much of the Arab world there is an astounding level of the blight. When I went to Yemen in 2003 to help Muslims in Guantánamo Bay, I met people in a human rights NGO there who had never imagined a society where there might not be a death penalty, and they pronounced the name of their organization YIDD, and they were oblivious to the fact that this is a common slur for a Jew. They would likely have approved.

Jordan went a big step further. It is a country ruled by the Hashemite King Abdullah II, with a population that is majority Palestinian (with more Palestinians than Gaza and the West Bank combined). It might rather be called Greater Palestine than Jordan. In order to keep power, King Abdullah and his father have both borrowed an age-old tactic from the populist playbook, which is to find a hate-object other than them. They have an obvious one – Israel and the Jews.

It is an oppressive place under the surface. When I went there one time for the Guantánamo prisoners, I was ordered into the secret police headquarters by Lt. Col. Ali Borjaq, who was already well known to me by reputation as the first foreign intelligence agent allowed into Guantánamo. But he did not introduce himself when I was led into his office: “We do not use names here,” he said, when I asked who I had the pleasure of meeting. I blagged my way out of there in the end, waving both my U.S. and my U.K. passports. But it was very hard to get anything done as, even though I was only there to help Muslims, the human rights organisations would not work with me because I was funded with a grant from George Soros at the time, and he was deemed a capital-letter JEW.

I did talk to them about how they were being played by their own government, but I don’t think I got through to them as the hatred was very blind and ran very deep.

* * *

And then, when one considers whether Netanyahu and other Israelis have good reason to be afraid, there is the **Holocaust** - Adolf Hitler and his hateful fascists, who committed the crime of all crimes against Jewish people (and others, but mostly the Jews). I took my son at the age of ten to Berlin, where recognition of the horrors of the Holocaust is all around – the moving museum, the various Nazi institutions, and one of the first extermination camps of all, Sachsenhausen. It is an insanity beyond all insanities.

People find it curious that a copy of *Mein Kampf* is in the middle of my book shelf in my office. It does not merely reflect the importance of reading what the madman thought would inspire people (it is phenomenally badly written); it was actually a book I wanted to use in examining the Louisiana executioner for a television programme. He was a chap who went by the pseudonym Mr. Jones, and I read him a line:

“They are vermin, and like vermin they must be extirpated.”

I asked him if he felt that way about my 15-year old client Troy Dugar, a profoundly mentally ill lad on death row at the time.

He said he did.

“Funny, that ... it’s a quote from a fellow called Adolf Hitler,” I said.

“Oh, is it?” he replied. “Yeah, great man that Hitler.”

The madness is never far away, hiding only skin deep in our society.

So all in all, Netanyahu – who himself fought in some of the Israeli conflicts - has good reason to fear the motives of others.

But that raises another principle: *if you are a victim of armed robbery that does not make it acceptable for you to go robbing your neighbours, any more than Natanyahu had the right to commit genocide because that's what Hitler did.*

* * *

We come to the issue of Gaza ... along with Lebanon, Syria, Iran and elsewhere.

On October 7th, 2024, Hamas committed a horrible crime. None of this happened in a vacuum from the perspective of the Palestinians either.

I know many very reasonable Muslims, some among my clients from Guantánamo Bay. I was discussing Gaza with him recently, and he said Israel should simply be abolished as a country. I was taken aback as he is a normally calm and reasonable person, and he long since forgave and even befriended some of the soldiers who tortured him in Cuba. His argument was:

- The Balfour Declaration is anathema (this is reasonable enough, as the British had no right to dictate anything – any more than they did cutting up Kurdistan into four, running the Durand line smack in the middle of Pashtun land, or drawing a divide between Northern Ireland and Eire that runs through some people's living rooms).
- That carving out Israel after World War Two was also just wrong (this is arguable – there are many considerations here including the fact that it used to be called Judaea – but I tend to agree, as the environs of Jerusalem, holy to many different faiths, was a pretty contentious place to locate a Jewish homeland; Western Australia was mooted at one point, though as the Aboriginal people will tell us, there is really no *terra nullius* that one can just hand out to deserving ethnic groups).
- That the justification for Israel's existence (essentially, in his view, the Holocaust) is an essentially European guilt trip, and the Europeans should have dealt with it without messing up the Arabs. (I find this harder to accept as the unfortunate Jews have been run out of their homeland by all kinds of people, and - in the same Twentieth Century - Britain and other European countries were "creating" all the countries we now call Arab.)
- That the Jews have forfeited any claim to a country there by imposing an Apartheid on the Palestinian inhabitants who they essentially moved out of their homes. (Under this theory we would do away with the United Nations, and create a new "Abolish Nations" with the power to destroy any country that did nasty things.)

But the essential element of his argument was that we should turn back the clock to 1915, and that is just silly. If that was the rule, upon complaint by one group, we would presumably give India back to the Raj, South Africa to the Boers, dissolve most Middle Eastern states, and so forth. One just can't do that.

Principle: *We have to solve the problems in front of us not pretend it never happened.*

* * *

Netanyahu would doubtless give a lengthy justification for his actions: October 7th was just the latest incident in a long line of "terrorism". Yet surely by now we all know that yesterday's terrorist is often tomorrow's freedom fighter, as was true of many in the 1948 Israeli government. And Netanyahu has done more than anyone else to turn people who did a horrible act on October 7th into freedom fighters.

Indeed, his response has just made things worse. What he has done seems rational only, almost without exception, to his domestic Israeli audience, and even then not to the sane ones among them. He is as far from a statesperson as one can get. Compare him to Ariel Sharon, the Israeli military hawk, who justified Israel's unilateral withdrawal from Gaza in 2005, he said:

"What you can see from there, you can't see from here."

Sharon saw that bombing them to pieces was not going to bomb them into peace. It was only going to make them search for stronger protectors – and look who they turned out to be after 2005: Hamas.

Yet the re-devastation of Gaza has not solved the Hamas "problem"; it has underlined for Palestinians why they should hate Jews and there will be another generation of youth to sign up to Hamas or the same thing in a similar incarnation.

It would have taken courage for Israel to try to help Syria recover under al Sharaa's new government; pressing for more Syrian territory, though, merely underlined that Israel is the old enemy.

The ruination of large parts of Lebanon has not eliminated Hezbollah, it has just created misery for huge numbers of people. No doubt many wish all the violence would just go away, but as they flocked back to their homes recently, many carried the yellow flags of Iran's proxy soldiers.

And suckering President Trump into bombing Iran could hardly have gone worse. Before the war, the Straits of Hormuz were open. Swathes of Iranians wanted the Ayatollahs out of government. Weeks before the US celebrates 250 years as a nation, Trump announced his intention to destroy a civilisation that began thousands of years ago.

Now, while the citizens of Iran suffer, the super-antisemitic regime has been turned into heroes for many, much as Usama bin Laden was.

These are all obvious.

* * *

In the end I would give Netanyahu first prize for making antisemitism more acceptable in Europe, and enhancing the madness I have sometimes encountered across the Arab world.

Yet others and their actions have harmed Jewish people too, and they should be recognised for their efforts.

Starmer's language about antisemitism is doubtless heartfelt but his actions are totally unproductive. Most "terrorism" is home grown, often inspired by the hypocrisy of the government. Since 9/11, virtually every "Islamic extremist incident" in both the US and the UK has been carried out by people already in the US or the UK, who were angry at their own government. The grannies and grandpas of the Palestine Action protests would not have sat on the grass in the sunshine if Starmer had not been foolish enough to proscribe PA (after defending their precursors as a lawyer).

I don't even applaud the ICC. The idea that Netanyahu has been charged there is akin to Trump invading Iran: if there is one thing to make people rally around a leader it is the notion that someone else is persecuting "one of ours". Until the US charged two British citizens in

Guantánamo, the support I subsequently found back in the UK had been deafeningly silent. To merely indict Netanyahu – he will never be brought to trial – probably helps him with his domestic audience. He [claimed](#) it was antisemitic, which is quite readily answered by the fact that the military leader of Hamas was charged too.² But while that may be a rational response, there is a ready argument that the entire ICC process is racist. As of early 2024, 47 out of 54 individuals indicted by the ICC (approximately 87%) are African, whereas African countries account for only 28% of UN member states. *Prima facie* that smacks of discrimination.³

The indictment of Netanyahu will never bring him to justice. It will act – as some say of the pending charges in Israel – as a reason for him desperately to cling to power. Regardless, it is no solution to the problem.

There is folly on all sides. The ICC charges do no more good than it does for Israel loudly to introduce the death penalty for those who wish to abolish the Jewish state. It is a pretty stupid idea in the first place – only two people have executed in Israeli history and one, Meir Tobianski, was exonerated within a year of his death.⁴ An error rate of at least fifty percent does not give one much faith in the system – which has thus far only succeeded in provoking the Council of Europe to threatening to [expel](#) Israel, since abolition of the death penalty is “really a requirement.”

It is utterly useless in another way since it is a tenet in some interpretations of Islam that if a Muslim is martyred in the course of jihad, he slips seamlessly into heaven. This is one reason why the death penalty has never been much of a threat to our Guantánamo clients. But it does open Israel up to charges of racism themselves, as well as to ignoring history. All in all, it is another own goal that promotes antisemitism rather than reducing it.

* * *

The situation in Israel/Palestine does seem fairly intractable at the moment, but it is not unique. It is essentially the confluence of national and religious identities combined – and here is another principle: *It is just a fact that nationalism and religion are the top two causes of conflict for the last couple of thousand years.*

This was the case in Ireland, where a person’s view of what nationalism meant (UK or Eire) was linked directly to whether he was Protestant or Catholic. On the mainland UK, prejudice against the Irish was fairly widespread. My best friend’s mother banned us from going to London lest the IRA chose to pick the two of us out to murder, from the other 10 million people. I interviewed a

² The ICC also issued a warrant for Hamas military leader Mohammed Deif, but while the ICC does not allow for the death penalty, the IDF killed him in 2024.

³ Even though George W. Bush and his team advocated and implemented torture, none of them faced trial. The Americans have not signed onto the ICC, and Trump has imposed sanctions on its members. But to gain credibility the ICC needs to look into cases by the powerful. Tony Blair would be one candidate. The UK has signed onto the Treaty of Rome. While the main perpetrators of rendition to torture, and the illegal 2003 invasion of Iraq were the Americans, the British were clearly complicit, as we have shown in a number of lawsuits. Again I am not a huge fan of all this, but if there is to be such a court, they should treat everyone equally, and charging him would show this is not just a process for Africans and Eastern Europeans.

⁴ The other, Adolf Eichmann, was doubtless caught up in the most grotesque horrors of the Holocaust, though personally I think he was utterly mad (and as my dearly departed father illustrated so well, many people would far rather be considered bad than mad). Eichmann once said, for example "I will leap into my grave laughing because the feeling that I have five million human beings on my conscience is for me a source of extraordinary satisfaction."

former Labour Prime Minister for my university newspaper at Chapel Hill. He was on a speaking tour, and I asked what his solution to the “Irish Problem” was: he said that we should tow the whole island out into the middle of the Atlantic and leave it there. That was not helpful. Neither was Margaret Thatcher’s idea: to do away with various legal rights of IRA suspects, like the right to remain silent. All that did was usher in the same dissolution of a venerated right for the rest of Britain.

The beginnings of a solution came only when the government sought an acceptable way for people to work together. The European Union was another crucial element to any plan as we are finding post-Brexit. When they were in the EU, the issue of whether Northern Ireland was part of the UK or linked with Eire became essentially irrelevant. It also took leaders from both sides to have the courage to seek peace.

I was speaking to an Irish person recently and I asked her if her accent prompted any residual racism. She said she had never noticed anything. Either she is oblivious or, I hope, that is one of the miracles that has occurred during my lifetime.

There is plenty we can do to bring about reconciliation and reducing hate, but we have to begin by focusing on peace rather than war.

We have to focus on solutions rather than the dissolution of entire populations.

I have some ideas for a way forward, but that will have to wait for another day.

There is never a solution that is ideal for everyone, but a no-solution harms everyone.

Just to start us all thinking, in my experience there is a vital principle here: *when people tell you to choose between Plan 1 and its polar opposite Plan 2, there is always Plan 3.*

There is a one-state solution and there is a two-state solution, but there is also a no state solution. Perhaps that is the better way.