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*“The law does not
allow politicians
to protect war
criminals.”*

-Tayab Ali



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John Pilger (1939-2023) On Apartheid And Post-Apartheid Injustices: “South Africa Is Where Much Of My Political Education Took Place”

Patrick Bond

John Pilger, who died in his hometown of Sydney aged 84 on December 30, was a unique journalist, equipped with the combination of moral outrage, relentless sleuthing and unparalleled interviewing skills required to understand South Africa's deep structural injustices. Setting aside all the scoops and awards elsewhere, no one else could have periodically parachuted into this country – first in 1967 when he was banned by apartheid, and lastly in 2017 – and then fit that half-century of dramatic turmoil into a hard-hitting film, *Apartheid Did Not Die*, and a dozen influential articles and book chapters.

Above all, John represented a chronicler of what can be considered the independent-left critique, one who connected the dots from imperialism to local power relations to suffering individuals with passion and eloquence. No one was spared his savage pen. He wrote in 2013,

“In 2001, George Soros told the Davos Economic Forum, ‘South Africa is in the hands of international capital’... This led directly to state crimes such as the massacre of 34 miners at Marikana in 2012, which evoked the infamous Sharpeville massacre more than half a century earlier. Both had been protests about injustice. Nelson Mandela, too, fostered crony relationships with wealthy whites from the corporate world, including those who had profited from apartheid.”

There were three distinct phases of his work here, resulting in scores of references to South African injustice peppering many of his other international observations – including about Israel's version of apartheid in his 2002 film *Palestine is Still the Issue*.

In the first phase, during apartheid, his book *He-roles* (1986) contains a long chapter covering the



gritty realities he encountered in 1967, before he was banned by Pretoria from visiting again.

In the second, after returning in 1995, Pilger was aghast at post-apartheid triumphalism, which meant his 1998 film *Apartheid Did Not Die* was received with outrage by old and new elite alike. Pilger asked Nelson Mandela what were probably the toughest ethical and practical questions about the new system the president ever received.

Likewise, debating FW de Klerk, Pilger was forthright:

“Didn’t you and your fellow white supremacists really win?”

It was as if a secret truth had been put to him. Waving away the smoke of an ever-present cigarette, he

said: *"It is true that our lives have not fundamentally changed. We can still go to the cricket at Newlands and watch the rugby. We are doing okay."*

"For the majority, the poverty has not changed, has it?" I said.

Warming to this implied criticism of the ANC, he agreed that his most enduring achievement was to have handed on his regime's economic policies, including the same corporate brotherhood... *"You must understand, we've achieved a broad consensus on many things now."*

Pilger's mix of hectoring and charm compelled the likes of Anglo American spokesperson Michael Spicer, real estate mogul Pam Golding and fashion trend-setter Edith Venter to reveal similar white-greed truths. Spicer's team would later show the film to the firm's management trainees, I've been reliably told, as providing the best example of what not to do in an interview.

Famed liberal journalist Alister Sparks headed up the SABC's current affairs division in 1998, and was incensed at what he saw as Pilger's distortions due to *"reliance mainly on fringe sources and disaffected people"* (such as community activist Mzwanele Mayekiso and lawyer Richard Spoor).

Rebutted Pilger in the Mail & Guardian, *"The film's primary source is Mandela himself, who reveals just how much he has changed his views."* The national broadcaster, he went on, *"having bought the South African rights to my film, sought first to ban it, then to muffle it. Sparks' explanation for this has a Kafkaesque tone similar to Cold War tracts denouncing journalists, writers and playwrights who begged to differ with the regime in the Eastern bloc. He describes me as 'a man with an ideological mission.'"*

Pilger had previously written admiringly of Sparks' bravery as a journalist reformer, but now complained, *"Inexplicably, my ideological masters and the colour of my party card are never identified, no doubt because it would be too truthful to point out that I have never allied myself with any political*

group. Indeed, I have always been intensely proud of my independence."

In a third phase of his engagement, Pilger continued to provoke the elite, especially when after his book *Freedom Next Time* was published in 2006 and excerpted here, Thabo Mbeki's finance minister Trevor Manuel and minister in the presidency Joel Netshitenzhe were enraged. The Sunday Independent was the site of a fierce battle over whether progress was really being made.

In his essay, *"ANC government has yet to free citizens from the fear of poverty,"* Pilger wrote of the *"arrogance that comes from undisputed power, which is the conundrum of South African political life – that the vote has given the nation democracy in many ways, but the price has been effectively a one-party state."*

Pilger's last event here was the inaugural Saloojee Memorial Lecture just over six years ago: *"South Africa: how a nation was misled and became a model for the world, and how the people can rise again."* He declared, *"South Africa is where much of my political education took place,"* and concluded, *"what makes South Africa so interesting and so hopeful and probably unique because there are so many grassroots popular movements."*

In 2008, poet Dennis Brutus, journalist Ferial Haffajee and I hosted John at the Time of the Writer conference in Durban, just after an epic Pilger film fest at the University of KwaZulu-Natal (all his works are online at <https://johnpilger.com/videos>). Within 20 months, Dennis had passed on, leaving John to lament, *"I was so honored to meet Dennis last year, finally. He was a giant of a human being who changed the world in so many ways. His tenacious humanity inspired so many to go on and not let the bastards win in the long run."*

As can be testified by so many who met him here – or learned about our realities from him – Pilger deserves the same tribute, as his films and writing renew our sense of indignity and our instincts for justice.

“The law does not allow politicians to protect war criminals”

Tayab Ali interviewed by Kristina Božič

Tayab Ali is a lawyer with one of the richest and most impressive résumé of experiences and victories in fighting for justice, respect of human rights and international law. In 2009 he succeeded in obtaining an arrest warrant for Israeli politician Tzipi Livni for her role in Israeli war crimes committed during the 2008-2009 bombings of Gaza. He is the director of the International Centre of Justice for Palestinians and a partner and the head of International Law at London law firm Bindmans LLP, determined to hold those in positions of power to account. The interview took place on the day South Africa filed a complaint against Israel at the International Court of Justice before the news was announced.

You have said your aim is to end the impunity of Western politicians for their support of Israel, abetting and aiding its crimes and violations of international law. How far, do you feel, have you managed to come?

The International Centre of Justice for Palestinians (ICJP) has the strategy as an investigative group to look at the primary crimes or primary criminal allegations. This is important. These are the crimes committed by the Israeli government; allegations have also been made against Hamas, particularly concerning the events of October 7. Pursuing a case for justice or prosecution demands this clarity.

What you have mentioned, demanding the responsibility of the political class, looks at the secondary crime and liability for that demands the primary atrocity or violation of the law. We are looking at Article 25 of the Rome Statue of the International Criminal Court (ICC). It defines as an offence if someone aids or abets or in any

other way assists – and I add encourages – the commission of a war crime.

In the current situation there is a significant number of third party or third country politicians – from the UK, the USA, across Europe and in other countries –, who support Israeli atrocities by words or encouragement. This includes failing to recognize what is very plain to see on the ground. All of these fulfil the conditions for secondary liability.

However, we are also witnessing that armaments are supplied to Israel by, for example, companies and corporations based in the UK. These weapons are likely to be used in the current atrocities and the British government has had to issue licenses for all these shipments of weapons. In my view that is an offence, recognized, as mentioned, in the Rome Statue of the International Criminal Court. Furthermore, we know that the UK has sent warplanes for what they say are surveillance operations. They claim that they are supporting efforts to release the hostages by satellite and photographic imagery but likely the British government actually provides the Israeli government with deep surveillance of Gaza, which the Israelis can use as they choose. Supporting efforts to release hostages can be a euphemism for many things. Besides dismantling Hamas this is the reason given for all Israeli actions and the facts on the ground tell us that this aim obviously is not real. When Western politicians say they do things to aid one small part of the Israeli operation, they create fiction. If they were confident in the legality of Israeli actions, they could say their actions assist Israeli operations in Gaza. But they cannot say this because they are aware it would make them complicit in war crimes that will legally be-

come clearer in the next months although they are already clear given what is happening in Gaza.

As human rights, criminal and international lawyer I find the position that we gift to the political class really disturbing. We buy into their nonsense that they do certain actions as political figures, as if this is their temporary role, dislocated from their lives and them personally. As society we have failed to hold politicians to account at least since the end of the World War II. It is time we make politicians accountable – whether they are in a war zone or not – for the decisions they make. Complicity is a good example: when they give cover to a war criminal, when they give impunity to a war criminal, when they protect a war criminal. These are criminal acts. We need to look at and analyze them and hold politicians accountable.

We hear, at least in Slovenia, politicians distancing themselves from calling with a proper name what we are witnessing in Gaza. They say it is for the courts to decide if Israeli actions amount to genocide. How to ensure that those who commit secondary crimes do not use as an alibi the fact that the primary crimes have not yet been judicially established? We know that the Convention on Prevention and Punishment of the Crime of Genocide demands of states to act to prevent genocide. And we have seen this happen in the case filed at the International Court of Justice against Russia after its aggression on Ukraine.

Justice comes after an atrocity. It cannot come before. When states deal with terrorism they move dangerously close to the realm of thought crime but we are talking about war crimes. Generally it is after war crimes are committed that we collect evidence, find the perpetrator, detain, arrest, prosecute and convict. This is important.

However, at ICJP we have established sufficient evidence to show a *prima facie* case of war crimes Israel has perpetrated against Gaza inhabitants. This means that prosecutors could be

prosecuting Israeli officials for war crimes. They could be issuing arrest warrants – and also for those, complicit in these war crimes. We are in a unique position where we have passed the time period when prosecutions could have begun – the International Criminal Court and national jurisdictions could be seeking arrests. And this is what we are working towards.

Moreover, the Genocide Convention includes an important clause that is unique in international law. Not only is to commit genocide an offence, the parties of the Genocide Convention have an obligation and a duty to try to prevent it. And this is to happen before the criminal event.

Therefore, state parties to the Genocide Convention have an obligation to assess and analyse what is happening in Gaza. If they consider there is sufficient evidence – which there is – to cause them to believe there is a risk of genocide happening in the near future, they can trigger the Genocide Convention mechanisms. These include complaints to the International Court of Justice (ICJ), which is a really important pre-emptive step. The ICJ can accept such a complaint and on request issue interim measures, which would force the alleged perpetrator state, in this case Israel, to take actions to prevent genocide. This is important. If the state fails to meet the ICJ's ordered interim measures, it is in violation of the highest court we have. This means that the Security Council can take action but also individual states, parties to the Genocide Convention can in their own right take actions against such violations. They can, for example enact sanctions or restrict trade. With this important pre-emptive tool we can take actions before a crime of genocide happens.

The crime of genocide, concretely Holocaust during the World War II, made the states come together. Never again resonated. The Genocide Convention was adopted. And in the case of Ukraine we have seen how this tool can work when there is political will.



Palestinians try to put out a fire after an Israeli airstrike on a house in the Shaboura refugee camp in the city of Rafah, southern of the Gaza Strip, on November 17, 2023. Photo: Abed Rahim Khatib/Flash90

Prosecution consists of two important parts – first is evidence. Without it you cannot do anything. The second part is the will of the institutions designed to hold violators of international law to account to do it. The USA, the EU and the UK acted when the events in Ukraine made them believe that what was happening amounted to war crimes. Therefore, we know that the international legal machinery can operate phenomenally well. The ICC has got funded by the non-Rome Statute party member, the USA and has been supported by the UK and the EU and others so that it intervened directly on the ground in Ukraine during the war in a war zone. The ICC supported the Ukrainian prosecutors as they arrested, detained, prosecuted and convicted Russians for war crimes – during the war.

Where there is political will, we can see how effective international law can and should be. Furthermore, the ICC prosecutor Karim Khan has issued an arrest warrant for Russian commander in chief, president Vladimir Putin. It carries an important message that Russian actions are unacceptable. If Putin travels to an ICC state, he could be detained and transferred to Hague for prosecution.

With Palestine and Gaza, we see a difference in speed. If with Ukraine we were paddling downstream, with Israel, and with the USA and the UK complicit in the criminal acts, the ICC and international framework have to paddle upstream. It is slower, less effective and it could prove to be completely ineffective.



Devastation is seen in the area of Al-Rimal at the heart of Gaza City after Israeli bombing, October 23, 2023. Photo: Mohammed Zaanoun/Activestills)

It demonstrates a significant disassociation between the political, ruling class that supports Israel and its criminal acts on the one side, and everybody else, the general population who sees very clearly what is happening on the ground. This clarity builds on clear definitions of the principles of the international law during the war in Ukraine. The West has supported Ukraine – financially, militarily and in principle. The Ukrainian flags fly across Europe.

We have very recently seen how the world should respond to alleged atrocities from a powerful state. Yet in Gaza everything is flipped on its head – people have been told what is right and wrong in international law but now they are told that this is different.

Why?

Because it just is.

However, people do not accept it. There are hundreds of thousands in countries across the world coming to the streets, protesting against their political classes. This relation can become very volatile and dangerous. If the ICC and international mechanisms fail to deal with Israeli war crimes in the way they should, we will see an existential threat to the institution of the ICC and tearing of the fabric of the international humanitarian law and international law. People will see these for what they should not be – imperialistic tools for powerful states against weaker states and people. And this is unsustainable.

If the international legal mechanisms do not work and fail to hold Israeli alleged war criminals accountable, we will find ourselves in a situation where people will think that the only solution left for them when they have a grievance is to take to the streets, to protest and ultimately, resort to violence. The values we have built, lived and cher-

ished for 75 years, which we thought were real and honest and true, were actually a figment of our imagination and were in fact used to suppress people, not to protect them. Such situation would be very dangerous.

Could countries be held accountable for not acting to prevent genocide? In October you sent letters warning the British politicians of the consequences their actions might have. Was this a precondition for future actions to prevent the claim that they were unaware about the situation and the law?

Not preventing genocide would be a failure of a state, party to the Genocide Convention. However, we should remember that states are run by people. And I am more interested in building cases to achieve personal, criminal individual liability of the politicians.

What happens if states do not prevent genocide? Genocide happens. Personally, I think the criteria to characterize the crime as genocide has in Gaza already been met. Primarily for two reasons. First, we can see the actions on the ground, and second, the difficult part to prove is the intent. However, numerous Israeli politicians – because of the Israel’s impunity – are not frightened to say what they are doing: calling people human animals, saying that everybody in Gaza is a terrorist, that there are no civilians, and referencing the Biblical scripture of Amalek, where the called upon response is to destroy utterly, “slay both man and woman, infant and suckling, ox and sheep, camel and donkey”. If these are not genocidal calls, then I do not know what are.

We are therefore in a position where we could already be prosecuting and bringing a legal case against Benjamin Netanyahu for genocide. This means that individual actors supplying weaponry, finance and political cover – assisting – Israeli government could be prosecuted for war crimes. If somebody somewhere signs a document that says these planes, missiles, and money can go to Israel, they could be held accountable.

The reason we wrote at first private letters to British politicians was foremost, to give them the benefit of the doubt that they might have got the law wrong. As lawyers we have to take this as the first step. We explained the law and why we thought they had misstep and what they should do. Nothing happened for a week. After another three days we decided to write public letters. This is unusual for us. We want to keep our legal documents for courts but European and British politicians were championing Israel’s right to respond to October 7 in an uncontrolled way and did not remind Israel of its obligation to restrain and target only military aims. At the time we already saw that Israeli actions had violated every concept of self-defence, whether Article 51 of the United Nation’s Charter that does not apply to this situation or just the basic concept of self-defence when one defends oneself against an unlawful attack. We felt it necessary to publicly inform politicians that if they supported and continued to support Israel in its actions they could be liable for prosecution for war crimes. In a few hours we noticed a change in rhetoric: Israel has a right to self-defence but should abide to international humanitarian law.

However, as far as I am concerned this is not good enough. It is equivalent to saying to a terrorist organisation that they can perpetrate their acts of terrorism as long as they abide by the international humanitarian law, knowing full well that they will not. And this is really important. If politicians followed the change in rhetoric by notifying Israel that they see it does not abide by international humanitarian law and therefore, they are removing their support, then this would suffice. A few states have done this. But most have not.

If we look at ceasefire votes, we have to remember that the hard part to prove in any context is the intent. As a defence lawyer who has worked on defence in terrorism and national defence prosecutions in the UK for twenty years I know how skilled prosecutors prove intent – they build an image for the jury about what is inside some-

one's mind by their paraphernalia, computer content, statements and actions, which are not criminal in themselves, but constitute a mind-set material to understand what is happening in someone's mind. Therefore, if we have a politician in our parliamentary establishment who do their job, yet vote against ceasefire despite the evidence that one or both perpetrators are engaged in massive war crimes, they express with this their approval for war crimes to continue. If they continue to provide weapons and other support, this means that they agree to be participants in war crimes, either recklessly or purposefully. And that is a criminal act for which they should be held accountable. The vote against ceasefire in a parliament might not be a criminal offence because it is part of a parliamentary process but it is a crime in international law and prosecutable under universal jurisdiction of the Geneva Conventions and under the Rome Statute of the ICC.

To put it into stark terms: imagine, we are looking at the Holocaust and parliamentarians vote to allow a resolution for the military to turn on the gas in gas chambers. Just because they voted for that in a parliament as part of their job and changed the British laws to allow that to happen, does not make it lawful in international law. They would be prosecuted and rightly so. In this way we prosecuted Nazis at the Nürnberrg trials and ninety-year-old Nazis are being prosecuted for what they did in World War II.

Personally, I see no difference between a politician explicitly carrying out war crimes by ordering an army to do it and politicians supporting a foreign state in doing that. And it is a duty of lawyers and prosecution authorities around the world to hold politicians when they violate international law to account.

You have mentioned individual responsibility. And we see support expressed by a number of European politicians for the ICC. However, a court that can act effectively and fast is the ICJ. Are states avoiding their duties and shifting the weight of action onto the ICC prosecu-

tor? And how big of a problem can subsidiary jurisdiction of the ICC be? Israel is known for not holding their army to account even if it conducts trials but the ICC can act only if a state cannot or will not ensure justice.

Israel has a very poor record in prosecuting its own military personnel or politicians for war crimes. But if Benjamin Netanyahu, Itamar Ben-Gvir and Bezalel Smotrich were arrested and prosecuted by Israel – and convicted by Israeli courts, that would be a good start, would it not? And that would be the least what were needed.

I do not have an answer why states are not *en masse* breaking relations with Israel other than perhaps the pressure from the USA. That is one immediate step they should take. I also have no understanding why states are not triggering the ICJ protection under the Genocide Convention. I know Israel as a state and its propaganda machine are frightened beyond belief about people using the word genocide to categorise what Israel is doing in Gaza. The reason being that you cannot satisfy the need to prosecute genocide, which is systematic, by prosecuting one or two soldiers. Therefore we see accusation of anti-Semitism against people who use the word genocide. I do not refrain from this expression because, again, I believe there is a *prime facie* case to meet the allegation of genocide that should be prosecuted as we speak.

Individual states appear to fear the Israeli lobbying that happens in their parliamentary establishment. This is very apparent in the UK. Many politicians are contacting me and telling me about the pressure on them to not call out Israel's war crimes. I have seen messages, threats, and attacks to prevent them from speaking out – from other politicians and from lobbyists.

So it might be easier for a state to say, let the ICC do it. And the ICC is in an extremely difficult position. It feels the massive weight of states like the USA and the UK trying to protect Israel from any kind of accountability. The ICC prosecutor Karim Khan has found himself in an extraordi-

narily difficult position: if he does not hold Israel accountable through the ICC infrastructure, the ICC is finished – at least in my view. It becomes irrelevant. Khan's legacy will be the failure to hold Israeli leaders accountable for clear violations of international law. This will be the last nail in the coffin of the ICC. However, if he does something, he faces similar quandary – he almost puts the nail on the coffin of the ICC because the USA and the UK and some European states might not allow him to do his work, as he should be allowed to.

My advice would be to simply look in himself and understand why he became an international lawyer. I have given the same advice to his predecessor, Fatou Bensouda. The position of the ICC prosecutor is one of the most powerful legal positions on this planet. At the stroke of a pen they can save thousands of lives. And by withholding that stroke of a pen they can be effectively responsible for allowing deaths of thousands of people to continue.

If taking the right decision in this situation means the end of the ICC because certain states will not allow Israel to be prosecuted, then this is an important thing to happen. It will show us, the people, that this institution that we have created and that our money finances, is not worth having. It is crucial that we see institutions work in a way we want them to work because if they do not, what is the point of them?

You work a lot on the universal jurisdiction you have already mentioned. In 2009 you succeeded in getting an arrest warrant, which was later retracted, issued by the British court for Tzipi Livni because of her role in 2008-2009 Israeli bombings of Gaza. Later the politicians have changed the laws. Is it today more difficult to build on universal jurisdiction despite its successful use in Germany in cases regarding human rights violations in Syria and Russia, for example?

In 2009 we obtained an arrest warrant for Tzipi Livni in a really important case. We showed to a higher court and to a senior judge, Chief magistrate, that Israeli war cabinet had given an order to the military to attack a civilian structure. We demonstrated it on *prima facie* level – this means that we were not showing reasonable grounds to suspect something happened but we demonstrated a case already prosecutable in court and therefore the arrest warrant was issued.

As the result of that the British government changed the law to provide political interference or protection for such processes. They said they wanted to avoid sensationalist lawyers making a political point. However, what they really did was affronted the judiciary.

I do not think the situation today is harder. In a way it is easier. What the British government has done is diverted us from doing the work ourselves, on our own expenses, to doing it with the UK police, Scotland Yard, and the Crown Prosecution Service.

Something is true for almost every lawyer or police officer. Hardly any go into their jobs to protect criminals. A Crown prosecutor does not take the job to protect war criminals. Therefore, when you present evidence of war crimes – the type we are gathering, with pictures and videos and testimonies that are harrowing beyond one's imagination – to a police officer, I am confident they will do their job. I am also confident the Crown prosecutors will do their job. Whether politicians will then try to protect the alleged criminal is a different matter.

But the law does not allow politicians to protect war criminals – that is assistance and we will refer also cases of such assistance to the ICC, to the British Police and Prosecution Services and to the law enforcement services around the world. To Slovenian, Ukrainian, Australian, Brazilian, South African authorities – we will provide them with the materials they need to hold British, American, Israeli and other politicians complicit

in war crimes to account. At some point somewhere someone will take action. I am confident of that.

No one expected the British Court to issue an arrest warrant for Tzipi Livni. Nobody expected it. But it did. And these legal actions are very important.

For a couple of years after 2009 I had Israeli mothers come to my office to ask if their child, taking part in military exercises, could be complicit in war crimes because of their actions. That for me was a phenomenal lesson. The reaction in Israel was also interesting. The Jerusalem Post interviewed me after I led some war crimes cases there. They asked if I would represent a settler against a Palestinian. I answered yes, if a Palestinian violated settler's rights. Because that is what the law says: everyone's rights must be protected. I remember the newspaper headlining the article to convey the message that I am a Palestinian lawyer, who would represent a settler, as if that were something bad. Palestinians in London asked me if I really said that. I told them I did. They responded that they had finally found a lawyer who knows how to do his job – it is about the rule of law and justice being applied equally to everybody.

I am not worried. The fight is against impunity and we have to do everything we can to break it. Otherwise it could be any one of us, fighting for justice because of different violations, facing a political class protecting the perpetrators from accountability. This cannot be allowed. It cannot be allowed.

You have mentioned the Israeli ministers who blatantly call for killings or erasure of Palestinians. The USA and the EU have demonstratively hyperbolized that they will ban extremist Israeli settlers who illegally live in the West Bank but have not clarified if this might apply also to illegal-settler ministers Ben-Gvir and Smotrich. What do you make of these measures?

We have to be very careful not to be fed a morsel when what is needed is much more given the level of violations. The establishment is realising that the situation is getting harder for them. They have decided to do something, tiny, to satisfy people's hunger for justice.

My answer is, it is correct that violations of the UN resolutions and international law are met with sanctions by countries across the globe. Illegal Israeli settlers are a small aspect of a war crime. And travel bans are a small aspect of possible reactions. But such a measure does not get the USA off the hook for supplying weapons, providing billions of dollars in aid and giving political cover for the majority of crimes. It is like chopping someone's head off and putting a plaster on their finger. It is not acceptable.

You have mentioned the attacks misusing the charges of anti-Semitism to stop any criticism of Israeli policies and we see equating of anti-Semitism with anti-Zionism. How dangerous do you feel are the restrictions of free speech we are currently witnessing?

It is interesting that I have never been called anti-Semitic by anybody with any credibility. But this is important. As a lawyer fighting for justice I of course recognise anti-Semitism as a great evil. I recognise what happened to Jews during the World War II as a great evil. What happened to the Jewish people and others during the Holocaust and the World War II played a pivotal role in my personal legal development.

I remember the first time I read about the events of the World War II as a teenager and learned about the massive number of people who died across the globe. It was mind blowing. In school we learned about historic battles and hundred soldiers dying here, there. But here there were millions killed. And that set me off on my human rights journey to become a lawyer and look at what is right and what is wrong.

I work in countries from Kazakhstan, Saudi Arabia,



Palestinians at the rubble of a building destroyed by Israeli airstrikes in Rafah, southern Gaza Strip, November 11, 2023.
Photo: Abed Rahim Khatib/Flash90

Pakistan to Uganda, Egypt ... One of the accusations cast on lawyers who work on Palestine and Israel is that those are the only violations they see. They cannot say that about me. My work is about the rule of law and justice and there is no space in my environment for people who discriminate or are prejudiced against a Jewish person because they are Jewish. I have no time for that and I have no interest in supporting that. I think very strongly that minority groups, wherever they are, should never be persecuted because of their race, religion ... Simultaneously I find it equally disturbing how people use anti-Semitism and sometimes even Islamophobia to protect violations of international law.

Can you explain?

When somebody points out that a person is committing violations but this is then interpreted as an attack on this person because of their race,

religion or ethnicity. Such use of allegations of discrimination is terrible.

Furthermore, there is a difference between criticising a state or its actions and criticising a group of people because of who they are. We have to be very clear about this and differentiate these.

In the fight for Palestinian rights and accountability for Israeli violations of international law there are massive numbers of Israelis and Jews across the world who do not agree with the Netanyahu government, with Smotrich or Ben-Gvir, or with actions currently unfolding in Gaza. It is really important that we see and recognize this and understand that the battle should not be between races or religions but between right and wrong in accordance with what we say our law should be and is. That for me is very important.

I am often asked if I am anti-Zionist or pro-Zionist and I have stopped allowing people to use that word to describe any aspect of anything I do. I believe that every group, be Jewish, Muslim, whoever, has a right to self-determination. And this right to self-determination is limited to the extent that it does not violate anyone else's right to self-determination. If you can establish a situation where you create a state and live in it with other people without violating other people's rights, there is no problem. The minute this state starts to violate other people's rights it violates international law and that is wrong. You can give that whatever label you want. I am not particularly interested in labels. I am more interested in what is behind a label. People have been using labels to attack and silence others, which is also unacceptable.

It is not right that there is fear among British politicians of being called anti-Semitic for highlighting what is happening in Gaza or calling out war crimes in Gaza or saying that Gaza is a prison camp, something the British Prime Minister David Cameron said in 2010. This fear is counter-productive. This shield, impunity, false arguments to deconstruct accountability only create a continuous cycle of violence where people feel that there is no accountability and that the only way to be heard is through violence. The end result is no security for Israelis or for Palestinians, just conflict. This is what we are trying to avoid. Because the international community and politicians across the world are demonstrating a phenomenal historic failure at it.

Just to clarify – the right to self-determination and to establish one's state in which one feels safe does not include the right to create “ethnically clean” state that violates other people's rights so that it remains “ethnically clean”.

Correct. It does not. It cannot. In order to do that you would engage in war crimes. If you claim to be a democratic state, you have to abide by democratic values and principles – and that does not include creating an apartheid system within your state. This is not new. In South Africa the white citi-

zens created an apartheid state trying to keep the “sanctity” of the white race. That is unacceptable. It is not allowed. And nobody should support it. The same applies to Palestinians – the Palestinians should not be allowed to create a Palestinian state that denies and violates the rights of other minorities in their state. This is not and cannot be part of the equation. Yes, it makes the solution difficult. But that is the reason why I refer to what is happening in Israel and Palestine as 75 years of political failure. That is what it is. If we cannot find the political solution to it, what are we saying? That militarily the greatest might wins? We have seen the consequences of this in the past as well. It is not acceptable.

You have mentioned that you are submitting evidence about the last 75 years of violations of international law in Israel and Palestine to the ICC, which is looking into the prosecutions of individuals for crimes after 2014. Has the ICJP shared the gathered evidence also with the teams working on the case in front of the ICJ about the il-legality of the Israeli occupation?

At the moment we are not working directly on the ICJ case, which is a state-level case. We have supported individuals with material and legal support when asked but we are not directly involved in that case.

You have mentioned your work across the globe to support rule of law and justice, from Uganda to Pakistan. How do you see does the international criminal law infrastructure affect the strength and effectiveness of national courts?

The ICC is a relatively young institution and still in development. It is also why I feel the current fight is so important if it is to become an effective institution. At the moment anyone can fund it, from individuals to states. I believe that while ensuring its independence there should also be a more stable funding for the ICC.

In British domestic law there is an important principle that makes perverting the course of

justice an offence. If a person interferes with an investigation, seeks to interfere or does an act that causes an investigation to be interfered with, that is a criminal offence. The ICC should be able to operate in a similar manner. It needs to be distinctively more independent and if it gets this right, I think, it will get there.

For example, Boris Johnson wrote in a letter that he does not support the ICC investigation into Israel because Israel is an ally. That should be a crime – he was seeking to pervert the course of justice by interfering with an investigation. It might already be criminal and it is something we are looking into.

If the ICC is to work right and properly, it should work as it did in Ukraine. With its mechanism, infrastructure, knowledge and ability it should support local prosecutors to prosecute. It should train and enhance the local judiciary systems. The idea is to spread the concept of international humanitarian law across the globe so that people start to take it seriously and understand it.

Some of the national jurisdictions are not yet capable of dealing with domestic criminal actions that fall under international criminal law. Therefore it is better that the proceedings happen outside. Sometimes the perpetrators are the ruling class. A lot of criticism of the ICC has been that it is an imperialistic tool. I litigate at the African Commission on Human and People's Rights. When I asked the Commission to do its job properly I made the argument that African countries complain a lot about the Western interference. However, the only way they can push away the Western interference is if they take responsibility for what happens in their states – individually or jointly through institutions like the Commission. That is really important. It is unfortunate that we have political leaders, who can be greatly influenced through personal protection and wealth by Western states to dominate their systems, retain an autocratic regime and violate the rights of people. It is still imperialist colonialism, just of a different form. One manipulates an individual in government, supplies weapons and money to that individual to the detriment of all the

people in that country. Interfering and patronizing people by saying this from London is not really the way to do it. It is something that people in those states need to do for themselves and they are doing it – my work in these countries often supports them at this.

At the same time Western states need to start living up to their promise of justice, human rights, international law and democratic principles. One should not do business with people and governments that violate democratic rights and principles. No matter the amount of money.

It is very sad that despite what happened in the World War II our political leaders seem to be forgetting about that. They put personal and financial interests way ahead of people and their common interests. This is apparent also in the decline of different systems – from financial, economic to political. In the UK the government increasingly manipulates people through political discourse. It tells people what they should think and feel and what to be upset about, so that they forget and ignore what they are actually upset about – from personal hardship, cost of living to increasing homelessness.

However, I sense a shift, a change in geopolitical situation around the globe. People are starting to wake up and realize that the political class are not working for their interest. People are starting to think about how they can change the hold and the grip that political class have on them. Unfortunately, this sometimes means that they turn to the far-right but hopefully this is short-lived as people see that the far-right politicians have no worthy answers. Then there can be a return to the enlightened period of understanding that everyone is equal and same no matter what they look like or where they come from. Everybody strives for the same, which is security, housing, food, education, welfare and health systems. That is what we all really want. Unfortunately, the world is orientated towards enriching the rich ever more. And that is the major obstacle – which the people, though, are starting to recognize.

Israel's War on Education in Gaza

Stephen McCloskey

South Africa's application to the International Court of Justice to institute proceedings against Israel for its genocidal attack on Gaza makes for a chilling assessment of grievous violations of international law not only in respect to their devastating impact but what underpins them. The application states that Israel seeks to 'bring about the destruction of a substantial part of the Palestinian national, racial and ethnical group'. We are witnessing in real time the attempted erasure of Palestinian history, culture, heritage and knowledge. The 'manifest violation of the Genocide Convention' set out by South Africa includes the destruction of the 'foundations of public life'. Among the institutions targeted by Israel in Gaza have been the central archive documenting one hundred years of Palestinian history, the public library, Gaza's four universities, bookshops and publishing houses, culture and arts centres, museums, and ancient sites of historical interest on the UNESCO World Heritage List. Leading Palestinian intellectuals, who collectively embodied the history, memory, heritage and culture of Gaza, have also been killed including scientists, academics, poets, story-tellers, journalists, doctors and engineers.

Academic capacity destroyed

Israel is also destroying Gaza's educational capacity and academic future having killed 4,037 students and 209 teachers and education workers. An additional 7,259 students and 619 teachers have been injured. Palestine's top student in high school examinations in 2023, Al-Shaima Akram Saidam, was killed with several members of her family in an Israeli air strike on Nuseirat camp last October. 'We are not numbers', a youth-led, non-profit project in Gaza has been established to document the 'daily personal struggles and triumphs, the tears and the laughter' of young people rather than reduce their lives to a statistic that objectivises their existence instead of celebrating them.

But the grim reality for the majority of Gaza's children is that their lives have been upended by forced displacement, with the UN estimating that 500,000 Gazans will not have a home to return to given the number of housing units damaged or destroyed. Having been denied food, water, medicines and fuel since the start of the current escalation, children are now subjected to the ravages of hunger and disease that include diarrhoea, upper respiratory infections, lice and scabies, chicken pox and meningitis. These are all preventable illnesses induced by the collective punishment of what Oxfam describes as a 'siege within a siege' as Israel had already reduced the majority of Gazans to penury following the imposition of a blockade on the strip in 2007 described by Amnesty International as 'illegal and inhumane'.

Education on hold

With 90 per cent of school buildings in Gaza used as emergency shelters by 1.4 million internally displaced persons, the education of 400,700 students has been put on hold. The UN has reported 342 schools damaged since 7 October with eight completely destroyed. The education system in Gaza was already in crisis before 7 October with over 100 UN schools operating on a double-shift basis meaning that two school populations shared the same building and the students of both schools received a part-time education. For one school this meant starting the school day early in the morning and finishing at lunchtime with the second shift beginning in the afternoon. The shortage of school buildings in Gaza is a consequence of Israel's blockade and the barring of 'dual use' construction materials needed to build or repair public buildings. These restrictions have extended to school supplies such as text books and stationery which is deemed by Human Rights Watch as contravening Article 50 of the Fourth Geneva Convention which



Zeitoun school, Gaza. (Photo: Stephen McCloskey, 2014)

requires the occupying power to ‘facilitate the proper working of all institutions devoted to the care and education of children’.

The lack of school buildings also impacts the quality of education with class sizes in UNRWA schools before the current Israeli onslaught averaging at 41.2 with many of the teaching staff themselves refugees and living in highly stressed and impoverished conditions. And, of course, the repeated traumas visiting on Gaza’s children as a result of constant exposure to extreme poverty and violence is causing a mental health crisis. In June 2022, Save the Children reported that 80 per cent of children in Gaza were ‘in a perpetual state of fear, worry, sadness and grief’. This distress was reflected in worrying behaviours such as bedwetting and reactive mutism, and impacted children’s educational performance as they struggled to concentrate in class and could either become withdrawn or disruptive.

Solidarity and action

But what now of the children in Gaza following three months of constant bombardment, industrial carnage, the systematic targeting of life-providing services and 22,600 deaths? With Gaza on the brink of famine, and facing the total collapse of the health system, the main priority has to be an immediate cessation of violence and humanitarian aid at scale. The siege of Gaza should be lifted without delay and psychosocial first-aid provided to children and adults alike. Achieving these goals means maintaining the kind of public mobilisation in solidarity with Palestine that has been evident since the start of the escalation with 7,283 pro-Palestine protests recorded in more than 118 countries and territories between 7 October and 24 November 2023. We should draw strength from the success of the BDS movement evidenced by the recent decision by Puma not to renew its sponsorship of the Israeli football team. We should also exhort governments in the global North to follow the lead of South Africa in referring Israel to the International Court of Justice. There has to be accountability for the wanton slaughter of Israel in Gaza and its complete disregard for international law and human rights conventions.

Its critical, too, that educators everywhere challenge what Henry Giroux has described as the ‘tranquilization’ that has haunted and shaped mainstream media coverage of the war on Gaza. ‘It is crucial for any analysis of the current Israel-Hamas conflict’, argues Giroux, ‘to be situated and addressed through the history and root causes that have shaped it; otherwise, the search for peace is annihilated in the militarized calls for war’. Should our activism flag in challenging state and media complicity in sustaining the ‘historical and social amnesia’ that accompanies so much coverage of the conflict and we despair of achieving peace in Gaza, we should recall that the Palestinians are liberating us. ‘When most would give up, their incredible endurance and selflessness is a beacon of hope for all those resisting injustice around the world’.

Rage over Gaza: Washington Will Pay for Its Support of Israel

Ramzy Baroud

A famous quote by Franz Kafka says, “Every thing you love is very likely to be lost, but in the end, love will return in a different way.”

The same principle, I believe, applies to any other powerful feeling, including resentment, hate, anger, even rage.

American officials should know this well as they continue to support Israel with billions of dollars of military and economic aid, and anything and everything that would allow Israel to continue with its genocide of the Palestinians in Gaza.

The Arabs, the Muslims – in fact, the whole world – are watching, listening, reading and are getting angrier by the day, at the direct American role in facilitating the Gaza bloodbath.

Israel’s military campaign in Gaza “has wreaked more destruction than the razing of Syria’s Aleppo between 2012 and 2016, Ukraine’s Mariupol or, proportionally, the Allied bombing of Germany in World War II” and “now sits among the deadliest and most destructive in recent history,” the Associated Press reported, based on recent satellite data analysis.

Aside from the tens of thousands of dead and missing in the rubble, even a higher number of people have been injured and maimed, including thousands of children. Countless children are left “grappling with the loss of an arm or a leg,” according to UNICEF.

This agony of Gaza is being watched on television and is also being viewed through every possible medium of communication. It is as if the world is suffering along with the Gaza children, but without being able to stop or slow down the genocide.

And, yet, even when all European countries, save a few, reversed their position on the war, joining the rest of the world in demanding an immediate and comprehensive ceasefire, Washington continued to reject these calls.

This is how US Ambassador to the United Nations, Linda Thomas-Greenfield, justified her country’s use of the veto, striking down the first serious attempt by the UN Security Council to achieve a permanent truce on October 18: “Israel has the inherent right of self-defense as reflected in Article 51 of the UN Charter.”

That same logic has been repeated many times by US officials since then, even when the extent of the Gaza tragedy became known to everyone, including the Americans themselves.

This self-serving logic goes against the very spirit of international and humanitarian law, which vehemently rejects the targeting of civilians during times of war and conflict, and the prevention of humanitarian aid from reaching civilian victims of war.

Indeed, the vast majority of Gaza’s victims are civilians and, according to UNICEF, over 70 percent of all of those killed and wounded are women and children.

Moreover, due to the inhumane Israeli practices, Gaza survivors are now dealing with an actual famine, an unprecedented event in the modern history of Palestine.

Yet, Israel continues to prevent the access to food, medicine, fuel and other urgent supplies to Gaza, thus violating Washington’s own laws on the matter.

“No assistance shall be furnished to any country when it is made known to the President that the government of such country prohibits or otherwise restricts, directly or indirectly, the transport or delivery of US humanitarian assistance,” the US Foreign Assistance Act (Section 620I) states.

The Biden Administration has done nothing to pressure – let alone force – Israel to adhere to the most basic humanitarian laws in its ongoing genocide in Gaza. Worse, President Biden is furnishing Israel with the needed tools to prolong this destructive war.

According to a December 25 report by Israel’s Channel 12, more than 20 ships and 244 US airplanes have delivered over 10,000 tons of armaments and military equipment to Israel since the start of the war.

These military supplies include, according to the Wall Street Journal, at least 100 BLU-109, 2,000-pound bunker-buster bombs, which have been repeatedly used throughout the Israeli war, killing and wounding hundreds each time.

The only tangible action that the US has taken since the start of the war was to create a coalition, named ‘Operation Prosperity Guardian’, with the sole purpose of ensuring the safety of ships crossing the Red Sea, into or from Israel.

The US, however, seems to have learned nothing from the past, from its devastating wars on Iraq, from the so-called ‘war on terror’, from its failure to find a balance between its support for Israel and its respect for Palestinians, Arabs and Muslims. To the contrary, some US officials seem to be entirely detached from this reality.

At a press conference at the White House on December 7, US National Security Council Coordinator for Strategic Communications, John Kirby, proclaimed: “Tell me, name me, one more nation, any other nation, that is doing as much as the United States to alleviate the pain and suffering of the people of Gaza. You can’t. You just can’t.”



But how are ‘dumb bombs’, ‘smart bombs’, bunker busters and tens of thousands of tons of explosives “alleviating the pain and suffering” of Gaza and her children?

If Kirby is unaware of his country’s role in the genocide in Gaza, then the crisis in American foreign policy is worse than we could have imagined. If he is aware, and he should be, then his country’s moral crisis is arguably unprecedented in modern history.

The problem in US politics is that American administrations have a segmented view of reality, as they are intently focused on how their action, or inaction, is going to affect their political parties in future elections.

But Americans who care about their country and its position in a vastly changing Middle East and rapidly shifting global geopolitics should remember that history neither starts nor finishes on a fixed November date, once every four years.

“In the end, love will return in a different way,” Kafka wrote. He is right. But hate, too, tends to return as well, manifesting itself in myriad ways. More than any other country, Washington should have come to that realization on its own.

Street Heat Changes Things

Ted Glick

Three months ago about 600,000 people took action in New York City and in 700 other localities around the world calling for an end to the fossil fuel era. According to mass media sources, the big September 17 March to End Fossil Fuels brought 75,000 people into the heart of Manhattan for an historic action. In addition to those big numbers, there were hundreds of people arrested in NYC before and after the 17th in nonviolent blockades targeting fossil fuel supporting banks and other financial institutions like the Federal Reserve.

Imho, this was the primary reason that two days ago, for the first time ever in 30 years of these conferences and however weakly, the nations of the world at the Dubai United Nations climate conference said that “transitioning away from fossil fuels” is a good thing. Street heat and growing numbers of nonviolent direct actions on the climate emergency had an impact.

These actions are not going to end anytime soon. Words are one thing, but action on the part of governments to advance a rapid shift off polluting fossil fuels is where the raging battle over what the future will be like will be won or lost.

A major focus of the climate justice movement right now is the plan by the methane gas industry to dramatically escalate the number of LNG export terminals to ship fracked gas around the world. This is particularly planned for the Gulf Coast states of Texas and Louisiana. There are about 20 proposed new LNG plants, in addition to the seven that are already up and running. The biggest, new proposed one is Calcasieu Pass (CP2) in Cameron Parish, Louisiana, which if built would add massive amounts of gas to what is already being exported.

A letter signed by 238 organizations and released just a couple of days ago called for a halt to the

LNG gas rush, saying, “CP2 LNG is a prime example of the environmental injustice of gas export expansion... [and] is emblematic of the broader trend of the ways in which LNG export expansion disproportionately impacts low-income and communities of color along the Gulf Coast, many of whom rely on coastal livelihoods and who are already overburdened by industrial pollution from the fossil fuel industry.”

Who is all this gas intended for? Those pushing this scheme say it’s needed because of the Russia/Ukraine war, that Europe needs this gas because the Russian invasion and the response to it has severely diminished the amount of gas available to them. This may have been true in the early days of the war, but recent reports say that it’s no longer the case. Warmer than usual weather and developments within the methane gas industry internationally have led to an oversupply of gas in Europe and worldwide right now.

This early-war dynamic was what coal baron and Senate Energy and Natural Resources Committee chairperson Joe Manchin used 20 months ago as he acted, successfully, to intimidate the leadership of FERC, the Federal Energy Regulatory Commission, into reversing a decision they had just made to have more rigorous reviews of gas industry expansion permit applications.

Not only was Manchin successful in forcing one of the three Democrats in the majority (of 5 commissioners) to change his vote, killing that new policy; he later stonewalled Biden and refused to hold a hearing on Biden’s nomination of Richard Glick, the FERC Chair who developed the policy improvements, for a second term when his term ran out at the end of 2022. Since those Manchin actions, and under the leadership of Democrat Willie Phillips, FERC has returned to the rubber-stamping ways that have existed for literally



Hands in Solidarity, Hands of Freedom mural on the side of the United Electrical Workers trade union building on West Monroe Street at Ashland Avenue in Chicago, Illinois. Artist Dan Manrique Arias painted this mural in 1997 on the south wall of the United Electrical Workers Union. Photo Credit: Ashlee Rezin Garcia

decades, with the exception of a brief time in 2021 and into the winter of 2022 under Glick's leadership.

According to analysis done by former FERC employee Andy Hinz of Beyond Extreme Energy, since Manchin's intervention close to 80 new coal plants' worth of greenhouse gases have been approved by FERC.

To move forward, FERC and the Department of Energy must sign off on CP2 and the other proposed LNG export terminals. They're the deciders. There is deep concern based on past practice that the Biden Administration, despite what happened at Dubai, will give the go-ahead for more approvals for unneeded and destructive fossil fuel infrastructure expansion.

Momentum is building within the climate justice movement to go to the mat on this one, to use all the tools in our toolbox, including nonvio-

lent direct action. 220,000 people signed on to November petitions demanding no expansion of the LNG industry. Gulf Coast groups are making plans for mid-January action in New Orleans when the gas industry is having a big conference. And just last evening, Bill McKibben announced that he and frontline leaders, youth leaders, and climate leaders from around the world are calling on activists to join them in nonviolent direct action at the US Department of Energy's headquarters in Washington DC February 6-8, 2024 unless and until they start treating LNG and fossil fuel exports like the climate-wrecking problem they are.

Once again, it's time for the street heat that can force change in the corporate and government suites. We need to keep building the visible climate justice movement that, now and going forward, can bring about the transformative change the world desperately needs.

The Right to Housing, Not Vacation Homes

Sonali Kolhatkar

Americans have been on a vacation binge since the easing of COVID-19 lockdowns, traveling for leisure in record numbers, and generating a major boom for the tourism industry. The vacation rental company Airbnb in particular, built on the euphemistic-sounding idea of a “sharing economy,” is thriving. In the third quarter of 2023, the company posted its highest-ever profits on record.

But increasingly, cities are seeing rising rents, unaffordable home prices, and increased homelessness. Authorities are linking such housing-related crises in part to Airbnb, and are passing strict regulations.

I’ve rented several Airbnb homes over the 15 years since the company was founded. In the early years, staying in other people’s houses was a sort of subversive act of rebellion against corporate hotel chains. During the most terrifying pre-vaccine months of the COVID-19 pandemic, short-term home rentals felt significantly safer than hotels, amid fears of the deadly airborne virus spreading among unmasked crowds in elevators and hotel lobbies. The privacy, convenience, and lower cost often enabled tourists with tighter budgets to enjoy family vacations with members of their chosen pandemic pods.

But, while Airbnb rentals may offer some financial respite for low-budget vacationers, their counterparts in the neighborhoods they visit are often negatively impacted by higher-cost housing prices and rents. What’s more, Airbnb hosts are increasingly professional landlords—wealthy elites and corporate entities that scoop up large numbers of properties and turn big profits by renting them out to travelers.

Even individuals managing a single property are now encouraged to expand vacation rental management into a full-time business. “Becoming an

Airbnb property manager can be a fulfilling career path—and you can also make a lot of money with it,” claimed one company specializing in training professional hosts. “It’s a relatively low-risk, low-investment venture that can turn out to be extremely lucrative.”

Indeed, just as companies like Uber were once touted as a way for working people with cars to earn a little extra spending cash, Airbnb offered the promise of supplementary income for those with an extra room or converted garage. Now, however, the market is being increasingly dominated by a small number of corporate “hosts” and professional property managers.

Airbnb homes are available all over the world but the United States is most deeply affected. Airbnb CEO Brian Chesky said in late 2023, “[O]ur penetration in the United States is significantly higher than our penetration in many other countries. And we think there’s a huge amount of growth if we could just get Airbnb to even a fraction of the percentage of penetration that we have in the United States.” In other words, the U.S. is the model that Airbnb wants to replicate everywhere else in its quest for profits.

Stephanie Synclair is an appropriate symbol of what Airbnb has wrought in the U.S. The 41-year-old Black mom from Atlanta recently made the news for becoming a home-buyer, not in her own hometown, but in Sicily. In spite of the language and cultural barriers, Synclair purchased a home on the other side of the planet, in part because she found Sicilians to be warm and welcoming, but mostly because of the huge price difference. In spite of having a budget of \$450,000—no small sum—Synclair had no luck buying a home in Atlanta, where properties are among the most overpriced in the nation. She now plans to retire in her \$62,000 home in Palermo, Sicily.

Atlanta's housing market is dominated by investors and cash-rich corporations who scoop up practically every home listed at \$500,000 or less, many of which are then transformed into Airbnb listings for tourists. Precious Price, an Atlanta-based host, initially saw Airbnb as a pathway to building wealth, particularly for Black entrepreneurs like her who faced racial discrimination from the financial industry. But Price soon realized, according to a profile in the *New York Times*, that her rental property was part of the housing crisis that her beloved city was experiencing. She has since pivoted to long-term rentals aimed at residents rather than vacationers—an enterprise that is less profitable but more ethical.

Not only does Airbnb fuel housing crises in cities, it does so along racial lines. A 2017 study of New York City by the watchdog group Inside Airbnb concluded that the company's model fuels racism in the housing market. Analyzing the demographics of rental hosts in the city, Inside Airbnb concluded, among other things, that "[a]cross all 72 predominantly Black New York City neighborhoods, Airbnb hosts are 5 times more likely to be white." Further, "[t]he loss of housing and neighborhood disruption due to Airbnb is [six] times more likely to affect Black residents." White New Yorkers have benefited from renting out housing as hotels, while Black New Yorkers are disproportionately hurt.

To curb such inequities, New York City, which already had strict rules on the books about short-term rentals and subleases, passed a law in 2023 requiring Airbnb to ensure that hosts obtain permission to rent out housing. If it fails to do so, both the host and the company are hit with hefty fines.

The *New York Times* explained, "In order to collect fees associated with the short-term stays, Airbnb, Vrbo, Booking.com and other companies must check that a host's registration application has been approved." And, "hosts who violate the rules could face fines of up to \$5,000 for repeat offenders, and platforms could be fined up to \$1,500 for transactions involving illegal rentals."



Public housing in Vienna: Karl Marx Hof neighbourhood

It was an admission that the earlier set of rules was simply not being enforced—as we continue to see in cities like Los Angeles—where hosts flout rules with little consequence. But now, at least in New York City, the onus is on the company, as well as the hosts to comply.

While this means potentially higher hotel costs for out-of-town visitors, it could free up rentals for long-term residents. According to the *Guardian*, this may already be happening, just months after the law went into effect in September: "[T]he city's rental costs are backing off from record highs, as the vacancy rate increases to a level not seen in three years—good news for folks looking to sign rental leases."

While cheaper vacation stays are certainly desirable for those of us who love to travel, vacationing is a privilege in the U.S. More than a third of Americans, as per a 2023 survey, are unlikely to take a summer vacation. And of those, more than half say they simply can't afford it. A 2019 Economic Policy Institute study pointed out that "Airbnb might, as claimed, suppress the growth of travel accommodation costs, but these costs are not a first-order problem for American families." What is a first-order problem is affordable housing.

And, while regulating Airbnb will not mitigate all economic injustices facing Americans—such as suppressed wages and a lack of government-funded health care—it certainly will move the needle in the right direction.

The Final Frontier for Organizing Workers: Financial Services

Ken Bank

A few years ago the “Occupy Wall Street” movement energized thousands of young, progressive activists to march on New York’s financial district, and commercial centers in other parts of the country, to demand greater accountability and responsibility from the financial services industry for democratizing the nation’s economy and achieving a level playing field for disadvantaged and impoverished communities.. Despite widespread publicity and support, the movement itself lost momentum, especially since there did not seem to be any significant effort to organize workers in the financial services sector of the economy. The failure of Occupy activists to attract support from bank, investment company employees and established union groups to reform the financial services industry was a direct and primary cause of the Occupy Movement’s effort to accomplish little more than disrupt traffic, block pedestrian sidewalks and set up tent cities on what little open space there was on Wall Street.

Despite the failure of the Occupy Movement to hold financial firms accountable to their employees, their customers and the community in general, there has finally been some movement to organize bank employees. Recently, workers at two Wells Fargo bank branches notified the National Labor Relations Board of their intent to hold elections on whether to organize with the Communications Workers of America (CWA). One branch is in Alaska and the other is in New Mexico. There are 13 nonmanagement workers employed between the two branches. The most important issues involved driving the organizing effort are low pay and insufficient staffing. It’s a small start, but coming after union organizing efforts in other industries it may be a sign of gathering momentum in achieving economic justice for workers. Shortly after Wells Fargo workers in New Mexico and Alaska filed their

notice of intent to organize, they were joined by a third group of workers in Florida, an indication of gathering momentum among bank employees to affiliate with a major union.

The reason organizing workers in the investor-capitalist sector of the economy has become more imperative is the serious decline of worker income relative to income from capital investments. This trend of eroding living standards for workers in the financial services industry is even more alarming. Among workers providing financial services, the median salary for a bank teller is \$36,000 and a bank manager is \$68,000, which is considerably less than the median household income of \$74,000. Ironically, as many as one-third of bank tellers are receiving some form of public assistance. It is not by coincidence that salaries and benefits for bank employees are extremely low compared to other sectors of the economy, while only 1.3% of them belong to a union compared to 6% of workers for the entire private sector. This trend accelerated during the recent pandemic as employees of corporate financial services were forced to continue providing services despite great hardship and danger to themselves and their families. Without union protections and guarantees for their safety and security, workers were dangerously exposed, exploited and manipulated by corporate managers and executives to put themselves at risk to ensure continuous profitability for investor capitalists.

Difficult as it is for workers in financial services, Wells Fargo Bank as the third largest bank in the US is the worst of the lot in terms of protecting and compensating its employees. To make matters worse in recent years Wells Fargo has developed a very negative perception of taking care of their customers and consumers of financial services.



Workers and customers alike were sacrificed to the Gods of investor capitalism, the goal of maximizing profitability at the expense of workers and consumers. In recent years Wells Fargo was scandalized by revelations of falsifying and creating fake bank accounts to disguise weaknesses in operating performance. Ripping off customers with undisclosed charges and penalties also characterized the Bank's operations. Workers were exploited by the practice of massive overtime violations, refusing to compensate workers for their labor and overtime, and even falsifying records related to diversity and hiring practices that effectively discriminated against women and minorities.

Eventually, Wells Fargo's anti-consumer and anti-labor practices became more widely known which resulted in several instances of significant negative publicity for the company and its stockholders. In addition to all the unfavorable publicity against Wells Fargo for abuse of its workers and customers, the federal Consumer Financial Protection Bureau initiated several legal sanctions against Wells Fargo. As a result the Bank had to pay \$2 billion restitution and compensation to its customers for

violations of consumer protection laws, in addition to \$1.7 billion for fines and civil penalties. Among the violations cited by the CFPB were illegal fee assessments and interest charges on home mortgages and auto loans as well as wrongful home foreclosures and illegal repossession of consumer vehicles. There were also unlawful fees and service charges applied to checking and savings accounts. Wells Fargo was not only effectively stealing from their employees, but their customers and outstanding loan recipients as well. Despite all this unlawful and unethical conduct, Wells Fargo continued to post record profits for its investor-capitalist shareholders, even during the recent pandemic and subsequent financial collapse.

The Wells Fargo scandals provided an opportunity for various pro-labor groups and organizations to organize workers in that company. Among groups and organizations advocating for greater accountability to protect workers and consumers is the Committee For Better Banks, an affiliate of the Communications Workers Of America and a leader in organizing bank employees to demand greater participation in management decisions affecting

their environment and welfare. The function of Committee For Better Banks is to raise awareness and hold America's financial institutions to account for their policies and practices that impact bank workers, customers, communities, investors and other stakeholders. Wells Fargo Workers United is another group organized by employees at Wells Fargo which is actively involved in getting workers to form a union and demand the right to collective bargaining for higher wages and better working conditions.

Worker dissatisfaction with Wells Fargo's anti-consumer and unfair labor practices are the primary reason why union organizing efforts have focused on that company unlike other large financial institutions. Bank employees, especially in the customer service sector, were heavily motivated by upper management at Wells Fargo to pressure customers into products, loans and other bank services they might not otherwise have chosen. Employees were even pressured into creating fake accounts, or multiple accounts under the same name, falsifying records and inaccurate information. The resultant turmoil and scandalous publicity eventually affected profitability and hence shareholder value. This created a unique opportunity for union organizers and workers to begin the process of establishing a functional union to represent workers and protect them from further abuses.

Other than Wells Fargo, unfortunately, there has been very little activity for organizing employees of financial institutions, especially large banks and investment firms. There have been some success stories the last few years but mostly at very small credit unions and/regional banks. It is ironic, however, that these modest successes have occurred in smaller banks that are not even owned by investor capitalists. These local financial services, credit unions and community savings banks, are mutually owned businesses accountable to their members and customers. They are independent from private interests and Wall Street speculators.

One notable success story, however modest it might be, for organizing workers in financial services is

the Beneficial State Bank of California. The Bank was founded as a nonprofit community bank in 2007 by philanthropist and progressive activist Tom Steyer and his spouse, Kat Taylor. Their purpose was to fund development and nonprofit interests intended to support disadvantaged communities and individuals who would otherwise be denied credit by traditional, banks and other profit-seeking capital interests. BSB, unlike investor-owned banks, always had a reputation for protecting their workers as well as their customers and surrounding community. Part of that commitment to workers culminated in ratifying a union contract with the Communications Workers of America in 2021. That contract gave workers at BSB the highest amount of wages and benefits than any other financial institution. Nevertheless, BSB continues to generate a sufficient amount of net operating revenue to maintain stability and leverage its capital assets to continue providing financial support to their customers and community.

The Occupy Wall Street movement failed because of its inability or unwillingness to focus on organizing workers in financial services, and coordinating their struggle with established union groups such as the Communications Workers of America. The Wells Fargo scandal and subsequent efforts to organize employees at that company illustrates the need for progressive and pro-labor activists to concentrate their efforts on the financial services sector of the economy. This is to a large extent the final frontier for democratizing the economy and creating a work environment where workers participate in improving their working conditions. This includes addressing such issues as adequate wages and benefits as well as facilitating policies to create a more positive working experience for bank employees. Recognizing bank employees and their representatives in collective bargaining not only improves working conditions at those companies, but will also facilitate better customer relations and services. In the long term worker participation and input into management policies and decisions will benefit everyone involved including workers, managers, customers and community.

The Green Mafia?

Alexandria Shaner

Like temperatures, repression of dissent is on the rise in countries around the world. In Italy, right-wing government forces are now branding nonviolent eco-activists as terrorists on par with the MOB.

Dec 2023 | Rome, Venice, Milan, Turin, Bologna, & Bari, Italy

In a dimly lit room at the back of a little independent bookstore, two dangerous radicals, members of the notorious Green Mafia, plot against the fossil-capital regime:

Johnny Frontline: [panicking] “Godfather, I don’t know what to do...there’s a climate and ecological emergency and the government refuses to act. It’s still just blah blah blah. I don’t know what do.”

Don Vito Climatone: “You can act like a rebel!” [smacks Johnny across the face] “What’s the matter with you?! You gonna just cry?! “Oh, what can I do? What can I do?” Listen, you look terrible. I want you to rest. I want you to eat. In a month from now, this government big shot’s gonna give us what we want...”

Johnny Frontline: [shakes head dejectedly] “It’s too late. They start drilling in a week.”

Don Vito Climatone: “I’m gonna make him an offer he can’t refuse: tell the truth, act now, go beyond politics.”

End scene.



If Extinction Rebellion Italy were to release this sketch it might be pushing the boundaries of creative messaging towards the absurd. Yet this flight of fancy didn’t need to be dreamed up by a young activist on TikTok – it was inspired by the rather more stodgy creatives over at the Government of Italy.

In a disturbing trend that has become the new normal in Italy, peaceful eco-activists are being branded a “danger to security and public order”, served with specious charges, banned from cities without trial, and criminalized under anti-terrorist laws intended to prosecute the Mafia.

While repression of dissent has been on the rise globally, from Atlanta's use of terrorism (RICO) charges to intimidate Stop Cop City activists to Milei's anti-demonstration decrees in Argentina, right-wing forces within the Italian government are raising the bar, criminalizing people who take to the streets to denounce the inability of governments in tackling the climate crisis.

Before jumping to conclusions that Italy's crack-down is directed solely at the likes of Ultima Generazione, part of the A22 Network that includes Just Stop Oil and other vanguard direct action groups, think again. Yes, these small yet highly active groups are continually hounded with illegitimate charges and regularly prosecuted to the maximum of penalties – but the government's tolerance for eco-activism of any sort continues to narrow.

Here's the most recent example of what the Italian government considers so dangerous: On Dec 9th in a coordinated day of action, members of Extinction Rebellion turned the rivers of six cities green with a harmless dye to denounce the inaction of COP28, and used climbing gear to suspend themselves from bridges to show how life is hanging by a thread.

Papier-mâché houses were displayed sinking into the waters, while participants played music, made speeches, distributed leaflets, and engaged with curious pedestrians. Excited tourists flocked around with smartphones snapping selfies.

The Don would be impressed with this level of brutal intimidation and hardcore criminal activity, no? But this is no joke, especially for the Venice Police Commissioner. In line with Venice's Mayor Brugnaro and Infrastructure Minister Salvini, the Venetian police claim they are defending their city from "a danger to security and public order". In other words, people who simply participate in demonstrations are deemed guilty of very serious crimes and formally designated "dangerous people" under the law.

During the action in Venice, 28 people were arrested, including a random tourist and members of the press. They were held for eight hours with no outside communication. Cameras and other equipment were confiscated. 27 charges and five city bans lasting 4-years were served, though the police were forced to revoke one expulsion order because it illegally banned a student from attending her university. To top it off, two additional "DASPO" bans were served – these are bans from public areas of cities originally enacted to prevent certain "Ultras", the most extreme and often violent soccer fans, from accessing stadiums.

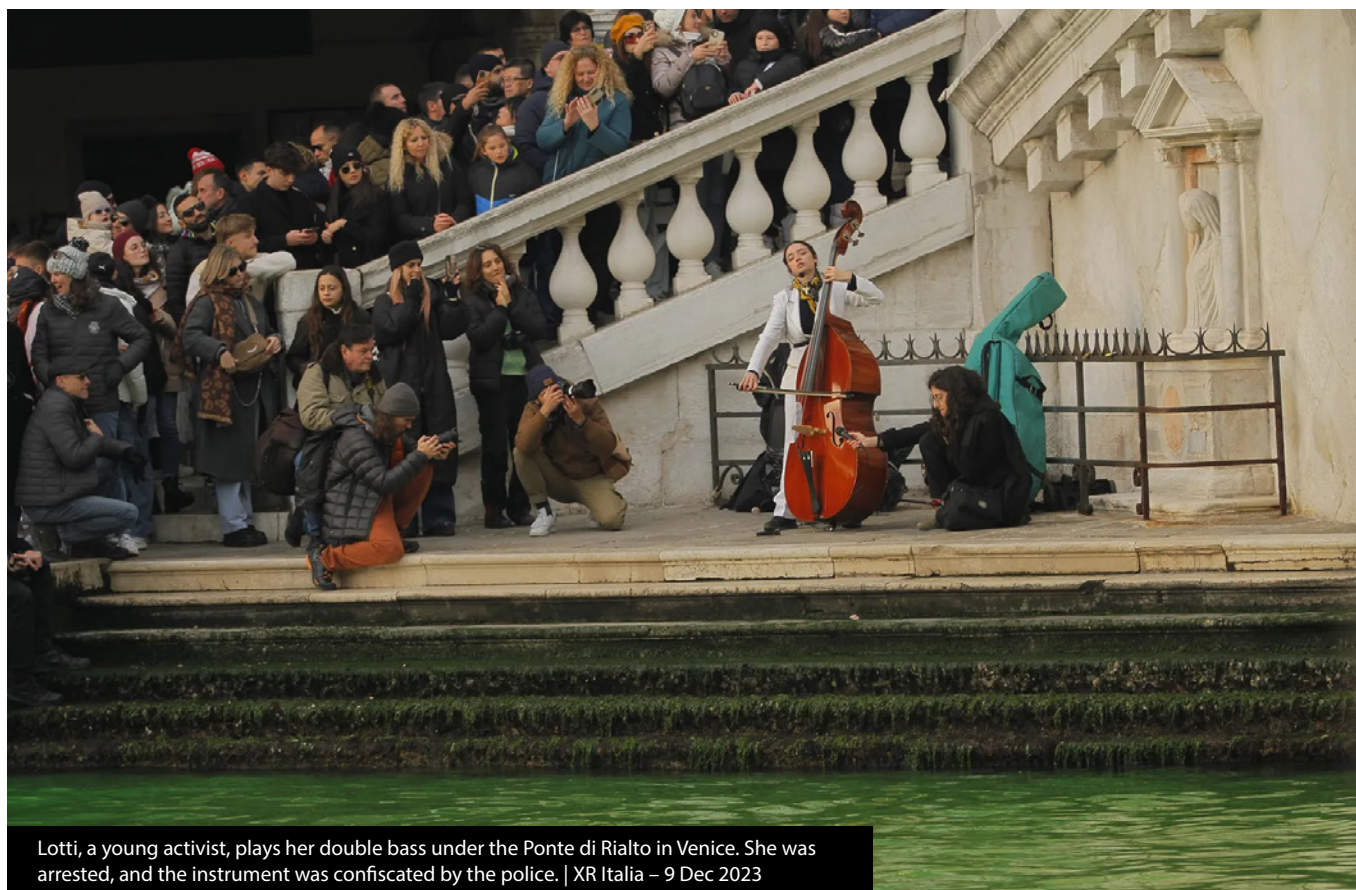
The police overreaction caused a public outcry. Fifty teachers from Ca' Foscari University wrote an open letter calling the response an "intimidating and unhealthy act for a democratic society". In Turin, a petition signed by 2500 people, including many professors, asked the government "to guarantee maximum freedom of demonstration and to avoid the criminalization of dissent".

But the Venetian police have dug in their heels. Two weeks later, everyone identified with the Grand Canal action was summoned for an "oral warning", a prelude to special state surveillance usually reserved for members of the Mafia. And two more city bans were served days later, also based on illegitimate legal grounds.

"These complaints are a clear attempt to scare, intimidate, and isolate those who express dissent," explains one of the activists expelled from Venice. "They are trying to redirect us towards fighting off charges instead of fighting against climate change."

The Italian government is attempting to construct a narrative that defines those who join climate movements as eco-terrorists and criminals. Yet the more the government bears down on this strategy, the more ridiculous and transparent the Orwellian doublespeak becomes.

For example, when Venice mayor Luigi Brugnaro condemned the protest, claiming that public trans-



Lotti, a young activist, plays her double bass under the Ponte di Rialto in Venice. She was arrested, and the instrument was confiscated by the police. | XR Italia – 9 Dec 2023

portation had been halted as a result, he failed to appreciate the irony of his own statements and received significant backlash on Twitter from citizens more concerned with rising sea levels flooding Venice than with banners on bridges.

“Due to the acrobatics of self-styled eco-activists, or rather eco-vandals, we had to interrupt the public transport service and navigation in the Grand Canal,” Brugnaro wrote in a statement released by Venice city hall. “Venice is a fragile city, to be loved and above all to be respected. Enough is enough,” he added.

Right, enough is enough. Venice, like the rest of our planet, is fragile. For eco-activists, and increasingly for all citizens, that’s exactly the point.

Last year, Venice was hit by such an extreme drought that it was impossible for gondolas, water taxis and ambulances to pass through some canals. And as the sea level rises more and more, activists in Italy are asking their government: who will you

accuse when the Grand Canal is truly blocked because the sea has invaded Venice?

Nicholas Klein, a trade union activist, once said in a 1918 speech, “First they ignore you. Then they ridicule you. Then they attack you and want to burn you. And then they build monuments to you”. For decades, eco-activists have been ignored, mocked, and now more and more, attacked. Authorities beholden to uphold the status quo, which is simultaneously burning and drowning the planet, have become so reactive to civil disobedience and public demonstration because it threatens their control. They’ve got it right that eco-activists are dangerous, but dangerous for who?

Such activism threatens to expose the truth and mobilize demand for real change. This is the great crime of the Green Mafia against the henchmen of extinction. Their disruption pushes the justice system and can end when the police do their job, stop criminalizing ordinary people and start investigating the real criminals fueling climate change.

To Win Or Not To Win, That Is The Question

Michael Albert

In High School, in the early 1960s, despite having watched all too many movies about World War Two, Nazis, and “Good Germans,” I still didn’t get it. How could so many typical, normal, caring, DNA-inscribed human beings become active advocates of or at most sedentary critics of the rise of Facism and its deployment against so many other caring human beings?

Some people I knew dodged my queries while others ridiculed my befuddlement. The Reich was just an aberration. A screw got jangled loose. It was mass insanity or maybe mob hypnosis. Even while I was barely more than a child and had about as much experience of political/social/psychological dynamics as a squirrel, I could see that that explanation for gas chambers and world war didn’t tell us what to do to do better. It didn’t tell us how to not become our own worst nightmare.

A few years later, I experienced an interesting “what if” moment. Suppose during World War II someone went to sleep and became comatose. The person woke up a decade or two later. Newly woke, she surveyed the world. Here, there, and everywhere she saw subservience, militarism, rape, hypocrisy, enrichment of the few, and impoverishment of the many. She had missed all the anti-Nazis movies. So, would she have deduced that freedom had won? Or would she have deduced that the U.S. had joined Germany’s team and fascism had gone global?

Is that too discomfoting to consider? I didn’t think so—my befuddlement had come home. But okay, consider instead our own world right now. Look around. You can’t not see governments and media accelerating societies down a fossil-fueled ecological and economic slippery slope toward incalculable dislocation that will perhaps termi-

nate all human life. You can’t not see the grand-kids of the Nazi-perpetrated holocaust celebrating a sequence of Israeli/American actions that aim to either obliterate Palestinians or at least ethnically cleanse them out of “our” way. And you can’t not see Trumpers, bashed but unbowed, preparing to rule.

My High School query persists. How is this level of soul-destroying callousness possible? How is this level of society-demolishing violence possible? How do good people—sometimes our mothers or fathers, sometimes our brothers or sisters, sometimes ourselves pursue profitable pollution even unto universal death? How do good people pursue ethnic cleansing and bloody massacre to banish or kill “them”? How do good people become Trump-ers?

Why do so many caring citizens become, well, suicidally satanic? Why do so many normal friends and neighbors violate their own ethical and material needs and values? Why do so many of us abide or even celebrate global warming up to self immolation? Why do so many of us abide or even celebrate annihilating others and dehumanizing ourselves? For that matter, why do even some seasoned progressives slip slide to the Right? Is all this just confusion running wild? Is it just false consciousness in command? Bad genes? Bad childhoods? How do we do better?

I know most of my fellow leftists are outraged at our story-spinning, profit-seeking corporate media, but even with all that, the truth is that a good, caring person cannot reasonably believe that to use fossil fuels is wise, to incinerate Palestinian infrastructure and terminate Palestinian lives is warranted, and to support Trump and Maga (or their variants in other countries) is sensible, unless something other than evidence



Photo by Jose M on Unsplash

pushes them to deny what's otherwise obvious. Even mainstream media shows more than enough facts to rebut such nasty allegiances. Can we therefore deduce that people who celebrate oil worship, colonialist conquest, and fascism are not good people?

I don't think so. More, I think that for left organizers to hold the line against apocalypse much less win liberation, we are going to have to understand why such "aberrations" happen so we can become able to organize among those who now reject us and prevent even our own allies from drifting away?

The most familiar explanation for why good people abide or abet "horrible stuff" is mass mystification. Fossil fuel, armament, Maga loving folks just don't know the facts. My enemy is immigrants, they say. My enemy is welfare. My enemy is the other. The "horrible stuff"-ers believe lies. They think global warming is a scam. They think Palestinians are sub human violent

animals. Containment isn't enough. Banishment or extermination is the only solution. They think Trump's willingness to publicly defy, denigrate, lie, bluster, and blame, all prove his desire to help America. He's got the guts to shake it up for us to all benefit.

Okay, I grant that enforced media mystification partly explains supporting "horrible stuff" and I also grant that we must of course combat misinformation-induced confusion. To the extent people support or even just don't line up against fossil fuel devastation, Palestinian obliteration, and orange-tinted fascist degradation, we certainly need to provide accurate facts. But many have done just that very well. So why doesn't undeniable evidence work better?

Suppose someone tells you that two times ten is thirty. Suppose you say you believe it, and you ignore those who make a compelling case otherwise. Is that just your free-ranging cognition at work? Or do you believe such nonsense because

to believe it, or to at least say you believe it, fulfills some other purpose? Could it be that for you, or anyone, to accept even self evidently true facts and conclusions that contradict false claims you have for some reason adopted is blocked because to do so would cause you to lose something you greatly value? Do we all at times either aggressively deny messages that contradict our commitments, or ward off even hearing them? If so, what are we avoiding losing? Is there a dynamic like this at work for advocates of ecological annihilation, war beyond all reason, and Trump?

My hypothesis is to not attack lies and vile behaviors, or to even celebrate them can become part of our identity. Attacks on such choices then feel like attacks on something we don't want to give up. Isn't this commonplace in life? In the small and in the large? Don't we see this, and haven't we done this to defend a friend or partner, to protect something comfortable we enjoy or need like a relationship that provides love, a job that we would otherwise despise but that let's us eat, or even a sports team we root for though we don't really know anything about anyone on it?

My point is, what if one powerful cause of supporting "horrible stuff" is not actually the character of the "stuff" itself? What if that is why evidence about fossil fuels, or Israeli/American tactics, or the actual aims of rising fascism has no bearing on allegiance to these things and is simply dismissed or denied? What if allegiance to "horrible stuff" often owes not to the properties of the stuff per se, but instead to wanting to stay on the team that pursues the stuff? What if those who deny global warming, who support barbaric war, or who cheer for orange-tinged idiocy do so not due to loving horrible stuff but due to wanting to hold on to what they get from their "team"? What if to accept the horrible stuff allows them to remain on that team? What if they cling to a level of efficacy and of comradeship, and to feeling like they are impacting society and are important that the team has given them? What then?

What if many people's allegiance to suicidal energy policies is so that they can stay on team America, or if their allegiance to genocidal war policies is so they can stay on team Israel/USA, or if their allegiance to objectively disgusting behavior is so they can stay on team Trump? What if none of this is mainly about policies, analysis, and facts, but is instead about team loyalty and not wanting to lose what team membership conveys? In that case, don't we need to address not just facts, but also why being on such a team is ultimately bad for one's well being, bad for one's kids well being, and literally bad to the bone even if it feels like family, and indeed, even if it does provide elements of family? And if any of this is true, doesn't it imply that those who desire to end "horrible stuff" need to establish a team that conveys a real sense of efficacy, hope, meaning, and loyalty, that addresses those legitimate needs of its participants and its opponents?

Right-wing allegiance, in many domains, offers pathetic and even ridiculous policies for anyone other than elites or their truly deeply racist, misogynist, classist allies. But, if I am right, then the reasons for most loyalty to the right-wing team are what we need to address not only with evidence and facts, but also with vision, values, hope and a practice that can much better sustain the level of mutual aid, dignity, and respect necessary for sustained commitment and loyalty. Program is good and needed. Evidence is good and needed. But program and evidence without the glue that is community won't win the day. With community, however, program and evidence can generate movement able to win.

Ironically, Trumpism not only has money and media, it also has community. We therefore need to produce words and deeds sufficient to undercut right-wingers' feelings of team loyalty as well as their money and media. It's a tall order. But it's also an absolute necessity.

What Do John Gotti and Donald Trump Have in Common?

Bill Fletcher Jr.

Did that get your attention?

A new Netflix series on John Gotti, the notorious late leader of the Cosa Nostra's (Mafia's) Gambino crime family is a remarkable look at the rise and fall of one of the most well known criminals of our time. Whether you've followed Gotti's career or not, you will find the documentary fascinating in its detail of his brutal rise and take-over—via assassination—of one of the most important of the notorious “five families” of the Cosa Nostra.

Yet what is most striking about the series is not the legendary way Gotti was able to avoid prison, but the attention and even admiration he captured over the years, one trial after another. “Dapper Don” and “Teflon Don” were two of the terms invented by the media to describe Gotti's ability to get away with ... murder.

Gotti was built up by the media into a larger-than-life figure—and he apparently loved it. His expensive suits and well trimmed hair made him a dashing figure. He did not need extensive interviews with the media in order to gain the sort of attention he received. He needed only his picture, with his sly look, posted in every newspaper and across all the television stations..

And amazingly, people gobbled it up. Many celebrities showed a fondness for Gotti. In one television clip, actor John Amos (of the series *Good Times*) commented to the effect that he liked Gotti's style. His style? The man was behind multiple murders, extortion rackets, robberies, etc.

Yet, like many other criminals, Gotti was fascinating to many in the media and entertainment industries, and, through them, to a semi-ador-

ing public. Gotti was the “bad boy” who gave a middle finger to “the system.” And when that system tried everything it could to put him away, he somehow survived, in part due to the competitiveness and incompetence of various government agencies. Gotti did have a social base among certain sections of his own neighborhood. But more importantly, it was the elite media who gave him wide visibility and presented him as something he was not. What he was, of course, was a murderer and, as it turned out, a less-than-brilliant leader of the Gambino crime family.

The media ate up the “bad boy” thing. They eagerly followed gangsters like “Crazy Joe” Gallo, who was allegedly involved in the assassination of mob boss Joseph Colombo and who loved associating with celebrities. One can see this kind of media attention going back to the 1930s, with actors such as George Raft. Yet the Gotti phenomenon went beyond celebrities. It touched a nerve in the public ... until it did not.

While watching the Netflix documentary, I found myself wondering—and asking my wife—what made Gotti so attractive? Wouldn't people have understood precisely who he was? The answer is simple: Yes, they understood who he was, and they did not care—until two things happened. First, he fell out of style. And second, upon his ultimate conviction, the full brutality of the man became undeniable.

With this criminal bio in mind, let's return to Donald Trump. Trump serves as our national Gotti. I do not mean the extent of alleged criminal behavior or any direct involvement in murder (Trump has never been alleged to have been involved in murder). Trump is a bad boy: He keeps holding up both middle fingers to the “system”

while at the same time crying about being a victim. It is actually the latter that may become his undoing, because it is so childish and weak. For now, he is getting away with it. Trump's supporters ignore the multitude of charges against him because he is saying what they want to hear and because they believe he is a victim of the system, or the supposed "deep state." His flamboyant playboy image and displays of temper all make him what a (mostly white, mostly male) section of this country wants. Whether they really want him elected again is a different matter, but for now his antics seem to express their collective discontent, regardless of the actual source of such discontent.

Toward the end of the original *Thomas Crown Affair*, Steve McQueen, in the title role, explains to investigator-turned-lover Vicki Anderson (Faye Dunaway) why he is going to commit a second robbery: He wants to "stick it to the system." Really? Thomas Crown is a millionaire businessman. He made his money through and for that system. So, what system is he actually talking about?

In other words, there is a libertarian, self-indulgent side to criminal activity, a desire to break with any constraints. Trump's alleged revulsion with the system is, fundamentally, no different from that of Thomas Crown or John Gotti. The system gets in the way of their making more money and, more importantly, doing whatever the hell they want to do.

This libertine self-indulgence has an attractive side, particularly to those who have stomped on by the system, people whose dreams of upward mobility and the "good life" have been destroyed or, at best, shrunk. There are those who wish to live vicariously through the antics of the bad boys, sticking it to the faceless monster that deprives them of the ability to do whatever the hell they want. Sadly, in the case of the majority of the population, it is this very capitalist system that deprive most of us of the good life we long for. So, if we cannot live the life we want, we can at least enjoy watching when the likes of Gotti



Photo by munshots on Unsplash

go free. And this is true for those who rejoice at an angry, maniacal Trump seemingly taking on a system that, by the way, made him and his father filthy rich.

"Taking on the system" has no concrete meaning here other than scapegoating. Just as nineteenth century socialist August Bebel brilliantly described antisemitism as "the socialism of fools," we can today say that the idolatry of Gotti and Trump and their bad-boy ethos of taking on the system is nothing more than the populism of fools.