



On the Record: Palestinian Civil Society Under Siege

Issue 2: From Resistance to Empowerment

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From the Editorial Desk: Out on a Limb

This issue looks at the way Palestinian civil society has evolved since the 1980s, from being an integral part of the Palestinian resistance movement to a network of independent, professional nongovernmental organizations (NGOs).

In spite of the valiant work done by NGOs, this shift has been quite controversial among Palestinians. The Palestinian Authority has regularly criticized NGOs for being in the pocket of their foreign donors and for lacking accountability. They have even been taken to task by fellow Palestinian activists for trying to reform Palestinian society and defend the rule of law. It is not that these goals are unimportant. But they do strike many as being abstract and too detached from the main challenge that faces Palestinians, namely the confrontation with Israel.

NGOs respond that there is nothing remotely abstract or detached about notions like the rule of law. In fact, as one NGO leader put it to us with some passion, such values are probably the best guarantee that the Palestinian people will survive their present crisis. Whatever political structures emerge from the wreckage of the Oslo process, they will need to be founded on justice and respect for the rule of law.

At the same time, if it is to be credible, the rule of law must be applied evenhandedly. That is why many NGOs continue to hold the Palestinian Authority accountable even as it disintegrates under the Israeli assault.

They make a convincing case, but they are not being helped by their Western friends. In fact, they are being manipulated by Western governments much as humanitarian NGOs were manipulated during the complex emergencies in Bosnia and Rwanda. These agencies responded with great bravery and contained the worst of the damage. But at the same time, their presence

eased the pressure on the international community to intervene politically and so allowed the root causes of the crisis to fester. This in turn perpetuated the emergency and caused even more lives to be lost.

The same vicious cycle is now taking place in the Palestinian territories. The root cause of the current crisis is occupation, followed by a failed peace process. This has now been compounded by a ferocious assault by Israeli forces against a population who has been weakened and physically divided by the Oslo peace process. This assault has staggered friends and foes alike.

The response of Western nations has ranged from tepid to cowardly. Until very recently, the United States has stayed aloof from the crisis, as if the only appropriate U.S. role is full-blooded sponsorship of peace talks. European nations recently abstained on several resolutions that criticized Israel at the Human Rights Commission in Geneva, out of concern of a domestic backlash.

This inactivity has been accompanied by the same kind of language that characterized the wars in Bosnia and Rwanda. Israelis and Palestinians, it is said, are locked in "an ancient blood feud." They are only capable of "mindless violence" and "savage hatred."

The current uprising has certainly produced ugly images, but this portrayal of the crisis is misleading and unhelpful -- not least because Palestinian civil society shows that there is indeed a third way and values worth defending. Whether or not these values are too "abstract" and remote from the crisis facing ordinary Palestinians, they are certainly recognizable to anyone committed to social justice and the rule of law.

With each passing day it becomes harder for civil society to make the case for the rule of law in the occupied territories when every other actor -- Israel, the Palestinian Authority, and the sponsors of Oslo -- has either thrown in the towel or abandoned all restraint. This clearly cannot last. If Western governments do not intervene soon and impose restraint on Israel, the entire edifice of Oslo will come crashing down, taking with it civil society and the best hope for a democratic Palestine.

Western governments have to ask whether they want this to happen -- after their massive investment in the Oslo process over the last ten years. They should also understand that the current crisis is at least partly a result of the failure of the Oslo peace process, a Western peace initiative that began in Europe. They have a special responsibility to deal with its consequences.

There is no question that this will be hard and politically unpopular, but there is also no question that it is essential. It is time for the international community to follow the lead of civil society in Palestine -- and go out on the limb for the rule of law.

The Evolution of Palestinian Civil Society: From Resistance to Empowerment

Civil society is the product of a society, and for most of the last century Palestinian society has been defined by occupation. This is the context for the work of the organizations that are profiled in this series of On the Record.

The area of Palestine lies between the Mediterranean Sea and the River Jordan. When the twentieth century opened, Palestine was under the occupation of the Ottoman Turks. The Turks were expelled in World War I, and in 1922 the League of Nations handed the mandate for Palestine to Great Britain.

The British mandate for Palestine included a commitment to implement the 1917 Balfour Declaration, which called for the establishment of a Jewish homeland in Palestine. This opened the way to accelerated Jewish immigration and set the stage for competing claims of Jewish and Palestinian nationalism. The British government failed to resolve this claims issue and passed the mandate back to the newly formed United Nations. On November 29 1947, the General Assembly of the United Nations voted to partition Palestine into two states. The state of Israel was created on May 14, 1948.

This triggered a regional war that left Israel in control of the Western portion of Palestine and the western sector of Jerusalem, as well as some of the area allotted to the Palestinian state. It also resulted in the mass expulsion of Arabs. By the time fighting stopped, only 100,000 Palestinian Arabs remained in the area that was now Israel, compared to a pre-war Arab population of around 800,000.

The 1948 war also opened the way to further occupation. Egypt assumed administration of the Gaza Strip. Two years later, in 1950, Jordan declared annexation of the West Bank.

In June 1967, Israel seized control of the West Bank, including East Jerusalem and the Gaza Strip during the Six Day War. Israel's occupation was basically unchallenged until 1987, when the first Palestinian uprising (intifada) broke out in the territories. The uprising continued until 1991, when both sides agreed to meet in Madrid.

This led to secret talks in Norway, and the "Oslo peace process" was launched publicly in Washington on September 13, 1993, when Yasser Arafat and Yitzak Rabin signed a Declaration of Principles. Under the agreement, Israel agreed to withdraw from part of the territories and make way for an independent Palestinian Authority. This was partially achieved through a series of separate agreements throughout the 1990s.

The Oslo process culminated in a two-week summit at Camp David in July 2000. Under the brokerage of the U.S. President Bill Clinton, both sides attempted to reach agreement on a series of outstanding ("final status") issues including Jerusalem, settlements, and refugees. The meeting ended in failure.

Two months later, on September 28, Ariel Sharon, the leader of the Israel opposition party, made a highly provocative visit to the site of the Al-Aqsa mosque in East Jerusalem, which is one of the holiest Islamic sites in the world. Angry Palestinians protested, and Israeli security forces opened fire, killing four. This triggered the current uprising, which shows no signs of abatement as this series goes out.

Civil Society as a Popular Movement

Community action assumes greater importance for people who are stateless or under occupation, for the simple reason that they are deprived of the protection of their own government. In addition, occupation is rarely kind: it creates an overwhelming demand for services of all kind.

The years that followed the war of 1967 witnessed an explosion of community initiatives in the occupied territories that emerged alongside the more traditional structures of Palestinian society (mosque, family, charitable societies, and community).

These community initiatives addressed some of the social needs thrown up by occupation -- health, legal aid, education, family planning, etc. -- and also served as a focus of resistance. Several of the groups profiled in this series started in this way. For example, the Union of Palestinian Medical Relief Committees (UPMRC) began in 1979 when four Palestinian doctors decided to provide emergency health care in the territories. (The UPRMC is profiled in issues 6 and 10 of this series.)

The Palestinian Agricultural Relief Committees (PARC) was another example of grassroots activism combined with social work. PARC was formed in 1983 by a group of Palestinian agronomists to provide emergency relief for farmers in the Jordan valley, and it drew heavily on local volunteers. (Many of them remain loyal to PARC, as is shown in issue 8.)

These initiatives bore only partial resemblance to today's NGO. It was true that they drew on professionals, but in a volunteer capacity. They were also totally integrated into the resistance movement, so they could hardly be termed "apolitical," or independent. In fact, most came out of the Palestinian political factions that emerged after the 1967 war under the aegis of the Palestine Liberation Organisation (PLO).

These factions competed for membership among the popular committees, which they saw as a valuable source of recruits. By the mid-1980s there were two labor federations, linked to different factions, and at least five women's committees.

But however divided their factional affiliations, these grassroots groups were united around the common goal -- putting an end to Israeli occupation. Everything else was secondary to this goal. As the Women's Affairs Center in Gaza put it in one report: "During the first intifada, a strong societal cohesion around nationalistic goals was naturally created. Consequently, any other project that could potentially weaken the overall national effort was abandoned. As a result, women-centered projects were put aside." [1]

This network of popular committees helped to turn the 1987 uprising into a sustained popular movement. Eventually, the intifada was to force Israel to the negotiating table, but at a terrible price. By the time the uprising petered out in the early 1990s, 1,474 Palestinians had been killed and 22,000 injured; 57,000 had been arrested; and over 500 homes demolished or sealed up. [2]

This caused more hardship and underscored the need for more social programs. In 1990 Dr. Eyad El Sarraj, the only practicing psychiatrist in Gaza at the time, created a new center to provide

counseling for victims of trauma in Gaza. The Gaza Community Mental Health Programme (GCMHP) is profiled in issue 4 of this series.

By the early 1990s organizations like GCMHP, PARC, and the UPMRC had head offices, networks, and the legal status of NGO. But they had also emerged from a popular movement that had strong roots in the community and a social and political agenda. It was this combination that has always appealed to Grassroots International.

From Populism to Professionalism

In the early 1990s, Palestinian civil society underwent a profound transformation from populist to professional. The voluntary association with strong links to the community began to give way to the independent, salaried organization that is so familiar today.

This shift did not occur overnight and nor was it total -- popular committees continued to flourish and keep the intifada alive and well into the early 1990s. Nonetheless, the growth of Palestinian NGOs was staggering. According to one estimate, there were 800 in the territories by 1994 -- one for every 3,500 Palestinians. [3]

Several aspects of this transformation were deeply worrying to commentators. Many of the new NGOs seemed to have no links to the community, and they espoused ideas that seemed alien to the Palestinian context. Palestine was, after all, still under occupation.

Rema Hammami, a Palestinian activist with considerable experience of the Palestinian women's movement, put it like this: "While mobilization was formerly the keyword, in the new discourses it was displaced by the more amorphous notion of 'empowerment.' Moreover, empowerment was generally linked to bringing about social change through development -- as opposed to political transformation through mass resistance." [4]

Hammami laid the blame squarely at the door of foreign donors. Palestinian NGOs were receiving over \$200 million by 1994, and their donors imposed conditions that seemed calculated to exclude the sort of grassroots activism that had been a hallmark of the 1980s. (These conditions included long-term planning, measurable "outcomes," and strictly apolitical management.)

In short, Palestinian NGOs were ceasing to become agents of social change. Instead, they risked becoming the lackey of foreign donors -- donors, moreover, who wanted to end the uprising and dampen opposition to Israeli occupation. This view was so widespread that foreign-funded research centers became derisively known as *dakakiin* (shops).

In Defense of Empowerment

NGOs responded with a spirited defense. One of their most articulate spokesmen was Mustafa Barghouthi, President of the UPMRC. By 1994, the UPMRC had evolved from a community-based network of volunteer doctors into an organization with a headquarters in Ramallah, a large salaried staff, and a network of offices throughout the territories.

Barghouthi himself had become an advocate of multi-party democracy, accountability, transparency and empowerment - the sort of values that Hammami would see as "amorphous." In a 1994 article, he insisted that these values were "universal" and absolutely essential for the future salvation of the Palestinian people. [5] In other words, "good governance" was not a conspiracy of the World Bank or Ford Foundation -- it was the rock on which any future Palestinian state would be built.

This has been at the heart of the argument of Palestinian NGOs since 1993, and it was repeated to this delegation just two months ago while Israeli shells were falling outside. Jihad Mashal, who is Barghouthi's deputy at the UPMRC, put it as follows: "We are contributing to the establishment of a democratic state. That requires respect for the rule of law."

This view was shared by many of the NGOs like the UPMRC that had emerged out of the popular struggle. Many had begun to see the need to change Palestinian society even as they were contributing to the resistance movement. This was particularly true of women's groups, which during the occupation had organized their members to boycott Israeli goods, hold literacy classes, and develop small-scale economic cooperatives.

These activities, while geared to resistance, began to uncover patterns of discrimination against women in Palestinian society that were not necessarily linked to occupation. For example, Palestinian women were governed by no less than four different legal systems -- British, Israeli, Jordanian, and Egyptian. Beyond this formal law, many aspects of a woman's life (marriage, custody of children, inheritance, divorce, etc.) were also governed by traditional customary or religious law. This was particularly strict when applied to gender relations or sexuality. In a practice known as "honor killings," men were permitted to take the life of a woman deemed to have besmirched the family honor.

This was a strong argument not just for raising the profile of women within the Palestinian nationalist movement, which was the goal of many active women, but also for the more general empowerment of women. It was to have a profound influence upon the Women's Centre for Legal Aid and Counselling (WCLAC), another group profiled in this series. WCLAC had emerged in 1991 to provide technical assistance for the women's committees. By 1994, this had turned into a broader goal -- empowering women to play a greater role in society and even in the family.

The Democracy and Workers Rights Center (DWRC), another organization to emerge during the early 1990s, was making the same sort of argument. One of the results of occupation had been to make the territories economically dependent on Israel. This had begun in 1968 when Israel declared an "open door" policy of permitting the free flow of goods and labor between Israel and the territories. The open door offered a job market to unskilled and semi-skilled Palestinian workers, but it also left these workers extremely vulnerable. Many worked illegally, and this rendered them liable to fines and even jail terms if they were caught inside Israel.

Even those with permits were liable to be exploited by unscrupulous employers. In 1993, 25 Palestinian workers were summarily dismissed without compensation from a drinks firm in the

Atarot industrial estate near Ramallah. Hasan Barghouthi was one of a small group of Palestinian lawyers who took up the case and succeeded in winning compensation of 370,000 shekels (\$90,000). The workers were so grateful that they donated 20,000 shekels to help the lawyers assist other Palestinian workers who faced similar problems. With this, the DWRC was born. (The work of the DWRC is profiled in issue 7.)

The DWRC thus followed roughly the same trajectory as the UPMRC and WCLAC. It began as a voluntary effort and then evolved to acquire many of the characteristics of the conventional NGOs that were attracting criticism in the early 1990s -- independence from the larger political struggle, foreign funding, a professional salaried staff.

But to Hasan Barghouthi and his colleagues at the DWRC, this was an inevitable consequence of the growth of the DWRC's work and its need for a stronger institutional base. Like Mustafa Barghouthi and other NGO leaders, Hasan Barghouthi also believed strongly in universal values like transparency, democracy, and empowerment. Every time the DWRC won a case in the Israeli courts, it was empowering a Palestinian worker who had fallen victim to the unequal economic relationship between the territories and Israel.

Targets and Opportunities

The debate over the role of Palestinian NGOs acquired new relevance following the launch of the Oslo peace process.

As noted above, the process was launched in 1993 in Washington with the signing of a Declaration of Principles. Under the first "interim" phase, Israeli forces were to withdraw from part of the territories to be replaced by a Palestinian Authority.

This dramatically changed the context in which Palestinian civil society operated, because Oslo finally gave Palestinians the power to regulate their own lives. By the end of the 1990s, 93% of the entire population of the West Bank had come under the purview of the new Palestinian Authority.

This gave Palestinian civil society both a partner and a target. The partnership came from the fact that one of the Authority's main tasks would be to create a new body of law in the territories under its control. This created an opening for organizations like WCLAC and DWRC. Instead of calling for an end to legalized discrimination against women, WCLAC could now lobby for new laws to protect women. It could also lobby for women to be represented in the new Palestinian structures of government.

As for the DWRC, it could look beyond the needs of individual Palestinian workers to workers' rights as a whole. This would have to include freedom of association, particularly as Palestinian trade unions were still linked to the political factions: there had been no elections for union officers for years. Many of the social and economic rights that had been ignored or abused by the Israeli occupation authorities could now be legally protected in a new Palestinian labor law. All of this promised an exciting new agenda for Palestinian civil society.

At the same time, there were many abusive aspects to the Authority that exposed it to criticism from civil society. Part of this came from the role that the Authority was expected to play in enforcing the Oslo agreement and controlling Palestinian "extremists." Under pressure from the Israelis and United States, the Authority made a huge investment in internal security. One of Arafat's first acts was to establish a State Security Court, which allowed no appeal and handed out the death penalty.

The security courts were employed against Palestinian dissidents of all kinds, and this quickly attracted the attention of human rights groups like the Palestinian Centre for Human Rights in Gaza. The Centre, which was established in 1995, could no more ignore torture by the security courts of the Palestinian Authority than torture by the Israeli forces of occupation. After all, the Centre's function was to defend the rule of law.

Rather like "empowerment," the rule of law might have seemed amorphous when compared to the slogans of resistance that had inspired the popular committees under occupation. But it was anything but amorphous to Professor Fathi Sobh, who was tortured in a Palestinian jail in 1999. (Professor Sobh's profile appears in issue 5 of this series.)

Some NGO leaders even went so far as to suggest that civil society had an innate duty to challenge the Authority, as if this was another "universal" value. In his 1994 article, Mustafa Barghouthi of the UPMRC wrote: "There is a natural incongruity between an authority -- any authority -- and the interests of the society which it governs. This contradiction is natural and exists in every society." [6]

Barghouthi suggested that by actively criticizing the Authority, Palestinian civil society was actually helping to build a Palestinian state. This was a striking claim. Certainly, nothing could have been further from the 1980s, when the popular committees had been joined at the hip with the political factions.

Controversy over Foreign Funding

The emergence of an independent, autonomous Palestinian civil society during the early stages of the Oslo peace process was helped by several other factors.

Foreign funding was certainly part of the story. It is clear that many Western governments saw a political advantage in supporting civil society. By keeping the Palestinian Authority honest, NGOs could ensure that their (donor) money was well spent, while at the same time enhancing the Oslo process.

At the same time, the actual volume of foreign funding for NGOs was often greatly exaggerated and shamelessly used by the Palestinian Authority to justify tight control over the NGOs. This came to a head in 1999, when the Authority claimed that NGOs had received \$98 million for rule of law programs compared to just \$2 million received by the Authority. In fact, as the NGOs showed, they had taken in \$8.7 million in four years. [7]

Furthermore, foreign funding for NGOs fell sharply in 1994 and 1995 after the Oslo process, as

donors shifted their funding to the Palestinian Authority. According to one study by the World Bank, funding peaked between 1990 and 1992, when the entire nongovernmental sector (including hospitals, charities, and universities) received as much as \$245 million dollars a year. [8] By 1995, this had fallen to \$120 million. The UPMRC and PARC saw their income reduced by a third.

The issue of NGO funding and the charge of corruption are dealt with later in this series. There is no doubting the importance of foreign income, but to suggest that Palestinian civil society was inspired by Western donors seems far-fetched. Certainly, the transformation of DWRC, UPMRC, and WCLAC into large professional organizations was a largely homegrown, indigenous process.

The shift to an independent civil society process also received a boost in September 1993, when over 60 NGOs formed a new coordinating committee called the Palestine NGO Network (PNGO). This allowed them to speak with one voice, and one of PNGO's first campaigns was to lobby for a new law that allowed NGOs to receive independent funding. To critics, this would have seemed like feathering their own nest, but NGO leaders viewed it as defending the right of free association -- another of the universal values that would help to build a confident new Palestinian state.

The upshot was that by the end of the 1990s, Palestinian civil society transformed into a community of independent professional organizations. This was certainly a very far cry from the popular committees that had helped to launch the 1987 intifada with the goal of ending Israeli occupation, but NGO leaders did not necessarily view this as a problem. It was just that Palestinian society had changed, and with it the challenge.

NGOs were still agents of social change and advocates of social justice -- even if they were not necessarily using the same populist tools as during the first intifada.

Disillusionment at Oslo

In defending and explaining their new role, NGO leaders tended to maintain that they were improving the Oslo peace process. Rema Hammami summarized their argument as follows: "Democratisation and empowerment of the NGOs are the only strategies able to wrench a more just outcome from Oslo." [9]

This position became harder to support during the late 1990s, as the Oslo process appeared to reinforce Israel's control over the Palestinian territories instead of leading to an independent Palestinian state. This is explained in more detail in the next issue (no. 3) of this series.

Briefly put, by the time the Oslo process collapsed at Camp David in July 2000, the Palestinian Authority had assumed responsibility for 93 percent of the population - a massive social task. But it only controlled 17.2 percent of the West Bank territory. This territory, moreover, comprised several parcels of land that were not contiguous -- a fact that led to comparisons with the Bantustans of South Africa.

The construction of Israeli settlements had continued throughout the Oslo process, and the pace had even accelerated under Prime Minister Barak. Finally, it was easy to forget that the occupation was still intact.

Israel's violent response to the new uprising in September reinforced the sense that Oslo had gone terribly wrong. It became ominously clear that the "bantustanization" of the Palestinian territories had left them terribly vulnerable to the strategy of closure and isolation that Israel now employed. This, coupled with the lack of restraint shown by Israeli forces in dealing with protests, has made the current uprising infinitely more damaging than the uprising of 1987.

From the Palestinian perspective, Oslo left one other pernicious legacy. It drove a wedge between the 1948 refugees who had always feared that the Oslo agreement would prevent their return to the homes they had abandoned in 1948, and the Palestinian Authority, which was keen to reach a settlement with Israel. During the early years it seemed possible that Arafat might concede on the refugees' right to return in order to secure partial autonomy. This risk receded as the Oslo process ran into trouble, and it finally disappeared at Camp David, when Arafat rejected an Israeli proposal on the refugees.

The Charge of Detachment Resurfaces

The collapse of the Oslo peace process has left Palestinian civil society in a strange limbo.

On the one hand, the importance of civil society has never been greater. This is demonstrated in the profiles that follow. In addition to providing the traditional services -- health and education -- NGOs are providing credit and opening agricultural markets. They have spoken out before international organizations, briefed visiting dignitaries, and issued daily press releases. In many respects these functions are akin to those of government.

At the same time, civil society has also assumed the role of opposition, by continuing to press the Palestine Authority and hold it accountable for everything from corruption to not holding elections. As noted earlier, the rationale of civic leaders is simple: whatever structures emerge in Palestine from the current chaos, they will need to adhere to certain fundamental standards and respect the rule of law.

For the moment at least, during the emergency, any concerns about the role of civil society have been put aside. But the case could be made that the questions raised earlier are more relevant than ever and that the professional NGO is not what Palestinian society needs at this time of supreme crisis.

Nadine Picadou recently made this point: writing in "Le Monde," she contrasted the total engagement of the popular committees of the 1987 intifada with what she sees as the detachment of today's NGOs during the current uprising. Today's NGOs have lost their link to communities, she suggests. Like Arafat, they have been co-opted by the discredited Oslo peace process and are dependent on its survival. [10]

Some might ask whether civil society was ever justified in treating the Palestinian Authority as a

normal government even before the current uprising. Today, with the Authority's president (Yasser Arafat) on a possible Israeli hit list and the Palestinian parliament unable even to meet, it seems even harder to justify. Push too hard on this tottering structure, and it might collapse completely.

At a deeper level, a number of Palestinians might question the strategy of promoting such "amorphous" values such as women's rights, the rule of law, good governance, and even "empowerment" when the real challenge is to force an end to Israeli occupation. This, they feel, is essentially a political -- not a civil -- struggle.

Still others might wonder if civil society has become too dominant, to the detriment of building a solid Palestinian state. Writing in the spring of last year, well before the uprising, Edward Said asked: "Are they [the NGOs] a substitute for a political movement and can they ever become one?"

Said's answer to his own question was no. He agreed that the NGOs were doing a necessary job, but he wondered whether they had become a goal in themselves "instead of... liberation, or ending occupation, or changing Palestinian life." [11]

Some of these questions are addressed in the final issue of this series.

[1] The 2000 annual report of the Women's Affairs Center.

[2] Samir Ramadan Ibrahiem Qouta, "Trauma, Violence and Mental Health: The Palestinian Experience" (The Gaza Mental Health Community Programme, 2000).

[3] Mustafa Barghouthi, "Palestinian NGOs and their role in building a civil society," By (The Union of Palestinian Medical Relief Committees, UPMRC, 1994).

[4] "NGOs: the professionalisation of politics," in *Race and Class*, Vol. 37, No. 2 (1995).

[5] Barghouthi, "Palestinian NGOs," *op. cit.* note 3.

[6] *Ibid.*

[7] The controversy over NGO funding is discussed at length in the 2000 annual report of the Palestinian Centre For Human Rights, which is profiled in issue 5 of this series.

[8] John Clark and Barbara Balaj, "The West Bank and Gaza in Transition: The Role of NGOs in the Peace Process" (Washington, D.C.: World Bank, December 1994).

[9] "NGOs," *op. cit.* note 4.

[10] "Le Monde Diplomatique," March 2001.

[11] Edward Said, "The End of the Peace Process," *The New York Review of Books*, April 20, 2000.