Israel's High-Wire Balancing Act: Israeli Security vs. Palestinian Rights

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The longstanding conflict between the Israelis and the Palestinians is among the most emotional and seemingly irresolvable ones of the past century. Compounding the problem are hegemonic pressures on both sides stemming from balance of power concerns, oil interests, questions of international law, and religious beliefs about the history and future of the "Holy Land." Internally, Israel is a microcosm of the cultural, ethnic, and religious diversity of its hegemonic big brother, the United States. Even the Jewish majority in Israel is made up of a dizzying array of splinter groups. As a result, one problem pertinent to the subject of this essay is that those from the former (officially atheistic) Soviet Union came with few or none of the religious beliefs and humanistic worldview that traditionally have imbued Jews with a high view of human life and human rights.

Nonetheless, most Israelis are concerned about human rights for at least two reasons: (1) the general acceptance of the historic Jewish ethic in Israel — which stresses the value and dignity of all human life (at least from birth onward) and (2) the traumatic legacy of almost two millennia of anti-Semitism, culminating in the horrors of the Holocaust, which has given Jews a clear understanding of what it means to be victimized and disenfranchised. That said, Israelis live with the knowledge that while large, powerful nations like the United States can afford an occasional national security mistake, the same thing with a tiny nation like Israel (even though technologically and militarily advanced) could be fatal. Therefore, Israel finds itself continually having to weigh the importance of human rights against its very real security concerns, especially with the asymmetrical warfare that has been waged against it for two decades.

After being attacked by Arab armies three times (in 1948, 1967, and 1973), coupled with ongoing terrorism originating in the Palestinian Territories (Gaza and the West Bank) and apocalyptic nuclear threats by the nation of Iran, security is a pervasive existential concern. Yes, Israel's many achievements as a nation in just six decades are remarkable; but the long-term psychological and financial costs of ongoing terrorist threats (and attacks) from the Palestinian territories on both sides (Gaza and the West Bank) have taken their toll.

Additionally, the demoralizing realization that former Prime Minister Ariel Sharon gave Gaza — where enterprising Israelis built beautiful towns and vast, high-tech hydroponic farms — to the Palestinians in a vain hope of "land for peace" (only to see the Palestinians bulldoze most of it and elect a Hamas terrorist regime dedicated to Israel's destruction), has made the Israelis justifiably cynical about the Palestinians' willingness, not to mention readiness, to pursue peace. Moreover, the world has watched billions of dollars of foreign aid given to the Palestinians either disappear into the Swiss bank accounts of corrupt overlords such as the late Yasser Arafat or go to fund terrorist campaigns.

This is why Walter Russell Mead's statement, "Now, it is Israel who must lay down the cards — and trust and hope that the Palestinians will reciprocate by providing Israel with the security it craves" ("Change They Can Believe In") makes one wonder where Mead has been the past two decades. This kind of ivory-tower naïveté — in the face of PLO and Hamas charters that still call for Israel's destruction — is far too reminiscent of former British Prime Minister Neville Chamberlain's appeasement rhetoric of the 1930s.

Beginning in 1990, Palestinians in the West Bank, under Arafat's direction, launched the *intifada* — years of grisly terror attacks directed at Israeli civilians. Suicide bombers detonated themselves in buses, restaurants and shopping areas. Car bombs exploded, and rockets were fired from Palestinian towns. International tourism — a large part of the Israeli and Palestinian

economies — came almost to a standstill. From September 2000 onward, more Israeli civilians than Israeli soldiers were killed or wounded, which was unprecedented. (Jonathan Rynhold, "Israel's Fence," 62) The goal, as Moshe Habertal puts it, was to shift the Israeli population "... from a healthy sense of cautious fear attached to a particular place — a border, a security zone — to a generalized panic that has no location." ("The Goldstone Illusion")

Therefore, Israel began to build a security fence between its territory and those Palestinian areas which had proven to be conduits to terrorist actions in Israel. Almost overnight, terrorism — especially suicide bombings — was almost completely stopped. (Israel's targeted assassinations of known terrorist leaders in the West Bank undoubtedly helped also.) But due to its deviations from the Green Line, the wall had a negative impact on the Palestinian economy and the ability of Palestinians employed in Israel to get back and forth to their jobs easily, and accusations of "apartheid!" "ghettoes!" and "human rights violations!" began to be hurled at Israel. However, to take such accusations seriously requires that one ignore past events and ongoing threats — and imply sinister motivations to straightforward defense tactics.

As Rynhold and Ben-Ami ("A War to End All Wars") both point out, the security fence alone is no long-term solution. Israel must grit its collective teeth and resolve the issue of the illegal Jewish settlements in the Palestinian Territories — a development that emerged on the heels of the IDF's occupation of that area as a security measure since the 1967 War. Not only is it difficult for Israel to justify its continued occupation beyond the protection of said settlements, but the situation continues to fuel Palestinian grievances and hamper the all-important autonomy that must precede Palestinian statehood. A number of human rights and peace-oriented groups, including Peace Now in Israel, have proposed creative solutions including, but not limited to, giving the illegal settlements the choice between evacuating or coming under Palestinian sovereignty (however unlikely the latter), doing settlement swaps (one illegal Palestinian

settlement here for one illegal Jewish one there), or having the settlers leave after selling immovable infrastructure to the Palestinians.

Today, Israel's greatest contiguous threats come from the terrorist group Hezbollah in Lebanon (which triggered the Second Lebanon War) and the Hamas-led regime in Gaza. After rocket attacks began and arms smuggling into the area from Egypt and Syria escalated, Israel imposed a blockage on Gaza. Yet rather than cease its hostilities against Israel, Hamas has preferred to let its population suffer and to milk those sufferings in the international press. It also "... increase[s] [its] base of support … by murdering Israeli civilians and thereby goading Israel into an overreaction" (which brings more suffering to the citizens of Gaza and thereby increases internal support for Hamas).

In late December 2008, after several years of enduring the human and financial cost of hundreds of rockets shot by Gazans into bordering Israeli towns, Israeli launched Operation Cast Lead — a three-week military offensive into Gaza — with the goal of stopping the rocket attacks and arms smuggling. More than 1,000 Palestinians died compared to just 13 Israeli soldiers, and damage to the Gazan infrastructure was significant. In January, Israel declared a unilateral ceasefire and withdrew.

In September 2009, a UN special investigative commission headed by Judge Richard Goldstone completed a report that accused both Israel and Gaza of war crimes and human rights violations and recommended that violators on both sides be brought to justice; yet the UN Human Rights Council, in endorsing the report, reserved criticism for Israel alone. ("Gaza War," Wikipedia) Meanwhile, most of the international media portrayed Israel as the aggressor — and alleged that it had used firepower indiscriminately with little to no regard for civilian casualties.

The bias of The Goldstone Report became clear when it censored Israel for attacking civilians and public buildings while dancing verbally around the facts that Hamas deliberately

fires from civilian areas, its police force doubles as a military force, its fighters wear no recognizable uniforms or emblems, and Hamas is known to have no qualms about using "human shields" (including children). As Habertal explains, this tactic is called "asymmetrical war." By erasing the distinction between combatants and noncombatants, it causes moral and tactical quandaries for countries like Israel which maintain such a distinction, not to mention other time-honored, internally codified "laws of war."

When the Goldstone Commission heard reports about both the Palestinian Authority (PA) and Hamas resorting to cruel, inhuman and degrading treatment of their own citizens, they noted the rumors in their report but made no efforts to investigate them. Likewise, they provided "estimates" about the detention of Palestinians in Israeli prisons yet gave no information about the sources of those estimates or their reliability. As Habertal, a highly respected philosophy and law professor, concluded (and I agree with his assessment): "The Goldstone Report as a whole is a terrible document. It is biased and unfair. It offers no help in sorting out the real issues."

While Israel — like any nation — makes mistakes and has overreacted on occasion in response to terrorist attacks, the ethical code of the Israeli Defense Forces with regard to human rights and the importance of minimizing civilian casualties (even when this results in greater risk to its soldiers) is taken seriously by commanders and troops on the ground. The three core principles, as summarized by Habertal, are (1) Necessity: Force is to be used solely for the purpose of accomplishing the mission; (2) Distinction: The intentional targeting of noncombatants is absolutely prohibited; (3) Proportionality/avoidance: Collateral damage must be proportional to military advantage.

The IDF's ethical code is no mere window-dressing but is, rather, an outgrowth of the value Israel puts on human life and human rights. Israel's ethical system is based on ancient biblical texts that mandate treating foreigners humanely. Historically, Israel has given medical

care to wounded terrorists alongside terrorist victims in its hospitals, Palestinian and non-Palestinian Arab children with life-threatening medical conditions are frequently admitted free of charge to Israeli hospitals, and Israelis have even donated the organs of loved ones to Palestinians. However, traditional Muslim Arab and Palestinian societies* have a different application of human rights based on whether one is a member of the community (and even then, a *conforming* member) or an outsider. (*NOTE: I distinguish between "Arab" and "Palestinian" because there is some question whether the majority of Palestinians are really Arab, based on a growing body of data accumulated by genetic and cultural researcher Tsvi Misinai [see "Tsvi Misinai," Wikipedia].)

Israel's dilemma is that its enemy has no such code or ethic. Indeed, Hamas' charter (Charter of the Islamic Resistance Movement of Palestine) makes it very clear that each and every one of its citizens should be considered a soldier in the struggle to destroy Israel and bring the caliphate to the entire region. As the Charter says, "[W]hen an enemy lands on ... Muslim territories … fighting the enemy becomes the individual obligation of every Muslim man and woman." (p. 125)

Habertal (p. 1) describes Israel's dilemma with the asymmetrical warfare forced upon it:

Since the early 1990s, the nature of the military conflict facing Israel has been dramatically shifting. What was mainly a clash between states and armies has turned into a clash between a state and paramilitary terror organizations, Hamas in the south and Hezbollah in the north.... Hamas militants fight without military uniforms, in ordinary and undistinguishable civilian garb, taking shelter among their own civilian population; and they attack Israeli civilians wherever they are, intentionally and indiscriminately.

Israel realizes, therefore, that balancing human rights issues (not just actually, but also in international perception) with vital security interests requires that it secure its borders and establish a high-tech protective perimeter that will, hopefully, make future military offensives such as the Second Lebanon War and Operation Cast Lead necessary only if Israel's actual

survival is threatened. This year, the United States has begun to respond to Israel's request for air defense batteries against short-range rockets in order to secure itself against attacks from Gaza and Lebanon. "The logic from an American point of view is that it is better to help Israel feel protected and defend its cities than it is for Israel to be under attack and have to launch another operation in Gaza to protect itself," explained one Israeli official. ("ICEJ News," May 3, 2010)

One of Israeli historian Benny Morris' most important points (as propounded by Shlomo Ben-Ami in "A War to End All Wars") is that the Zionists' reaction to the invasion by the Arab League in 1948 was shaped by then-current and past realities: They were "encircled by large, hostile Arab states whose armies could easily retreat, recover, and be ready for the next round." Then there was "the traumatic memory of the destruction of European Jewry, the Yishuv's deep sense of insecurity, and its tendency to see every battle in apocalyptic terms. Even today, Israel has not overcome the legacy of the Holocaust; its status as a regional power has not diminished its existential fears." Ironically, however, it may be Iran's nuclear saber-rattling — a threat not only to Israel but the entire Middle East — that could create closer ties between Israel and its Arab neighbors (those controlled by Hezbollah and Hamas excluded).

Conclusion

In spite of Israel's remarkable accomplishments, it often serves as the world's scapegoat on which all the problems of the Palestinians, past and present, are laid. Of course, Israel has made mistakes and overreacted militarily on occasion; but its failures are exaggerated while those of the Palestinians, no matter how egregious, are minimized or even ignored. With rare exceptions, the Palestinian refugee problem is blamed exclusively on Jewish actions in 1947-1948. Among the authors who reference the Palestinian refugee issue and its origins (Ilan Pappé, Shlomo Ben-Ami, and Walter Russell Mead), *not one* mentions that a significant reason so many Palestinians fled their homeland in 1947-1948 was that the Arab League's announcement that its

armies were preparing to invade Palestine and make the Crusades look like child's play.

Inconveniently for the Arabs and Palestinians, of course, the vastly outnumbered, out-gunned Jews defeated the Arab League. Yet, by and large, the Arab nations refused to absorb Palestinian refugees, even though most all of them were fellow Muslims. Neither independence nor statehood, much less human rights, for the Palestinians was of the least concern to them. Indeed, from that time forward, "A key feature of the Arabs' plans was the complete marginalization of the Palestinians." ("Arab League and the Arab-Israeli Conflict")

Not surprisingly, one of the problems the Israelis and Palestinians will face in the years ahead will be the issue of identity — and how overly simplistic, even naïve, categories of identification are being used by those on all sides to define prospective borders, resolve issues related to Jerusalem, and plan the character and essence of the respective nations (Jewish and Palestinian). As Shlomo Avineri points out, until the 1800s, to be Jewish was a cohesive religious, ethnic and cultural identity. But the impact of the Enlightenment quickly began to erode that, which is why Zionism emerged when it did — as a means of creating a new Jewish identity and purpose when the previous one was rapidly disappearing. ("Zionism as a National Liberation Movement")

Israel's immigration laws have been based on being able to prove one's "Jewishness"; but increasingly the question must be asked, "Who is a Jew?" Is it a religious identity? If so, then the majority of Israel's Jewish population, which are non-observant religiously, would be disqualified. Is it ethnic? Again, with increasing numbers of so-called "Gentiles" around the world (including as many as 90 percent of the Palestinians in both Gaza and the West Bank, according to Tsvi Misinai) discovering through genetic testing that they have Jewish genotypes, identity based on ethnicity alone becomes meaningless. In the end, Israeli policy may have to line up with Ben-Gurion's saying, "If someone wants to be a Jew, that's enough for me."

Whether on an individual or a national level, at some point one must move beyond a victim or "survivalist" mentality in order to keep progressing — which Israel must determine to do in the next several decades. Yes, real dangers abound; but a solid support network (which Israel has, from the United States government, various Jewish groups outside of Israel, and from millions of pro-Israel evangelical Christians worldwide — whose financial and lobbying power should not be underestimated) can help one learn to respond in a measured way rather than react out of fear or anger. Moreover, the more secure Israel becomes (especially as the Middle East's only democracy), the more it can serve as a steady neighbor and trading partner for an emerging Palestinian state. In the end, the emerging field of human security (the merging of human rights and security) — along with the elimination of different sets of rules for Israelis and Palestinians — is the key to a bright future for all.

Israel's current beleaguered position on its path from fledging nation to world leader (based on influence, not size) is rather like that of a high-wire artist buffeted by wind from both sides. Nonetheless, this amazing little country is fully capable of achieving the necessary balance between ensuring its security, meeting the expectations of the diverse interest groups in its political system, resolving the almost century-long conflict with the Palestinians, and navigating the currents of international law and politics as long as it does not abandon its historic, humanistic, Jewish worldview.

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