

Why Israel lost this war

As criticism of the war shifts to a foundational critique of Israel itself, Israel can't afford to not make its case. This it can do only by reclaiming the moral high ground

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Pro-Palestinian activists and supporters in London let off smoke flares, wave flags and carry placards during a demonstration against Israel amid fighting between the Jewish state and Palestinian terrorists in Gaza, on May 15, 2021. (Tolga Akmen/AFP)

Regardless of how many miles of Hamas tunnels Israel destroys, and how many years of deterrence Israel has gained before Hamas will fire again on Israel's cities, one thing is clear: Israel lost, and Hamas won.

In the international arena, Hamas's missile attacks and targeting of Israeli civilians are excused as a legitimate strike against the oppressor, while Israel's attempt to curtail them is seen as yet another manifestation of its abuse of power. Even when Hamas is condemned, it is always accompanied with a "but." "Hamas's attacks are deplorable, *but* that does not justify Israel's disproportionate response and war crimes."

Israel's friends around the world are experiencing growing anxiety over the legitimacy of Israel's cause; certainly over their ability to explain it to others, especially their children.

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Many Israelis counter that they are willing to pay this price so long as Israeli citizens are safe. Even though world opinion and support are strategic assets, Israel needs to first fulfill its moral responsibility to defend its population. If these actions are condemned or misunderstood by others, so be it. That loss, while significant, must be viewed as secondary in nature.

In the past, I shared this perspective. This time, though, something has changed. The condemnations of Israel's handling of the war have shifted from being focused on Gaza to a foundational critique of Israel itself; a potential tipping point in the case against Israel as an "almost" apartheid state, with rejection of Israel, itself now widely perceived in progressive circles as a social justice issue, a moral imperative.

I don't do fatalism

Some supporters of Israel will condemn this development as the inevitable manifestation of antisemitism clothed as anti-Zionism. Others might explain it as a backlash against Israel's alliance with former President Trump, who was viewed by most of Israel's current critics as a moral abomination. There is, in those responses, a certain fatalism: This is the way of the world and we are simply paying the price for forces beyond our control.

As a Zionist, however, I don't do fatalism. I choose to believe that reality is not deterministically set against us. We have a right to defend ourselves and can do so not only on the battlefield but also in the marketplace of ideas.

Doing so, however, demands that we not assume our righteousness as an inalienable birthright. It requires that we offer moral arguments in our own defense, but, at the same time, are willing to acknowledge when we are wrong and implement policies to rectify these wrongs.

A people that discounts all criticism as antisemitic, or that assumes its moral superiority – as in the Israeli saying, "No one will give us a lesson in morality" – is a people that will not only lose the battle in the marketplace of ideas but deserves to do so. Immunity from moral criticism inevitably leads to moral mediocrity.

The two most prevalent moral criticisms of Israel's actions in Gaza are, first, the disproportionate power imbalance between Israel and Hamas. Israel is the powerful adult while Hamas the weak child (4-year-old sibling, in the words of Trevor Noah). Israel has an omnipotent military and is protected from Hamas rockets by its Iron Dome; Hamas may be evil but is mostly impotent. This is not a "fair fight," say the critics, and fighting "fair" has become the ultimate standard.

The second main criticism focuses on the disproportionate imbalance in fatalities, currently at a ratio of more than 10 to 1 in Israel's favor. When assessing the extent of damage to buildings and infrastructure, the imbalance is amplified. While Israel's initial response to Hamas's missiles may have been legitimate, say the critics, that legitimacy has long since expired, and every day that Israel persists in its campaign is additional evidence of its moral vacuity.

Proportionality in asymmetric warfare

The moral foundation of both arguments is the need for proportionality, a widely accepted obligation within the context of morality in war. One must not only engage in wars that are just, limited to wars of self-defense, but one must fight just wars justly. Under the condition of proportionality, also officially adopted by the IDF in its Code of Ethics, the use of power is not legitimized merely by the fact that the other side instigated the attack, but by the extent of the danger one faces from this attack, and the force required to repel it. The moral umbrella of self-defense extends only to a proportionate response.

The condition of proportionality is a significant challenge to Israel. All of Israel's wars since 1973 have been against terror organizations, and as such, by definition, asymmetrical. Such asymmetry is one of Israel's greatest achievements, a product of peace with Egypt and Jordan. It is also a result of the disintegration of Syria, as well as Israel's military and technological advances.

As an Israeli, I pray for peace. But I also pray that, if peace is beyond reach for now, let all wars be asymmetrical. The current power imbalance guarantees that my enemies, though able to instigate war and harm me, no longer pose an existential threat.

To claim that the mere fact of disproportionate force renders a war unjust is tantamount to morally condemning power itself while condoning the immoral actions of the less powerful, an argument which is itself morally bankrupt. Neither power nor powerlessness is inherently morally significant. What counts is how either circumstance is used. They are means and not ends. Power used in self-defense is of moral value, while as an instrument of aggression, a force for evil. Powerlessness, while morally benefiting from its diminished capacity to do harm, can be equally immoral if it is a tool of self-victimization, and even worse, if used to evade responsibility for one's actions and their consequences.

Proportionate force is a critical condition for governing a conflict between two symmetrical forces. In an asymmetrical conflict, the insistence on proportionality by definition condemns the powerful and morally exonerates the less powerful, regardless of who instigated the conflict and how they used their relative power.

No nation can be morally required to use force only in proportion to the force that its enemy is able to marshal. This neutralizes its legitimate efforts to protect itself and curtails its ability to fulfill its moral obligation of self-defense. It also will grant the less advantaged, and terror organizations, a stamp of moral righteousness that they do not deserve.

That said, proportionality is still a critical moral condition in the use of power against one's enemy. The fact that one has significant power, and that one has a right to utilize it to defend oneself, does not mean that one may indiscriminately apply power. The use of power is legitimate only in proportion to the danger that one faces, and only to the extent necessary to neutralize the danger.

Hamas and the suffering of Gazans

In the case of Hamas, the issue is complicated. The use of force in proportion to the danger Israel faces, and to the extent necessary to neutralize the danger, is not the same. Despite the success of the Iron Dome, Hamas's missiles still endanger Israeli lives, terrorize half of Israel's civilian population, and bring daily life to a standstill. Nevertheless, it is clear that the danger is now significantly diminished. It is very difficult to measure the relative proportionality of suffering, but it is apparent that Gazans are now in a condition of far greater danger than the average Israeli.

Israel's military strikes, it seems to me, are disproportionate to the dangers Israel faces. But herein lies the problem. They are not a disproportionate use of force when one takes into account what is necessary to neutralize the danger. If Israel were to limit its actions to a response that mirrored Israel's casualties and destruction of infrastructure, Hamas would never cease its acts of aggression.

Hamas has been attacking Israel from the moment Israel withdrew from Gaza in 2005 and views the disruption of Israeli life and the killing of Jews as a strategic end. When encountering terror, neither reason nor political accommodation is possible. Hamas is not seeking a fair solution to the conflict but the destruction of Israel. Only a reality in which its acts of aggression are met with a disproportionate response, which may cause them to examine their own self-interest, has a chance of success.

The condition of proportionality must not prevent a just war from being fought. Israel has a right to self-defense, and the fact that it is facing an enemy significantly weaker than itself cannot render their acts of aggression moral, and Israel's acts, immoral.

Can these arguments succeed in an open marketplace of ideas? I believe they can, but only under the right conditions. Some of these conditions are not in our hands, but many of them are. Much of the world, and especially our Western allies, have clearly exhibited this last week, not to speak of the decades since Oslo, support for Israel and a profound understanding of Israel's complex security rights. That said, we cannot win a moral debate if our moral character is questionable and if we ourselves do not engage in constant moral reflection and aspirational moral goals.

We cannot expect that others morally condone our disproportionate response if they do not believe that we care about Palestinian suffering and truly yearn for a peaceful and just solution to the Israeli-Palestinian conflict.

While our army attempts to avoid civilian casualties, the fact is that in Israel we have stopped mourning them, accepting them as collateral damage. One of the most destructive consequences of the collapse of the Israeli-Palestinian peace process is the mutual dehumanization which has resulted. While such dehumanization contradicts our values and rhetoric, the fact is that it has taken hold.

Furthermore, a commitment to peace does not simply entail territorial compromise and a desire to separate from each other, but a willingness to embrace and respect each other's right to live, to live a life of freedom and dignity. The absence of such a willingness has created an Israeli moral blindness which is evident for all to see.

And for those who were on the fence, Sheikh Jarrah provided all the necessary evidence. Sheikh Jarrah was not the catalyst for Hamas's murderous response, nor does it legitimize it; but it does undermine Israel's moral credibility, the ability for its moral arguments to be heard. This is one of the central reasons why we have lost this war.

Making the moral argument

But there is one even more significant cause for our defeat. Facts matter. They have to. But which facts matter is another question altogether. In our conflict with the Palestinians, we are not merely engaged in a military conflict, but in a conflict of ideas and narratives. Do we have a right to the land and if so which land? Who was here first, from when do we start to calculate, and does it all matter? Who is responsible for the ongoing conflict? Who is the principal hindrance to peace? Who started this last war? Every war?

In each case there are facts. In some cases, the facts are disputable. In others less so. In most cases, there is evidence to be considered, and corroborating witnesses to be heard. We Jews and Israelis have been delegitimized for so long that we cannot stop arguing our case with facts. The problem is that we are now arguing the wrong case and presenting facts that no longer matter.

The fact that Hamas wants us dead and instigated this recent war does not legitimize every Israeli response, and the fact that we continue to argue that case creates an impression of moral obtuseness. The fact that Palestinians rejected the Clinton Parameters (as even Bill Clinton attests) may explain back then the lack of progress towards a two-state solution; but it does not justify Israel's settlement expansion, which renders any such solution impossible now and in the future, or the continued discrimination of Palestinians. (See under: Sheikh Jarrah, Damascus Gate, excessive use of police force on the Temple Mount, etc.) The fact that Palestinians have rejected every peaceful solution since 1947 does not ameliorate the general perception that Israel no longer seeks a just peace and is content with relying on its power.

Facts matter, but in the current moral debate, we do not get to use facts to change the conversation to the issue that we want to discuss. To succeed we need to accept the rules of the game, and the current discourse is about moral values and policy, moral awareness and aspirations. To win in an open marketplace of ideas, we need to internalize that we cannot control the marketplace. It is by definition open.

We need to listen. We need to hear people's criticism and concerns. We need to believe that they are worthy of a response and then respond both through the power of our ideas but also with the courage to admit when we are wrong. We need to reclaim the moral high ground, not through self-congratulation but through policies that are worthy of us. When we do so, I believe that our moral arguments will be heard.

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