
Deterring Arabs, Deterring Peace

“OPERATION CAST LEAD” PROVED TO BE a public relations debacle for Israel. However much they might have preferred otherwise, Western media, pundits, and diplomats could not ignore the massive death and destruction in Gaza. If it wasn’t self-defense, what then impelled Israel to prosecute a campaign against a civilian population that was bound to elicit stinging rebukes abroad? Early speculation focused on the jockeying for votes in the upcoming 2009 election. Polls during the invasion showed that 80–90 percent of Israeli Jews supported it. “In the context of almost unanimous support of the operation by the Israeli public,” the Association for Civil Rights in Israel subsequently noted, “tolerance of any dissent was minimal.”¹ But as veteran Israeli journalist Gideon Levy pointed out, “Israel went through a very similar war . . . two-and-a-half years ago [in Lebanon], when there were no elections.”² In fact, Israeli leaders recoil at jeopardizing critical state interests, such as by launching a war, simply for electoral gain. Even in recent decades, when the Israeli political scene has become more squalid, one would be hard-pressed to name a major military campaign set in motion for partisan political ends.³ The principal motives behind the Gaza invasion traced back

1. Ethan Bronner, “In Israel, a Consensus That Gaza War Is a Just One,” *New York Times* (13 January 2009). Association for Civil Rights in Israel, *The State of Human Rights in Israel and the Occupied Territories: 2009 report* (Jerusalem: December 2009), p. 6.

2. Gideon Levy, *Democracy Now!* (29 December 2008), democracynow.org/2008/12/29/israeli_attacks_kill_over_310_in.

3. Whereas it is arguable that Prime Minister Menachem Begin’s decision to bomb the Iraqi OSIRAK reactor in 1981 was an electoral ploy, the facile operation didn’t jeopardize state interests. Indeed, the alleged existential threat posed to Israel by Saddam Hussein was unfounded; he hadn’t embarked on a nuclear weapons program prior to the bombing. Richard Wilson, “Incomplete or Inaccurate Information Can Lead to Tragically Incorrect

not to the election cycle but to the dual necessity of restoring Israel's "deterrence capacity," and scotching the threat posed by a new Palestinian "peace offensive."

Israel's "larger concern" in Cast Lead, *New York Times* Middle East correspondent Ethan Bronner reported, quoting Israeli sources, was to "re-establish Israeli deterrence," because "its enemies are less afraid of it than they once were, or should be."⁴ Preserving its deterrence capacity looms large in Israeli strategic doctrine. Indeed, this consideration was a major impetus behind Israel's first strike against Egypt in June 1967, which resulted in Israel's occupation of Gaza and the West Bank. To justify Cast Lead, Israeli historian Benny Morris recalled that "many Israelis feel that the walls . . . are closing in . . . much as they felt in early June 1967."⁵ But although ordinary Israelis were filled with foreboding before the June war, Israel did not face an existential threat at the time (as Morris knows⁶) and Israeli leaders did not doubt they would emerge victorious in the event of war. After Israel threatened, and then laid plans, to attack Syria in May 1967,⁷ Egyptian president Gamal Abdel Nasser deployed Egyptian troops in the Sinai and announced that the Straits of Tiran would be closed to Israeli shipping. (Egypt had entered into a military pact with Syria a few months earlier.) Israeli foreign minister Abba Eban emotively declared that because of the blockade, Israel could only "breathe with a single lung." But except for the passage of oil, of which it then had ample stocks, Israel made practically no use of the straits. Besides, Nasser did not enforce the blockade: vessels were passing freely through the straits within days of his announcement. What then of the military threat posed by Egypt?

Decisions to Preempt: The example of OSIRAK," paper presented at Erice, Sicily (18 May 2007, updated 9 February 2008), users.physics.harvard.edu/~wilson/publications/pp896.html; Richard Wilson, "A Visit to the Bombed Nuclear Reactor at Tuwaitha, Iraq," *Nature* (31 March 1983); Wayne White, Former Deputy Director, Near East and South Asia Office, State Department, in "Fifty-Third in the Capitol Hill Conference Series on US Middle East Policy" (20 June 2008).

4. Ethan Bronner, "Israel Reminds Foes That It Has Teeth," *New York Times* (29 December 2008).

5. Benny Morris, "Why Israel Feels Threatened," *New York Times* (30 December 2008). Gideon Levy mocked Israel's incessant fearmongering as "the devil's refuge" that "explains and justifies everything." "Waiting for the All Clear," *Haaretz* (30 April 2009).

6. Benny Morris, *Righteous Victims: A history of the Zionist-Arab conflict, 1881-2001* (New York: 2001), p. 686.

7. Ami Gluska, *The Israeli Military and the Origins of the 1967 War: Government, armed forces and defence policy 1963-1967* (New York: 2007), pp. 74-76, 80, 94-100, 103-6, 114-18.

Multiple US intelligence agencies had concluded that Egypt did not intend to attack Israel and that in the improbable case that it did, alone or in concert with other Arab countries, Israel would—in President Lyndon Johnson’s words—“whip the hell out of them.”⁸ Meanwhile, the head of the Mossad told senior American officials on 1 June 1967 that there were “no differences between the US and the Israelis on the military intelligence picture or its interpretation.”⁹ So, Israel itself must have been aware that Nasser did not intend to attack and that the Egyptian army would be trounced if he did. The real predicament facing Israel was the growing perception in the Arab world, spurred by Nasser’s radical nationalism and climaxing in his defiant gestures in May 1967, that it no longer needed to fear the Jewish state. Divisional Commander Ariel Sharon admonished cabinet members hesitating to launch a first strike that Israel was losing its “deterrence capability . . . our main weapon—the fear of us.”¹⁰ In effect, *deterrence capacity* denoted, not warding off an imminent existential threat, but putting rivals on notice that any future challenge to Israeli power would be met with decisive force. The Israeli army command “was not too worried about an Egyptian surprise attack,” Israeli strategic analyst Zeev Maoz concluded. “Rather, the key question was how to restore the credibility of Israeli deterrence.”¹¹

The ejection of the Israeli occupying army from Lebanon in 2000 by Hezbollah posed a new challenge to Israel’s deterrence capacity. The fact that it suffered a humiliating defeat, and that Hezbollah’s victory was celebrated throughout the Arab world, made another war well-nigh inevitable. Israel immediately began planning for the next round.¹² It found a plausible pretext in 2006 when Hezbollah killed several Israeli soldiers and captured two, and then demanded in exchange the release of Lebanese prisoners held in Israeli jails. Although it unleashed the full fury of its air force and geared up for a

8. Norman G. Finkelstein, *Image and Reality of the Israel-Palestine Conflict*, expanded second paperback edition (New York: 2003), pp. 134–40 (Johnson quote at p. 135, Eban quote at p. 139).

9. “Memorandum for the Record” (1 June 1967), *Foreign Relations of the United States, 1964–1968*, vol. 19, *Arab-Israeli Crisis and War, 1967* (Washington, DC: 2004).

10. Tom Segev, *1967: Israel, the war, and the year that transformed the Middle East* (New York: 2007), p. 293, emphasis added.

11. Zeev Maoz, *Defending the Holy Land: A critical analysis of Israel’s security and foreign policy* (Ann Arbor: 2006), p. 89.

12. Benjamin S. Lambeth, *Air Operations in Israel’s War against Hezbollah: Learning from Lebanon and getting it right in Gaza* (Arlington, VA: 2011), p. 97; Matthew Kalman, “Israel Set War Plan More than a Year Ago,” *San Francisco Chronicle* (21 July 2006).

ground invasion, Israel suffered a second ignominious defeat in the summer 2006 war. “The IAF [Israeli Air Force], the arm of the Israeli military that had once destroyed whole air forces in a few days,” a respected US military analyst concluded, “not only proved unable to stop Hezbollah rocket strikes, but even to do enough damage to prevent Hezbollah’s rapid recovery,” while “Israeli ground forces were badly shaken and bogged down by a well-equipped and capable foe.”¹³ The juxtaposition of several figures highlights the magnitude of the Israeli setback. Israel deployed 30,000 troops against 2,000 regular Hezbollah fighters and 4,000 irregular Hezbollah and non-Hezbollah fighters; Israel delivered and fired 162,000 weapons whereas Hezbollah fired 5,000 weapons (4,000 rockets and projectiles at Israel and 1,000 antitank missiles inside Lebanon).¹⁴ What’s more, “the vast majority of the fighters” Israeli troops did battle with “were not . . . regular Hezbollah fighters and in some cases were not even members of Hezbollah,” and “many of Hezbollah’s best and most skilled fighters never saw action, lying in wait along the Litani River with the expectation that the IDF [Israel Defense Forces] assault would be much deeper and arrive much faster than it did.”¹⁵ On the political front, it was indicative of Israel’s reversal of fortune that for the first time, it fought not in defiance of a UN cease-fire resolution but, instead, in the hope that such a resolution would rescue it from a quagmire. “Frustration with the conduct and outcome of the Second [2006] Lebanon War,” an influential Israeli think tank later reported, led Israel to “initiate a thorough internal examination . . . on the order of 63 different commissions of inquiry.”¹⁶

After the 2006 war, Israel was itching to reengage Hezbollah but wasn’t yet confident it would emerge triumphant from the battlefield. In mid-2008, Israel sought to conscript the United States for a joint attack on Iran, which performance would also decapitate Hezbollah (Iran’s junior partner), and consequently neuter the principal rivals to its regional hegemony. Israel and its quasi emissaries, such as Benny Morris, warned that if the United States did not go along, “then nonconventional weaponry will have to be used,” and

13. William Arkin, *Divining Victory: Airpower in the 2006 Israel-Hezbollah war* (Maxwell Air Force Base, AL: 2007), pp. xxv–xxvi, 54, 135, 147–48.

14. *Ibid.*, pp. xxi, 25, 64.

15. Andrew Exum, *Hizballah at War: A military assessment* (Washington, DC: 2006), pp. 9, 11–12.

16. Reut Institute, *Building a Political Firewall against Israel’s Delegitimization* (Tel Aviv: 2010), para. 35.

“many innocent Iranians will die.”¹⁷ To Israel’s chagrin and mortification, Washington vetoed an attack and Iran went its merry way. The credibility of Israel’s capacity to terrorize had slipped another notch. The time had come to find a different target. Tiny Gaza, poorly defended but proudly defiant, fitted the bill. Although feebly armed, Hamas had resisted Israeli diktat. It even crowed that it had forced Israel to “withdraw” from Gaza in 2005 and had compelled Israel to acquiesce in a cease-fire in 2008. If Gaza was *where* Israel would restore its deterrence capacity, one theater of the 2006 war hinted at *how* it might be done. In the course of its attack, Israel flattened the southern suburb of Beirut known as the Dahiya, which was home to Hezbollah’s poor Shiite constituents. After the war, Israeli military officers gestured to the “Dahiya doctrine” as they formulated contingency plans:

We will wield disproportionate power against every village from which shots are fired on Israel, and cause immense damage and destruction. This isn’t a suggestion. This is a plan that has already been authorized. (Head of IDF Northern Command Gadi Eisenkot)

The next war . . . will lead to the elimination of the Lebanese military, the destruction of the national infrastructure, and intense suffering among the population. Serious damage to the Republic of Lebanon, the destruction of homes and infrastructure, and the suffering of hundreds of thousands of people are consequences that can influence Hezbollah’s behavior more than anything else. (Head of Israeli National Security Council Giora Eiland)

With an outbreak of hostilities, Israel will need to act immediately, decisively, and with force that is disproportionate. . . . Such a response aims at inflicting damage and meting out punishment to an extent that will demand long and expensive reconstruction processes. (Reserve Colonel Gabriel Siboni)¹⁸

17. Benny Morris, “A Second Holocaust? The Threat to Israel” (2 May 2008), mideastfreedomforum.org/de/node/66. When Israel again threatened to attack Iran in late 2009 and early 2010, Morris did reprises of his signature 2008 performance by conjuring apocalyptic scenarios if the United States did not back an Israeli attack. Benny Morris, “Obama’s Nuclear Spring,” *Guardian* (24 November 2009); Benny Morris, “When Armageddon Lives Next Door,” *Los Angeles Times* (16 April 2010).

18. Yaron London, “The Dahiya Strategy,” *ynetnews.com* (6 October 2008); Giora Eiland, “The Third Lebanon War: Target Lebanon,” *Strategic Assessment* (November 2008); Gabriel Siboni, “Disproportionate Force: Israel’s concept of response in light of the Second Lebanon War,” *Institute for National Security Studies* (2 October 2008); Amos Harel, “Analysis: IDF plans to use disproportionate force in next war,” *Haaretz* (5 October 2007); Joseph Nasr, “Israel Warns Hezbollah War Would Invite Destruction,” *Reuters* (2 October 2008); Jean-Loup Samaan, “The Dahiya Concept and Israeli Military Posture vis-à-vis Hezbollah since 2006,” *Comparative Strategy* (2013).

The use of disproportionate force and targeting civilian infrastructure constitute war crimes under international law. Although the Dahiya doctrine was formulated with all of Israel's rivals in mind, Gaza was singled out as the prime target. "Too bad it did not take hold immediately after the [2005] 'disengagement' from Gaza and the first rocket barrages," a respected Israeli pundit lamented in October 2008. "Had we immediately adopted the Dahiya strategy, we would have likely spared ourselves much trouble." If and when Palestinians launched another rocket attack, Israeli interior minister Meir Sheerit exhorted a month before, "the IDF should . . . decide on a neighborhood in Gaza and level it."¹⁹ The operative plan for Cast Lead could be gleaned from authoritative Israeli statements as the assault got under way: "What we have to do is act systematically, with the aim of punishing all the organizations that are firing the rockets and mortars, as well as the civilians who are enabling them to fire and hide" (Reserve Major-General Amiram Levin); "After this operation, there will not be one Hamas building left standing in Gaza" (Deputy IDF Chief of Staff Dan Harel); "Anything affiliated with Hamas is a legitimate target" (IDF Spokesperson Major Avital Leibowitz). For sheer brazenness and brutality, however, it would be hard to beat Deputy Prime Minister Eli Yishai: "It [should be] possible to destroy Gaza, so that they will understand not to mess with us. . . . It is a great opportunity to demolish thousands of houses of all the terrorists, so they will think twice before they launch rockets. . . . I hope the operation will come to an end with . . . the complete destruction of terrorism and Hamas. . . . [T]hey should be razed to the ground, so thousands of houses, tunnels and industries will be demolished." The military correspondent for Israel's Channel 10 News observed that Israel "isn't trying to hide the fact that it reacts disproportionately."²⁰

19. London, "Dahiya Strategy"; Attila Somfalvi, "Sheetrit: We should level Gaza neighborhoods," *ynetnews.com* (2 October 2008).

20. "Israeli General Says Hamas Must Not Be the Only Target in Gaza," IDF Radio, Tel Aviv (26 December 2008; BBC Monitoring Middle East); Tova Dadon, "Deputy Chief of Staff: Worst still ahead," *ynetnews.com* (29 December 2008); "B'Tselem to Attorney General Mazuz: Concern over Israel targeting civilian objects in the Gaza Strip" (31 December 2008); *Report of the United Nations Fact-Finding Mission on the Gaza Conflict* (25 September 2009), para. 1204; hereafter: Goldstone Report. See also Public Committee against Torture in Israel (PCATI), *No Second Thoughts: The changes in the Israeli Defense Forces' combat doctrine in light of "Operation Cast Lead"* (Jerusalem: 2009), pp. 20–28.

Israeli media exulted at the “shock and awe” (*Maariv*) of the opening air campaign that was designed to “engender a sense of dread.”²¹ No doubt, it was mission accomplished. Whereas Israel killed 55 Lebanese during the first two days of the 2006 war, it killed as many as 300 Gazans in just four minutes on the first day of Cast Lead. The majority of targets were located in “densely populated residential areas,” while the bombardments began “at around 11:30 a.m., . . . when the streets were full of civilians, including school children leaving classes at the end of the morning shift and those going to school for the second shift.”²² A respected Israeli strategic analyst observed several days into the slaughter, “The IDF, which planned to attack buildings and sites populated by hundreds of people, did not warn them in advance to leave, but intended to kill a great many of them, and succeeded.”²³ In the meantime, Benny Morris praised “Israel’s highly efficient air assault on Hamas,” and a US military analyst marveled at the “masterful precision” of the attack.²⁴ But veteran Israeli columnist B. Michael was less impressed by the dispatch of helicopter gunships and jet planes “over a giant prison and firing at its people.”²⁵ On just the first day, Israeli aerial strikes killed or fatally injured at least 16 children, while an Israeli drone-launched precision missile killed nine college students (two of them young women) “who were waiting for a UN bus” to take them home. Human Rights Watch (HRW) found that “no Palestinian fighters were active on the street or in the immediate area just prior to or at the time of the attack” on the collegians.²⁶ As Cast Lead proceeded apace, prominent Israelis dropped all pretense that its purpose was to stop Hamas rocket fire. “Remember, [Israeli defense minister Ehud] Barak’s real foe is not Hamas,” a former Israeli minister told the Crisis Group. “It is the memory of 2006.”²⁷ Others gloated that “Gaza is to Lebanon as the

21. Seumas Milne, “Israel’s Onslaught on Gaza Is a Crime That Cannot Succeed,” *Guardian* (30 December 2008); Shay Fogelman, “Shock and Awe,” *Haaretz* (31 December 2010).

22. Amnesty International, *Operation “Cast Lead”: 22 Days of death and destruction* (London: 2009), p. 47.

23. Reuven Pedatzur, “The Mistakes of Cast Lead,” *Haaretz* (8 January 2009).

24. Morris, “Why Israel Feels Threatened”; Matt M. Matthews, “The Israeli Defense Forces Response to the 2006 War with Hezbollah,” *Military Review* (July–August 2009), p. 45.

25. B. Michael, “Dèjà vu in Gaza,” *ynetnews.com* (29 December 2008).

26. Al Mezan Center for Human Rights, *Bearing the Brunt Again: Child rights violations during Operation Cast Lead* (2009), p. 28; Human Rights Watch, *Precisely Wrong: Gaza civilians killed by Israeli drone-launched missiles* (2009), pp. 14–17.

27. International Crisis Group, *Ending the War in Gaza* (2009), p. 18. Defending Cast Lead while willfully oblivious to its actual objective, Israeli philosopher Asa Kasher opined that “a democratic state . . . cannot use human beings as mere tools to create deterrence”

second sitting for an exam is to the first—a second chance to get it right,” and that Israel had “hurled back” Gaza not just 20 years (as in Lebanon), but “into the 1940s”; that if “Israel regained its deterrence capabilities,” it was because “the war in Gaza has compensated for the shortcomings of the . . . Lebanon War”; that “there is no doubt that Hezbollah leader Hassan Nasrallah is upset these days. . . . There will no longer be anyone in the Arab world who can claim that Israel is weak.” Looking back a year later, an Israeli military correspondent recalled that the Israeli assault “was considered to be an effective remedy to the failures of the 2006 Second Lebanon War.”²⁸

Thomas Friedman, *New York Times* foreign affairs expert, joined in the chorus of hallelujahs during Cast Lead. Israel actually won the 2006 Lebanon war, according to Friedman, because it had administered an “education” to Hezbollah by inflicting “substantial property damage and collateral casualties on Lebanon.” Fearing the Lebanese people’s wrath, Hezbollah would “think three times next time” before defying Israel. He also expressed hope that Israel would “‘educate’ Hamas by inflicting a heavy death toll on Hamas militants and heavy pain on the Gaza population.” To justify its targeting of Lebanon’s civilian population during the 2006 war, Friedman alleged that Israel had no choice: “Hezbollah created a very ‘flat’ military network . . . deeply embedded in the local towns and villages,” and insofar as “Hezbollah nested among civilians, the only long-term source of deterrence was to exact enough pain on the civilians . . . to restrain Hezbollah in the future.”²⁹ If, for argument’s sake, Friedman’s hollow coinage is set aside (what does “flat” mean?), and if it is also set aside that he not only alleged that killing of civilians was unavoidable but also *advocated targeting civilians* as a deterrence strategy—still, the question remains, Was Hezbollah “embedded in,” “nested among,” and “intertwined” with the civilian population? An exhaustive investigation

because “human beings are not tools to be used,” and “killing for the sake of deterrence is something akin to terrorism.” Asa Kasher, “Operation Cast Lead and Just War Theory,” *Azure* (Summer 2009), p. 51; Asa Kasher, “A Moral Evaluation of the Gaza War,” *Jerusalem Post* (7 February 2010).

28. Amos Harel and Avi Issacharoff, “Israel and Hamas Are Both Paying a Steep Price in Gaza,” *Haaretz* (10 January 2009); Ari Shavit, “Israel’s Victories in Gaza Make Up for Its Failures in Lebanon,” *Haaretz* (12 January 2009); Guy Bechor, “A Dangerous Victory,” *ynetnews.com* (12 January 2009); Amos Harel, “Israel Stuck in the Mud on Internal Gaza Probe,” *Haaretz* (30 January 2010).

29. Thomas L. Friedman, “Israel’s Goals in Gaza?,” *New York Times* (14 January 2009). See also Thomas L. Friedman, “War, Timeout, War, Time . . .,” *New York Times* (26 June 2010).

by HRW concluded that, overwhelmingly, it was not: “We found strong evidence that Hezbollah stored most of its rockets in bunkers and weapon storage facilities located in uninhabited fields and valleys, that in the vast majority of cases Hezbollah fighters left populated civilian areas as soon as the fighting started, and that Hezbollah fired the vast majority of its rockets from pre-prepared positions outside villages”; “In all but a few of the cases of civilian deaths we investigated, Hezbollah fighters had not mixed with the civilian population or taken other actions to contribute to the targeting of a particular home or vehicle by Israeli forces”; “Israel’s own firing patterns in Lebanon support the conclusion that Hezbollah fired large numbers of its rockets from tobacco fields, banana, olive and citrus groves, and more remote, unpopulated valleys.”³⁰ A US Army War College study, based largely on interviews with Israeli soldiers who fought in the 2006 Lebanon war, echoed HRW’s conclusions: “The key battlefields in the land campaign south of the Litani River were mostly devoid of civilians, and IDF participants consistently report little or no meaningful intermingling of Hezbollah fighters and noncombatants. Nor is there any systematic reporting of Hezbollah using civilians in the combat zone as shields.”³¹ “Rather than confronting Israel’s army head-on,” Friedman went on to assert, Hezbollah targeted Israel’s civilian population so as to provoke Israeli retaliatory strikes that would unavoidably kill Lebanese civilians and “inflare the Arab-Muslim street.” But numerous studies have shown,³² and Israeli officials themselves have conceded,³³ that during the guerrilla war it waged against the Israeli occupying army, Hezbollah targeted Israeli civilians only after Israel targeted Lebanese civilians. In the 2006 war, Hezbollah again targeted Israeli civilian concentrations after Israel inflicted heavy casualties on Lebanese civilians, and Hezbollah leader Sayyed Hassan Nasrallah avowed that it would target

30. Human Rights Watch, *Why They Died: Civilian casualties in Lebanon during the 2006 war* (New York: 2007), pp. 5, 14, 40–41, 45–46, 48, 51, 53.

31. Stephen Biddle and Jeffrey A. Friedman, *The 2006 Lebanon Campaign and the Future of Warfare: Implications for army and defense policy* (Carlisle, PA: 2008), pp. 43–45. On a related note, the study found that “the great majority of Hezbollah’s fighters wore uniforms. In fact, their equipment and clothing were remarkably similar to many state militaries’—desert or green fatigues, helmets, web vests, body armor, dog tags, and rank insignia.”

32. Human Rights Watch, *Civilian Pawns: Laws of war violations and the use of weapons on the Israel-Lebanon border* (New York: 1996); Maoz, *Defending the Holy Land*, pp. 213–14, 224–25, 252; Augustus Richard Norton, *Hezbollah: A short history* (Princeton: 2007), pp. 77, 86.

33. Judith Palmer Harik, *Hezbollah: The changing face of terrorism* (London: 2004), pp. 167–68.

Israeli civilians only “as long as the enemy undertakes its aggression without limits or red lines.”³⁴

If Israel targeted the Lebanese civilian population during the 2006 war, it was not because another option didn't present itself, and not because Hezbollah had provoked it. Rather, it was because terrorizing Lebanese civilians appeared to be a low-cost method of “education.” Such a strategy was clearly preferable to tangling with a determined foe and enduring heavy combatant casualties. It didn't work out quite as planned, however. Hezbollah's unexpectedly fierce resistance prevented Israel from claiming victory. Still, Israel did successfully educate the Lebanese people. Hezbollah was accordingly chastened not to provide Israel a *casus belli* two years later during Cast Lead.³⁵ Israel's pedagogy scored a yet more smashing success in Gaza. “It was hard to convince Gazans whose homes were demolished and family and friends killed and injured,” the Crisis Group observed after Cast Lead, “that this amounted to ‘victory,’” as Hamas boasted.³⁶ In the case of Gaza, Israel could also lay claim to a military victory, but only because—in the words of Gideon Levy—“a large, broad army is fighting against a helpless population and a weak, ragged organization that has fled the conflict zones and is barely putting up a fight.”³⁷

The rationale for Cast Lead advanced by Friedman in the pages of the *New York Times* amounted to apologetics for state terrorism.³⁸ Indeed, Israel's evolving *modus operandi* for restoring its deterrence capacity described a curve steadily regressing into barbarism. Israel won its victory in 1967 primarily on the battlefield—albeit in a “turkey shoot”³⁹—while in subsequent armed hostilities it endeavored both to achieve a battlefield victory and to bombard the civilian population into abjection. But Israel

34. Human Rights Watch, *Civilians under Assault: Hezbollah's rocket attacks on Israel in the 2006 war* (New York: 2007), p. 100. HRW asserts that Hezbollah rocket attacks on Israeli civilians were not retaliatory, but it adduces no supporting evidence.

35. Yair Evron, “Deterrence: The campaign against Hamas,” *Strategic Assessment* (February 2009), p. 81; International Crisis Group, *Gaza's Unfinished Business* (2009), p. 19n198.

36. International Crisis Group, *Gaza's Unfinished Business*, pp. 7–8.

37. Gideon Levy, “The IDF Has No Mercy for the Children in Gaza Nursery Schools,” *Haaretz* (15 January 2009).

38. Glenn Greenwald, “Tom Friedman Offers a Perfect Definition of ‘Terrorism,’” *Salon.com* (14 January 2009).

39. “Memorandum for the Record” (17 November 1968), n. 13, *Foreign Relations of the United States, 1964–1968*. The quoted phrase is from W. W. Rostow, a senior advisor to President Johnson.

targeted Gaza to restore its deterrence capacity because it eschewed *any* of the risks of a conventional war. It targeted Gaza *because* it was largely defenseless. Its resort to unalloyed terror in turn revealed the IDF's relative decline as a fighting force, while the celebration of Israel's military prowess during and after Cast Lead by the likes of Benny Morris registered the growing detachment of Israeli intellectuals, and a good share of the public as well, from reality.⁴⁰ A supplementary benefit of the high-tech, cost-free deterrence strategy targeting civilians was that it restored Israel's domestic morale. A 2009 internal UN document found that "one significant achievement" of Cast Lead was that it dispelled doubts among Israelis about "their ability and the power of the IDF to issue a blow to its enemies. . . . The use of 'excessive force' . . . proves Israel is the landlord. . . . The pictures of destruction were intended more for Israeli eyes than those of Israel's enemies, eyes starved of revenge and national pride."⁴¹

Beyond restoring its deterrence capacity, Israel's principal objective in Operation Cast Lead was to fend off the latest threat posed by Palestinian pragmatism. The Palestinian leadership was aligning itself too closely with global opinion for Israel's comfort. The international community has consistently supported a settlement of the Israel-Palestine conflict that calls for two states based on a full Israeli withdrawal to its pre-June 1967 borders, and a "just resolution" of the refugee question based on the right of return and compensation.⁴² The two notable exceptions to this broad consensus have been Israel and the United States. Consider the annual UN General Assembly (UNGA) vote on the resolution titled "Peaceful Settlement of the Question of Palestine." The resolution incorporates these tenets for achieving a "two-State solution of Israel and Palestine": (1) "Affirming the principle of the inadmissibility of the acquisition of territory by war"; (2) "Reaffirming the illegality of the Israeli settlements in the Palestinian territory occupied since 1967, including East Jerusalem"; (3) "Stresses the need for: (a) The withdrawal of Israel from the Palestinian territory occupied since 1967, including

40. Amir Kulick, "Lebanon Lite?: Lessons from the Operation in Gaza and the Next Round against Hizbollah," *Military and Strategic Affairs* (April 2009), pp. 57, 59.

41. International Crisis Group, *Gaza's Unfinished Business*, p. 19.

42. Noam Chomsky, *The Fateful Triangle: The United States, Israel and the Palestinians* (Boston: 1983), ch. 3; Norman G. Finkelstein, *Knowing Too Much: Why the American Jewish romance with Israel is coming to an end* (New York: 2012), pp. 203–21.

TABLE I UNGA Vote on “Peaceful Settlement of the Question of Palestine” Resolution

Year	Vote [yes-no-abstained]	Negative votes cast by . . .
1997	155-2-3	Israel, United States
1998	154-2-3	Israel, United States
1999	149-3-2	Israel, United States, Marshall Islands
2000	149-2-3	Israel, United States
2001	131-6-20	Israel, United States, Marshall Islands, Micronesia, Nauru, Tuvalu
2002	160-4-3	Israel, United States, Marshall Islands, Micronesia
2003	160-6-5	Israel, United States, Marshall Islands, Micronesia, Palau, Uganda
2004	161-7-10	Israel, United States, Australia, Grenada, Marshall Islands, Micronesia, Palau
2005	156-6-9	Israel, United States, Australia, Marshall Islands, Micronesia, Palau
2006	157-7-10	Israel, United States, Australia, Marshall Islands, Micronesia, Nauru, Palau
2007	161-7-5	Israel, United States, Australia, Marshall Islands, Micronesia, Nauru, Palau
2008	164-7-3	Israel, United States, Australia, Marshall Islands, Micronesia, Nauru, Palau

East Jerusalem; (b) The realization of the inalienable rights of the Palestinian people, primarily the right to self-determination and the right to their independent State”; and (4) “Also stresses the need for justly resolving the problem of Palestine refugees in conformity with its resolution 194 (III) of 11 December 1948.”⁴³ Table I records the vote on this resolution in the years preceding Cast Lead.

At the regional level, a 2002 Arab League summit in Beirut unanimously put forth a peace initiative echoing the UN consensus, while all 57 members of the Organization of the Islamic Conference (OIC), including the Islamic Republic of Iran, “adopted the Arab peace initiative to resolve the issue of Palestine and the Middle East . . . and decided to use all possible means in order to explain and clarify the full implications of this initiative and win

43. The wording of this section of the resolution varies slightly from year to year.

international support for its implementation.”⁴⁴ The Arab League initiative commits it not just to recognize Israel but also to “establish normal relations” once Israel implements the consensus terms for a comprehensive peace.

Israel began construction in 2002 of a physical barrier that encroached deeply into the West Bank and took a sinuous path incorporating the large settlement blocs. The UN General Assembly requested that the International Court of Justice (ICJ) clarify the “legal consequences arising from the construction of the wall being built by Israel.” In 2004, the Court rendered its landmark advisory opinion.⁴⁵ In the process of ruling that the wall was illegal, the ICJ also reiterated key elements of the juridical framework for resolving the Israel-Palestine conflict.⁴⁶ It inventoried these “rules and principles of international law which are relevant in assessing the legality of the measures taken by Israel”: (1) “No territorial acquisition resulting from the threat or use of force shall be recognized as legal”; and (2) “the policy and practices of Israel in establishing settlements in the Palestinian and other Arab territories occupied since 1967” have “no legal validity.” In its subsequent deliberations on “whether the construction of the wall has breached these rules and principles,” the ICJ found that

[B]oth the General Assembly and the Security Council have referred, with regard to Palestine, to the customary rule of “the inadmissibility of the acquisition of territory by war.” . . . It is on this same basis that the [Security] Council has several times condemned the measures taken by Israel to change the status of Jerusalem . . .

As regards the principle of the right of peoples to self-determination, . . . the existence of a “Palestinian people” is no longer in issue. . . . [Its] rights include the right to self-determination. . . .

. . . The Court concludes that the Israeli settlements in the Occupied Palestinian Territory (including East Jerusalem) have been established in breach of international law.

44. *Final Communiqué of the Twenty-Ninth Session of the Islamic Conference of Foreign Ministers (Session of Solidarity and Dialogue)*, Khartoum, Republic of the Sudan (25–27 June 2002). In the hands of Israel’s propagandists, this fact got transmuted into “all 57 members of the OIC are virulently hostile to Israel.” Robin Shepherd, *A State beyond the Pale: Europe’s problem with Israel* (London: 2009), p. 205. The OIC was subsequently renamed the Organization of Islamic Cooperation. Iran also consistently voted with the UNGA majority on the “Peaceful Settlement” resolution.

45. International Court of Justice, Advisory Opinion, *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory* (9 July 2004).

46. For detailed analysis, see Finkelstein, *Knowing Too Much*, pp. 307–53.

Not one of the 15 judges sitting on the ICJ registered dissent from these basic principles and findings. It can scarcely be argued, however, that they evinced prejudice against Israel, or that it was a “kangaroo court,” as Harvard law professor Alan Dershowitz alleged.⁴⁷ Several of the judges, although voting with the majority, expressed profound sympathy for Israel’s plight in their respective separate opinions. If the judges were nearly of one mind in their final determination, this consensus sprang not from collective prejudice but from the factual situation: the uncontroversial nature of the legal principles at stake and Israel’s unambiguous violation of them. Even the one judge who voted against the 14-person majority condemning Israel’s construction of the wall, Thomas Buergenthal (from the US), was at pains to stress that there was “much” in the advisory opinion “with which I agree.” On the critical question of Israeli settlements, he stated: “Paragraph 6 of Article 49 of the Fourth Geneva Convention . . . does not admit for exception on grounds of military or security exigencies. It provides that ‘the Occupying Power shall not deport or transfer parts of its own civilian population in the territory it occupies.’ I agree that this provision applies to the Israeli settlements in the West Bank and that their existence violates Article 49, paragraph 6.”

A broad international consensus has also crystallized upholding the Palestinian “right of return.” The annual UN resolution, supported overwhelmingly by member states, calls for a settlement of the refugee question on the basis of UNGA resolution 194. This latter resolution “resolves that the refugees wishing to return to their homes and live at peace with their neighbors should be permitted to do so at the earliest practicable date, and that compensation should be paid for property of those choosing not to return.” In addition, respected human rights organizations “urge Israel to recognize the right to return for those Palestinians, and their descendants, who fled from territory that is now within the State of Israel, and who have maintained appropriate links with that territory” (HRW), and “call for Palestinians who fled or were expelled from Israel, the West Bank or Gaza Strip, along with those of their descendants who have maintained genuine links with the area, to be able to exercise their right to return” (Amnesty International).⁴⁸ The upshot is that a broad consensus has long existed on the

47. Andrew C. Esensten, “Dershowitz Advises Israel on Wall Dispute,” *Harvard Crimson* (24 February 2004).

48. “Human Rights Watch Urges Attention to Future of Palestinian Refugees” (21 December 2000), hrw.org/en/news/2000/12/21/human-rights-watch-urges-attention-future-palestinian-refugees; “Israel, Palestinian Leaders Should Guarantee Right of Return as Part

full spectrum of purportedly vexed final status issues—borders, settlements, East Jerusalem, refugees—while Israel’s stance on each of these issues has been overwhelmingly rejected by the most representative political body in the international community, as well as by the most authoritative judicial body and human rights organizations in the world.

The Palestinian Authority not only acquiesced in the terms of the global consensus before Cast Lead, but also made significant concessions going beyond it.⁴⁹ But what about the Hamas authorities in Gaza? A 2009 study by a US government agency concluded that Hamas had “been carefully and consciously adjusting its political program for years” and had “sent repeated signals that it is ready to begin a process of coexisting with Israel.”⁵⁰ Just a few months before Cast Lead, Khalid Mishal, the head of Hamas’s politburo, stated in an interview that “most Palestinian forces, including Hamas, accept a state on the 1967 borders.”⁵¹ Even right after the devastation wreaked by the invasion, Mishal reiterated that “the objective remains the constitution of a Palestinian state with East Jerusalem as its capital, the return of the Israelis to the pre-67 borders and the right of return of our refugees.”⁵² In a complementary formula, Mishal told former US president Jimmy Carter in 2006 that “Hamas agreed to accept any peace agreement negotiated between the leaders of the PLO [Palestine Liberation Organization] and Israel, provided it is subsequently approved by Palestinians in a referendum or by a democratically

of Comprehensive Refugee Solution” (21 December 2000), hrw.org/en/news/2000/12/21/israel-palestinian-leaders-should-guarantee-right-return-part-comprehensive-refugee-; Amnesty International, *The Right to Return: The Case of the Palestinians. Policy Statement* (London: 29 March 2001).

49. Finkelstein, *Knowing Too Much*, pp. 229–48.

50. Paul Scham and Osama Abu-Irshaid, *Hamas: Ideological rigidity and political flexibility*, United States Institute of Peace Special Report (Washington, DC: 2009), pp. 2–4. See also Khaled Hroub, “A ‘New Hamas’ through Its New Documents,” *Journal of Palestine Studies* (Summer 2006); and Jeroen Gunning, *Hamas in Politics: Democracy, religion, violence* (New York: 2008), pp. 205–6, 236–37. Hamas’s political evolution retraced the PLO’s, in which the call for a state in the whole of Palestine was superseded, first by a strategy of “phased” liberation starting with a state in the West Bank and Gaza, and then by acquiescence in a two-state settlement. Shaul Mishal and Avraham Sela, *The Palestinian Hamas: Vision, violence, and coexistence* (New York: 2006), pp. 108–10.

51. Mouin Rabbani, “A Hamas Perspective on the Movement’s Evolving Role: An interview with Khalid Mishal, Part II,” *Journal of Palestine Studies* (Summer 2008).

52. Gianni Perrelli, “Con Israele non sarà mai pace” (Interview with Khalid Mishal), *L’Espresso* (26 February 2009).

lected government.”⁵³ But what about Hamas’s notoriously anti-Semitic charter? In fact, from the mid-1990s onward, Hamas “rarely, if at all” invoked its charter, to the point that it “no longer cites or refers” to it.⁵⁴ Israeli officials knew full well before they launched Cast Lead that a diplomatic settlement could have been reached with Hamas despite the charter. “The Hamas leadership has recognized that its ideological goal is not attainable and will not be in the foreseeable future,” former Mossad head Ephraim Levy observed in 2008. “They are ready and willing to see the establishment of a Palestinian state in the temporary borders of 1967. . . . They know that the moment a Palestinian state is established with their cooperation, . . . [t]hey will have to adopt a path that could lead them far from their original ideological goals.”⁵⁵

The flagrant pragmatism of Palestinian leaders figured as a critical factor in Israel’s decision to attack. After rejecting Hamas’s cease-fire proposals for months, Israel finally agreed to them in June 2008.⁵⁶ It’s instructive to recall what happened next. Hamas was “careful to maintain the cease-fire,” a semi-official Israeli publication conceded, despite the fact that Israel reneged on the crucial quid pro quo to substantially relax the siege of Gaza. “The lull was sporadically violated by rocket and mortar shell fire, carried out by rogue terrorist organizations,” the Israeli source continued. “At the same time, the [Hamas] movement tried to enforce the terms of the arrangement on the other terrorist organizations and to prevent them from violating it.”⁵⁷ The

53. Jimmy Carter, *We Can Have Peace in the Holy Land: A plan that will work* (New York: 2009), pp. 137, 177. See also Nidal al-Mughrabi, “Hamas Would Honor Referendum on Peace with Israel,” *Reuters* (1 December 2010).

54. Khaled Hroub, *Hamas: Political thought and practice* (Washington, DC: 2000), p. 44 (see also p. 254); Sherifa Zuhur, *Hamas and Israel: Conflicting strategies of group-based politics* (Carlisle, PA: 2008), pp. 29–31 (this study was published by the Strategic Studies Institute of the US Army War College). See also Gunning, *Hamas in Politics*, pp. 19–20.

55. “What Hamas Wants,” *Mideast Mirror* (22 December 2008).

56. Zuhur, *Hamas and Israel*, pp. ix, 14.

57. Intelligence and Terrorism Information Center at the Israel Intelligence Heritage and Commemoration Center, *The Six Months of the Lull Arrangement* (December 2008), pp. 2, 6, 7; see also point (3) of “Defense Minister Barak’s Discussions . . .” (29 August 2008), *WikiLeaks*. According to Egyptians who brokered the 2008 cease-fire, it provided for an immediate cessation of armed hostilities; a gradual lifting of the economic blockade that after ten days would allow for the passage of all products, except materials used in the manufacture of projectiles and explosives; and negotiations after three weeks for a prisoner exchange and the opening of Rafah crossing. International Crisis Group, *Ending the War in Gaza*, p. 3; Carter, *We Can Have Peace*, pp. 137–38. After the abortive coup attempt in 2007, which led to Hamas’s consolidation of power in Gaza (see Chapter 1), Israel severely restricted entry of goods “not considered essential for the basic subsistence of the population.”

Islamic movement had on this occasion honored its word and consequently made itself a credible negotiating partner. Hamas's acceptance of the two-state settlement, on the one hand, and the cease-fire, on the other, put Israel on the diplomatic defensive. It could no longer justify shunning Hamas, and it was only a matter of time before Europeans renewed dialogue and relations with the Islamic movement. The prospect of an incoming US administration negotiating with Iran and Hamas, and inching closer to the international consensus for settling the Israel-Palestine conflict—which some centrist US policy makers now advocated⁵⁸—threatened to cast a yet more piercing light on Israeli intransigence. In its 2008 annual assessment, the Jewish People Policy Planning Institute, headquartered in Jerusalem and chaired by the redoubtable Dennis Ross, cautioned: “The advent of the new administration in the US could be accompanied by an overall political reassessment . . . the Iran issue could come to be viewed as the key to the stabilization of the Middle East, and . . . a strategy seeking a comprehensive ‘regional deal’ may be devised, which would include a relatively aggressive effort to resolve the Israeli-Arab conflict.”⁵⁹ In an alternate scenario, speculated on later by Hezbollah's Nasrallah, the incoming US administration planned to convene an international peace conference of “Americans, Israelis, Europeans and so-called Arab moderates” to impose a settlement. The one obstacle was “Palestinian resistance and the Hamas government in Gaza”; “getting rid of this stumbling block is . . . the true goal” of Cast Lead.⁶⁰ In either case, Israel needed to provoke Hamas into resuming its attacks. If Hamas rose to the bait and armed hostilities ensued, it would be disqualified as a legitimate negotiating partner,

It permitted passage of only a “humanitarian minimum”—a benchmark that was arbitrarily determined, not sanctioned by international law, and in fact fell below Gaza's minimal humanitarian needs. When the 2008 cease-fire went into effect, Israel allowed only a “slightly increased” movement of supplies into Gaza. Gisha (Legal Center for Freedom of Movement), *Red Lines Crossed: Destruction of Gaza's infrastructure* (2009), pp. 11, 13, 41–42, 45–46, 50; see also Oxfam et al., *The Middle East Quartet: A progress report* (25 September 2008), pp. 14–15; UNICEF, *Humanitarian Action Update* (23 October 2008); Amnesty International, “Gaza Ceasefire at Risk” (5 November 2008); Gisha, “Israel Reveals Documents Related to the Gaza Closure Policy” (21 October 2010).

58. Richard N. Haass and Martin Indyk, “Beyond Iraq: A new US strategy for the Middle East”; and Walter Russell Mead, “Change They Can Believe In: To make Israel safe, give Palestinians their due,” in *Foreign Affairs* (January–February 2009).

59. The Jewish People Policy Planning Institute, *Annual Assessment 2008* (Jerusalem: 2008), p. 27. Ross has been a chief architect of US policy in the Israel-Palestine conflict.

60. Hezbollah Secretary General Sayyed Hassan Nasrallah's Speech Delivered at the Central Ashura Council, 31 December 2008.

as intransigents got the upper hand in internal struggles, or it would be physically wiped out so as to make way for a settlement on Israel's terms.

This was not the first time Israel had confronted such a triple threat—Arab League peace initiative, Palestinian acquiescence in a two-state settlement, Palestinian acceptance of a cease-fire—and it was also not the first time Israel had embarked on provocation and war to nip it in the bud. “By the late 1970s,” a pair of Israeli scholars recalled, “the two-state solution had won the support of the Palestinian leadership in the occupied territories as well as that of most Arab states and other members of the international community.”⁶¹ In addition, PLO leaders headquartered in Lebanon had strictly adhered to a cease-fire with Israel negotiated in 1981,⁶² while Saudi Arabia unveiled in 1981, and the Arab League subsequently approved, a peace plan based on the two-state settlement.⁶³ Mindful of these ominous developments, Israel stepped up preparations in late 1981 to destroy the PLO.⁶⁴ In his analysis of the buildup to Israel's 1982 invasion of Lebanon, Israeli strategic analyst Avner Yaniv reported that PLO leader Yasser Arafat was contemplating a historic compromise with the “Zionist state,” whereas “all Israeli cabinets since 1967” as well as “leading mainstream doves” opposed a Palestinian state. Fearing diplomatic pressure, Israel maneuvered to sabotage the two-state settlement by eliminating the PLO as a potential negotiating partner. It conducted punitive military raids “deliberately out of proportion” that targeted “Palestinian and Lebanese civilians,” in order to weaken “PLO moderates,” strengthen the hand of Arafat's “radical rivals,” and guarantee the PLO's “inflexibility.” Ultimately, however, Israel had to choose between two stark options: “a political move leading to a historic compromise with the PLO, or preemptive military action against it.” To fend off Arafat's “peace offensive”—Yaniv's telling phrase—Israel embarked on military action in June 1982. The Israeli invasion “had been preceded by more than a year of effective cease-fire with the PLO.” But after murderous Israeli provocations, the last of which left as many as 200 civilians dead (including 60 occupants of a Palestinian children's hospital), the PLO finally retaliated, causing a single Israeli casualty. Although Israel exploited the PLO's resumption of rocket attacks on northern Israel to justify its invasion (“Operation Peace in

61. Mishal and Sela, *Palestinian Hamas*, p. 14.

62. Chomsky, *Fateful Triangle*, chs. 3, 5.

63. Yehuda Lukacs, ed., *The Israeli-Palestinian Conflict: A documentary record, 1967–1990* (Cambridge: 1992), pp. 477–79.

64. Yehoshaphat Harkabi, *Israel's Fateful Hour* (New York: 1988), p. 101.

the Galilee”), Yaniv concluded that the “*raison d’être* of the entire operation” was “destroying the PLO as a political force capable of claiming a Palestinian state on the West Bank.”⁶⁵

Fast-forward to the eve of Cast Lead. In early December 2008, Israeli foreign minister Tzipi Livni posited that although Israel could benefit from a temporary period of calm with Hamas, an extended truce “harms the Israeli strategic goal, empowers Hamas, and gives the impression that Israel recognizes the movement.”⁶⁶ Translation: a protracted cease-fire that spotlighted Hamas’s pragmatism in word and deed, and that consequently increased public pressure on Israel to lift the siege and negotiate a diplomatic settlement, would undercut Israel’s strategic goal of entrenching the occupation. In fact, Israel had already resolved to attack Hamas as far back as early 2007 and only acquiesced in the 2008 truce because “the Israeli army needed time to prepare.”⁶⁷ Once the pieces were in place, Israel still required a pretext to abort the pestiferous cease-fire. On 4 November 2008, while Americans were riveted to the historic election-day returns (Barack Obama was elected president), Israel broke the cease-fire with Hamas⁶⁸ by killing Palestinian

65. Avner Yaniv, *Dilemmas of Security: Politics, strategy and the Israeli experience in Lebanon* (Oxford: 1987), pp. 20–23, 50–54, 67–70, 87–89, 100–101, 105–6, 113, 143, 294n46; Robert Fisk, *Pity the Nation: The abduction of Lebanon* (New York: 1990), pp. 197, 232. In his history of the “peace process,” Martin Indyk, former US ambassador to Israel, contrived this capsule summary of the sequence of events just narrated: “In 1982, Arafat’s terrorist activities eventually provoked the Israeli government of Menachem Begin and Ariel Sharon into a full-scale invasion of Lebanon.” Martin Indyk, *Innocent Abroad: An intimate account of American peace diplomacy in the Middle East* (New York: 2009), p. 75.

66. Saed Bannoura, “Livni Calls for a Large Scale Military Offensive in Gaza,” IMEMC (8 December 2008); “Livni ‘Ashamed’ of State of Gaza Truce,” *Jerusalem Post* (9 December 2008).

67. Uri Blau, “IDF Sources: Conditions not yet optimal for Gaza exit,” *Haaretz* (8 January 2009); Barak Ravid, “Disinformation, Secrecy, and Lies: How the Gaza offensive came about,” *Haaretz* (28 December 2008).

68. A careful study covering the period 2000–2008 demonstrated that “overwhelmingly” it was “Israel that kills first after a pause in the conflict.” Nancy Kanwisher, Johannes Haushofer, and Anat Biletzki, “Reigniting Violence: How do ceasefires end?,” *Huffington Post* (6 January 2009); see also Johannes Haushofer, Anat Biletzki, and Nancy Kanwisher, “Both Sides Retaliate in the Israeli-Palestinian Conflict,” *Proceedings of the National Academy of Sciences of the United States* (4 October 2010), which found that Palestinian violence—far from being random and senseless—“reveals a pattern of retaliation.” On a related point, it was Israel, not Hamas, that broke the de facto truce after the Gaza redeployment in late 2005. Fully 30 Palestinians were killed in the three months following the redeployment without the death of a single Israeli. Israel also persisted in its illegal practice of “targeted assassinations” despite Hamas’s unilateral cease-fire after winning the 2006

militants on the spurious pretext of preempting a Hamas raid.⁶⁹ It hoped that the murderous breach would provoke Hamas, and the prayers were answered. “A cease-fire agreed in June between Israel and Palestinian armed groups in Gaza held for four-and-a-half months,” Amnesty observed in its annual report, “but broke down after Israeli forces killed six Palestinian militants in air strikes and other attacks on 4 November.”⁷⁰

The Israeli attack predictably triggered a resumption of Hamas rocket attacks “in retaliation” (the quoted phrase is from the semiofficial Israeli publication).⁷¹ Still, Hamas was “interested in renewing the relative calm with Israel,” according to Israeli internal security chief Yuval Diskin, and it was prepared to accept a “bargain” in which it “would halt the fire in exchange for easing of . . . Israeli policies [that] have kept a choke hold on the economy of the Strip,” according to former IDF Gaza commander Shmuel Zakai.⁷²

election and its concurrent diplomatic démarche to achieve a “peace in stages” with Israel. Jerome Slater, “A Perfect Moral Catastrophe: Just War philosophy and the Israeli attack on Gaza,” *Tikkun*, March–April 2009; Jean-Pierre Filiu, *Gaza: A history* (New York: 2014), pp. 288–91. To demonstrate that Hamas is driven not by pragmatism and “legitimate grievance” but instead by murderous ideology, a pair of veteran Israel-apologists pointed to its rocket attacks after Israel’s 2005 Gaza redeployment:

During Hamas’s rise to power (January 2006 to April 2008), more than 2,500 rockets were launched from Gaza, landing in Israeli cities and villages. Israel no longer occupies Gaza, but the rockets have largely continued—under Hamas’s control. Some say that the rockets are a response to Israeli retaliation. But it is easy to disprove this. If there were no rockets, the odds are very high that Israel would have no reason to retaliate. Even during periods without retaliation, the rocket fire has continued. (Dennis Ross and David Makovsky, *Myths, Illusions and Peace: Finding a new direction for America in the Middle East* [New York: 2009], p. 255 [see also *ibid.*, pp. 138–39, 243, 252])

Once the factual record is restored, it’s child’s play to disprove their so-called proof: leaving aside that Israel continued to occupy Gaza and then imposed an illegal blockade, it was Israel, not Hamas, that “overwhelmingly” broke the cease-fires.

69. Zvi Bar’el, “Crushing the Tahadiyeh,” *Haaretz* (16 November 2008); Uri Avnery, “The Calculations behind Israel’s Slaughter of Palestinians in Gaza,” *redress.cc* (2 January 2009).

70. *Amnesty International Report 2009: The State of the World’s Human Rights* (2009), entry for “Israel and the Occupied Palestinian Territories,” pp. 182–83; see also Human Rights Watch, *Rockets from Gaza: Harm to civilians from Palestinian armed groups’ rocket attacks* (New York: 2009), p. 2.

71. Intelligence and Terrorism Information Center, *Six Months*, p. 3.

72. “Hamas Wants Better Terms for Truce,” *Jerusalem Post* (21 December 2008); Bradley Burston, “Can the First Gaza War Be Stopped before It Starts?,” *Haaretz* (22 December 2008). Diskin told the Israeli cabinet that Hamas would renew the truce if Israel lifted the siege of Gaza, stopped military attacks, and extended the truce to the West Bank. Robert Pastor, senior Middle East advisor with the Carter Center, testified that in December

But Israel tightened the suffocating blockade another notch while demanding a unilateral and unconditional cease-fire by Hamas. Even before Israel intensified the blockade, former UN high commissioner for human rights Mary Robinson decried its effects: Gaza's "whole civilization has been destroyed, I'm not exaggerating."⁷³ By late 2008, Israel had brought Gaza's infrastructure "to the brink of collapse," according to an Israeli human rights organization.⁷⁴ "Food, medicine, fuel, parts for water and sanitation systems, fertilizer, plastic sheeting, phones, paper, glue, shoes and even teacups are no longer getting through in sufficient quantities or at all," Harvard political economist Sara Roy reported. "The breakdown of an entire society is happening in front of us, but there is little international response beyond UN warnings which are ignored."⁷⁵

If Hamas had not reacted after the 4 November killings, Israel would almost certainly have ratcheted up its provocations—just as it did in the lead-up to the 1982 Lebanon war—until restraint became politically untenable for Hamas. In any event, faced with the prospect of an asphyxiating Israeli blockade even if it ceased firing rockets, forced to choose between "starvation and fighting,"⁷⁶ Hamas opted for resistance, albeit largely symbolic. "You cannot just land blows, leave the Palestinians in Gaza in the economic distress they're in, and expect that Hamas will just sit around and do nothing," the former Israeli commander in Gaza observed.⁷⁷ "Our modest, home-made rockets," Hamas leader Khalid Mishal wrote in an open letter during the invasion, "are our cry of protest to the world."⁷⁸ But Israel could now enter a

2008 he personally presented the Israeli government with an offer from Khalid Mishal to renew the June 2008 cease-fire if Israel ended the blockade, as stipulated in the June cease-fire agreement. Israel balked. "The conclusion," Pastor reported, "seems inescapable": "Israel had the option to open the crossings, and if it had done so, the rockets would have stopped." Robert Pastor, "Memorandum to the UN Fact-Finding Mission on the Gaza Conflict: Operation 'Cast Lead' and the right of self-defense" (6 December 2009); Robert Pastor, "Email: Israeli invasion of Gaza, December 2008" (8 December 2013). Copies on file with this writer.

73. "Gaza Residents 'Terribly Trapped,'" *BBC News* (4 November 2008).

74. Gisha, *Red Lines*, pp. 5, 26, 33.

75. Sara Roy, "If Gaza Falls . . ." *London Review of Books* (1 January 2009). For a comprehensive description of the blockade in its various phases and crippling long-term impact, see Sara Roy, *The Gaza Strip: The political economy of de-development*, expanded third edition (Washington, DC: 2016), pp. xxx–lxix.

76. International Crisis Group, *Ending the War in Gaza*, pp. 3, 10–11.

77. Burston, "Can the First Gaza War?"

78. Khalid Mishal, "This Brutality Will Never Break Our Will to Be Free," *Guardian* (6 January 2009).

plea of self-defense to its willfully gullible Western patrons as it embarked on yet another brutal invasion to foil yet another Palestinian peace offensive. Apart from minor adaptations in the script—the bogey was not “PLO terrorism” but “ Hamas terrorism”; the pretext was not shelling in the north but rocket fire in the south—the 2008 reprise stayed remarkably faithful to the 1982 original, as it derailed a functioning cease-fire and preempted a diplomatic settlement of the conflict.⁷⁹

79. It was, incidentally, not the first time Israel sought to provoke Hamas after it mooted a *modus vivendi*. In September 1997, just days before an abortive Israeli assassination attempt on Khalid Mishal, “Jordan’s King Hussein delivered a message from the Hamas leadership to Israel’s Prime Minister Benjamin Netanyahu. In it Hamas suggested opening an indirect dialogue with the Israeli government, to be mediated by the king, toward achieving a cessation of violence, as well as a ‘discussion of all matters.’ But the message was ignored or missed and, in any case, became irrelevant following the attempt” on the Hamas leader’s life. Mishal and Sela, *Palestinian Hamas*, p. 72; see also Paul McGeough, *Kill Khalid: The failed Mossad assassination of Khalid Mishal and the rise of Hamas* (New York: 2009), esp. pp. 141, 146, 226.

Spin Control

DISTRESSED BY THE IMAGES OF CARNAGE coming out of Gaza and flooding the international media, Israel and its supporters set out to restore the Jewish state's tarnished reputation. Shortly after Operation Cast Lead ended on 18 January 2009, Anthony Cordesman published a report titled *The "Gaza War": A strategic analysis*.¹ It warrants close scrutiny both because Cordesman has been an influential military analyst,² and because the report neatly synthesized and systematized Israel's makeshift rebuttals as criticism of the invasion mounted.

Cordesman's report overwhelmingly exculpated Israel of wrongdoing, and he explicitly concluded that "Israel did not violate the laws of war."³ However, Cordesman also entered the "key caveat" that he was not passing a "legal or moral" judgment on Israel's conduct and that "analysts without training in the complex laws of war" should not render such judgments. His full-blooded exoneration, on the one hand, and cautious caveat, on the other, did not easily hang together. He asserted that neither the "laws of war" nor "historical precedents" barred "Israel's use of massive amounts of force," while he also and at the same time refrained from venturing a "legal or moral" judgment

1. Anthony H. Cordesman, *The "Gaza War": A strategic analysis* (2009).

2. At the time, Cordesman held the Arleigh A. Burke Chair in Strategy at the Center for Strategic and International Studies and was a national security analyst for ABC News.

3. He allowed only that Israel might have unjustifiably hit "some" civilian targets "like an UNRWA school where 42 Palestinians died." These atrocities rated a two-sentence mention in his 92-page report. "There is no evidence that any abuses of the other narrow limits imposed by laws of war occurred," he continued, "aside from a few limited cases," and the "only significant incident that had as yet emerged was the possible misuse of 20 phosphorus shells in built-up areas in Beit Lahiya." Cordesman, "Gaza War," pp. ii, 1-3, 63-64.