

Vilifying Israel's 'Disproportionate' Response Appears Illogical

When observers describe or denounce Israeli military actions against terrorists in Gaza as “disproportionate,” they glibly assume sweeping legal conclusions without sufficient proof or analysis. But the evidence shows that Israel has acted with disproportionate decency, while Hamas has committed war crimes.

Hamas' indiscriminate rocket and missile attacks—which now total about 3,500 in the last month—target primarily Israeli civilians. The effects of Hamas' attacks have been serious—contrary to what most media reports suggest:

1. Increasing premature births
2. Shutting down Israel's biggest airport, blocking 90 percent of incoming and outgoing passengers
3. Forcing about 8 million people to live on the edge 24/7, fearing that if their missile-defense system or scramble to shelters falters, they could die
4. Constant interruptions throughout the day and night with as little as 10 seconds to find shelter
5. Billions of dollars in economic damage

The principle of distinction requires belligerents to distinguish between combatants and civilians. Hamas' violations of this principle amount to a double war crime: first by targeting Israeli civilians, and second by using Gazan civilians as human shields for these attacks, thereby making it much harder for the IDF military response to distinguish Gazan combatants from noncombatants.

Hamas exhorts Gazans to act as human shields, and its combat manual encourages this war crime while admitting that Israel avoids civilian casualties—an avoidance that Hamas exploits for tactical advantage. Legal scholar Alan Dershowitz deftly highlights yet another proof of Hamas war crimes: Hamas chooses to locate its military efforts in the most densely populated parts of Gaza, instead of in the far less populated areas nearby—a decision calculated to maximize Gazan civilian deaths. Cynically breaking all rules, Hamas even uses ambulances to transport fighters and converts Gaza’s hospitals into command centers, weapons depots, and rocket-launch sites.

Hamas perfected suicide bombing and is designated as a terrorist organization by the United States and Europe, so its war crimes are unsurprising, even if the media concealed Hamas’ barbarism for the last month. But what of the oft-repeated but seldom questioned claim that Israeli military actions are “excessive” or “disproportionate?”

The first duty of any state is to provide security to its citizens. Adjusting for size differences (the U.S. has about 473 times Israel’s land mass, and 40 times Israel’s population), what would be the U.S. military response if Al-Qaeda took over Mexico and launched about 47,300 projectiles per day at the U.S. mainland, killing 120 U.S. civilians and 2,560 soldiers and causing significant property damage, widespread insecurity, and travel shutdowns? Such a comparative context supports those proclaiming that the IDF and Benjamin Netanyahu deserve a Nobel Peace Prize for their restraint during such a challenging war.

As of August 9, Israel’s military has attacked about 5,000 targets in Gaza (4,762 during the first 29 days of Operation Protective Edge and a few hundred more since) resulting in 1,915 deaths (according to the Hamas-run Gaza Ministry of Health). Even if this total were accurate and represented entirely civilian deaths, the strike-to-kill ratio absurdly implies that Israel’s military needs about 2.5 attacks to kill

one person.

But if Israel's goal were just to kill Gazans, it could kill well over 1,915 with a single airstrike. Why spend so much on intelligence gathering and precision-guided bombs (or force Israeli citizens to endure so many costly weeks of war) when the IDF could raze half of Gaza in an hour? The fact that the IDF has struck so many times with proportionately few casualties shows the extent of its restraint and precision while destroying the terrorist infrastructure threatening Israelis.

Israel has made extraordinary efforts to minimize civilian casualties—despite Hamas' plan to maximize them. Israel aborts airstrikes that will result in excessive civilian casualties, warns civilians to clear areas that will be targeted, and loses ground troops in densely populated areas like Shejaiya to avoid airstrikes that would kill far more Gazan civilians. Israel chose not to target Gaza City's main Shifa Hospital, even though it knew that Hamas leaders were cynically hiding there, and an airstrike could have substantially harmed Hamas' military leadership.

As this article explains, Israel sacrifices blood and treasure to minimize harm to Gaza's civilians. And yet somehow Israel is still accused of deliberately targeting civilians even when Hamas' misfired rockets are responsible or when an IDF mistake happens. But as Colonel Richard Kemp argues, "Mistakes and malfunctions happen in all fighting armies and in all conflicts. Do those who condemn the killing of Palestinian civilians as deliberate acts by the IDF suggest that ... incidents in Gaza [in which the IDF accidentally kills Israeli soldiers] are also intentional?"

Some of the same media outlets that rushed to portray Israel as using disproportionate force have belatedly acknowledged that fighting-age men are vastly over-represented among Gaza's dead, strengthening Israel's claims all along that it has done

its best to target combatants and avoid civilians.

Israel's restraint is all the more remarkable given the genocidal intent of its enemy, as clearly stated in the preamble to Hamas' covenant and demonstrated by Hamas' genocidal missile attacks on Israel's nuclear reactor (for more on Hamas' genocidal plans, see this article by Jeffrey Goldberg). Would the U.S. military be as careful as Israel has been to avoid civilian casualties when confronting an enemy trying to kill millions of Americans and destroy the U.S.?

The knee-jerk assumption that Israel uses disproportionate force oversimplifies complex situations requiring deeper analysis and overlooks the powerful factors limiting Israel's military:

1. Internally, Israeli democracy subjects leaders to checks and balances from a vigorous political opposition, independent investigations (such as the Winograd Commission), and a defiantly free press and protest culture (including anti-war protests in Tel Aviv); so when about 90 percent of a normally fractious democracy supports military action, the country clearly faces very serious and legitimate threats.

2. Externally, the military actions of Israel are more scrutinized than those of any other country (as Bret Stephens brilliantly highlighted in 2009), and therefore always carry a greater risk of war-crimes accusations, anti-Semitic attacks abroad, and unprovoked attacks from neighboring countries (over a dozen rockets were fired at Israel from Lebanon during the current conflict in Gaza). Such realities compel Israel to use force judiciously.

In the end, Israel must protect its citizens from an Iran-backed terrorist army that is disproportionately willing to kill Israeli and Gazan civilians. It continues to face disproportionate blame despite its disproportionate efforts to defend its population more humanely than any state in history

has. Only if Israel decisively defeats Hamas can real peace come to Gaza—one more reason to let Israel's soldiers finish the job before granting them the Nobel Peace Prize.

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