

A time for truth: Israel, "Palestine" and the US elections

"Our enemy is the unphilosophical spirit which knows nothing, and wants to know nothing, of truth." (Karl Jaspers, *Reason and Anti-Reason in our Time* (1952))

At some point, even our flagrantly unphilosophical American presidential contest will need to include some tangible substance. Then, among an alarmingly broad variety of germane issues, the candidates will be forced to take meaningful positions on the "Middle East Peace Process." When that finally happens, it will be vital for all still-remaining presidential aspirants to base their further judgments and recommendations upon genuinely solid foundations of both law and fact.

To begin, as the candidates themselves should soon acknowledge, the true sticking point for peaceful settlement between Israel and the Palestinian Arabs has never been Israel's alleged unwillingness to "compromise."

Ritualistic American political discourse notwithstanding – a persistently superficial discourse, going back at least as far as the Lyndon Johnson administration – Israel has never been at all hesitant to make authentically deep sacrifices for peace. On the contrary, from the very start, the only Israeli "compromise" that could ever have satisfied *Fatah*, *Hamas*, and a substantial variety of other variously intersecting Palestinian factions, would have been a conspicuous willingness to commit national suicide. To wit, as late as last month, on March 11, 2016, PA Chairman Mahmoud Abbas again told PA Television: "*All of Israel* is an occupation."

He made this revealing statement, as he had made on many

earlier occasions, standing directly before a map from which Israel had been carefully erased.

International law is not a suicide pact. Israel has no obligation to accept even a cartographic disappearance. Always, every state maintains an absolutely fundamental or “peremptory” right to physically endure. Further, as was made jurisprudentially clear in 1996, by the U.N.’s International Court of Justice, this right can sometimes include even the residually defensive or retaliatory use of nuclear weapons.

Above all, our surviving American presidential aspirants must understand, truth is exculpatory. In this matter of justice and national security, the Palestinian side, and its supporters, as if sworn to some sort of visceral incantation, remain endlessly fond of citing to an “occupation.” Yet, the Palestine Liberation Organization (PLO) was founded in 1964, three years before there were any “occupied territories.” Therein lies an unavoidably primary question, one that should be prominently raised during the American presidential election.

Just what, precisely, was the PLO actually trying to “liberate” between 1964 and June 1967? It’s not a difficult question to answer, because – during that time – West Bank (Judea/Samaria) and Gaza were being held (illegally, of course) by Jordan and Egypt, respectively. And PLO was assuredly not launching any terror attacks against Jordan or Egypt.

Always, truth is exculpatory. Arab terror against Israel, mostly directed at Israeli noncombatants, dates back long before the PLO, even before the Jewish State’s formal grant of statehood in May, 1948. More recently, several Israeli prime ministers have sought, even through plainly asymmetrical “compromise,” to substitute a just peace for terror, including the general release of hundreds of major terrorists as a “good will gesture.” Unsurprisingly, a substantial fraction of the

freed Palestinian criminals promptly returned to an openly accelerated regimen of murder and anti-Israel terror.

For the past several months of 2016, Israeli men, women, and children have been enduring a so-called "Third Intifada" of random stabbings and automobile attacks. For its part, the "civilized world" has responded to this latest "uprising" by urging the Israeli victims not to use "disproportionate" force. This ironic response is not only unseemly, but also purposely misstates the correct legal meaning of "proportionality" within the codified and customary law of armed conflict.

An ancient Latin principle of law instructs, *jus ex injuria, non oritur*, "Rights do not arise from wrongs." This is a basic maxim that has yet to be understood in Jerusalem and in Washington. Ultimately, Israeli leaders – pressured by American presidents who have never really understood the intractable Palestinian position – can never secure their populations by (1) signing one-sided agreements with irreconcilable enemies, and/or, (2) exposing and re-exposing these populations to irremediable terrorist aggressors.

There is more. Because American security interests in the Middle East will continue to coincide closely with Israel's own security, any such agreements that would plausibly weaken Israel, would simultaneously weaken the United States.

Our American presidential aspirants must finally understand, and subsequently communicate unhesitatingly, that there exists an immutable inequality of objectives between Israel and its enemies. In essence, for Palestinian insurgents, now almost exclusively animated by *Jihadist* argument, any conflict with Israel is inevitably "zero-sum," that is, an "all or nothing" contest. By definition, this is an unchanging struggle that precludes all compromise.

It is foolhardy, therefore, to maintain that such terrorists

could ever willingly acquiesce to well-intentioned Israeli expectations of non-violence, whether in exchange for their incremental releases from Israeli prisons, or for any further territorial concessions on West Bank (Judea/Samaria). In this connection, one need look only to present-day Gaza, which was handed over to Hamas in 2005 by a then-hopeful Prime Minister Ariel Sharon, and which was immediately transformed from a pleasingly productive area of homes and high-technology agriculture, to an abject terrorist wasteland of overflowing sewers and adjacent rocket-launching sites.

Today, a steadily expanding number of Hamas rockets in Gaza remain targeted on Israeli homes, schools, and hospitals. For Hamas, inflicting pain on Israeli noncombatants remains its own reward.

There is more. What will also finally need to be understood by our American presidential candidates is that even a fully-codified Palestinian state would likely fall to other Sunni terrorist forces in the region, most likely ISIS or ISIS-type proxies. It would take little imagination for our politicians to subsequently understand why Palestine had now become yet another regional staging area for anti-American terrorism.

Here, naive U.S. presidential support for a "Two-State Solution" would have made possible a new national terror base for the world's most insidious *Jihadist* fighters.

A fundamental inequality between Israel and its Palestinian "peace partners" is evident in absolutely all manifestations of the Middle East Peace Process. On the Palestinian side, *Oslo Agreement* and "*Road Map*" expectations have never represented anything more than a presumptively cost-effective method of dismantling Israel. On the Israeli side, these same expectations have somehow been taken as a painful but still indispensable way to avert even greater explosions of war and terror. While Israelis have been willing to accept some form of "two-State Solution," the Palestinians see only one-state

in this area, a state that *fully replaces* Israel (“Occupied Palestine”) with Palestine.

In the final analysis, as our American presidential candidates must finally understand, the underlying problem of Israel’s life or death vulnerability lies in Jerusalem’s and Washington’s erroneous core assumptions about war and peace. Although certain of Israel’s regional enemies, state and non-state, believe that any power gains for Israel must represent a reciprocal power loss for them – that is, that they continue to coexist with Israel, in a condition of pure conflict – Israel and the U.S. have been assuming something else entirely.

Oddly, to be sure, Israel and America still believe that certain Arab enemies reject *zero-sum* assumptions about the strategy of conflict. Israel’s Palestinian enemies, however, never make any such judgments about their own conformance with Israeli calculations. Rather, these Arab enemies know full well that Israel is wrong in its basic belief that certain Arab states, and also the Palestinians (PA and Hamas), reject the *zero-sum* assumption.

In Washington, our American presidential candidates will soon need to recognize and effectively counter such dangerous pretense. Should they continue instead with a determinedly unphilosophical spirit that blithely wants to know nothing of truth, Israel and the United States could then be forced to pay a heavy price in both blood and treasure. It would be better, concerning the Middle East Peace Process, for these candidates to finally proceed beyond their tired clichés about a “Two-State Solution,” to much more honest and correct forms of understanding.

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