Democracy's Struggle against Terror: A View from Israel

Platform for a Strategic Discussion

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Methodology: Zvi Lanir

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The Israel Democracy Institute (IDI) is an independent center of research and action dedicated to strengthening the foundations of Israeli democracy. IDI works to bolster the values and institutions of Israel as a Jewish and democratic state. A non-partisan think-and-do tank, the institute harnesses rigorous applied research to influence policy, legislation and public opinion. The institute partners with political leaders, policymakers, and representatives of civil society to improve the functioning of the government and its institutions, confront security threats while preserving civil liberties, and foster solidarity within Israeli society. The State of Israel recognized the positive impact of IDI's research and recommendations by bestowing upon the Institute its most prestigious award, the Israel Prize for Lifetime Achievement.

The Amnon Lipkin-Shahak Program on National Security and Democracy at the Israel Democracy Institute is named after former IDF Chief of Staff Amnon Lipkin-Shahak. The program is dedicated to helping Israel deal effectively with security threats while preserving the rights of a free society. Its members work to develop national defense policies that will guarantee Israel's security without impairing its democratic vitality. Today, in recognition of the fact that all aspects of warfare are becoming increasingly connected on the modern battlefield, the program focuses on the legal, strategic, media, and diplomatic aspects of asymmetric conflict, analyzing the special challenges that the war on terror poses for democratic societies, to find the necessary balance between defending human rights and civil liberties, on the one hand, and preserving national security, on the other.

The program is headed by Prof. Amichai Cohen.

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INTRODUCTION

The question of how democratic states address the challenge of terrorism while simultaneously upholding their core values is one of the central challenges of our time. In recent decades, we have witnessed a shift from the traditional doctrine of warfare—the paradigm of war between states, and the basic principles of military force and decisive victory—to a reality in which terror groups threaten not only the security of the state but also its social fabric and the global order.

Academics, policy-makers, and opinion leaders have been grappling with this issue for some time, in particular since the attacks of September 11, 2001. Two main arguments have been put forward in the debate. The first suggests that democracies do not have it in them to deploy the requisite level of ruthlessness required to win this type of war;[1] the second argues that deploying the necessary means leads to a collapse of democracy from within.[2] According to these two arguments, democracy's war against terror is either doomed to fail or, conversely, to end in a pyrrhic victory in which democracy itself is sacrificed. The analysis in this report builds on these two approaches to offer a new strategy for combating terror that will allow democracies to overcome their inherent limitations while safeguarding their core values. The report overturns many of the fundamental concepts that govern older paradigms—including the definition of the threat, the nature of the battlefield, and the objective of the struggle.

The first chapter offers a conceptual framework for a new form of strategic discourse, based on a doctrine of "smart power." The second chapter provides a perspective onto the fight against terror—termed

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1   Gil Marom, *How Democracies Lose Small Wars*, Cambridge: Cambridge University Press, 2003.
2   Audrey Kurt Cronin, *How Terrorism Ends: Understanding the Decline and Demise of Terrorist Campaigns*, New Jersey: Princeton University Press, 2009.

an "ongoing hybrid struggle of varying intensity"—with emphasis on the transformation of conflict and the importance of distinguishing between different types of terror groups. The third chapter outlines the basic characteristics of what we have termed "inclusive democracy," and argues that given the challenges of the 21st century (including terrorism), there is a need to redefine both national security doctrine and the political order itself. The fourth chapter analyzes the three different fronts of the struggle: Home, Military and International fronts. The fifth chapter proposes a new approach to the term "victory," putting forward a framework for attaining a "combined ongoing victory" over terror via action on all three fronts. Finally, the appendix develops this new conceptual framework and applies it to the particular case of Israel and the Israeli-Palestinian conflict.

This report is a product of in-depth discussions in a series of study groups convened by the Israel Democracy Institute in 2015–2016. The founding premise for these discussions was that the modern struggle against terror requires an integrated consideration of all aspects of the struggle. For this reason, the teams comprised a diverse group of experts who drew on knowledge of a wide array of disciplines— law, philosophy, economics, military strategy, Middle Eastern studies, sociology, media, and diplomacy.

Although the report relates to all democratic states fighting the scourge of terrorism, it places special emphasis on the Israeli case and Israel's struggle against Palestinian terror groups. We hope it proves useful to the policymaking community in Israel and to scholars, strategists, and political leaders around the democratic world who are joined in facing the challenge of terror.

CHAPTER I
INTELLECTUAL FRAMEWORK

A Conceptual Crisis in the Use of Force

Traditional warfare between states is substantively different from the modern fight against terror. The cycle that characterized traditional conflict dynamics—peace, crisis, war, and victory/defeat, followed by a renewed period of peace—is not representative of the conflicts between democratic states and terror groups.

In these new conflicts, the military campaign is conducted amid civilian populations, in contrast to the traditional inter-state campaigns waged on the battlefield. While total war between states aimed for a quick and decisive victory that would achieve a political goal, the struggle against non-state terror groups is protracted and does not lend itself to conclusive triumphs.

Winning a series of battles can, in the best case, secure political gains against terror, but in many instances the fighting only serves to distance the state from

In the absence of decisive victory on the battlefield, and given the protracted nature of the struggle, victory becomes dependent on social resilience and international support no less than on military accomplishments.

its political goals.[3] An example of this is Israel's Operation Protective Edge (2014) in Gaza. While the IDF's battlefield successes purchased several years of quiet, Israel's achievements on the military front did not create an improved political reality; on the contrary, Hamas's popularity among the Palestinian public only increased after the war.

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3   This analysis is based on Rupert Smith, *The Utility of Force in the Modern World*, London: Allen Lane, 2005.

The revolutions in technology, media, and globalization have weakened the power of states and governments, while strengthening the power of large multinational corporations and civilian groups. In the new political environment, these groups are now part of the "objective" that needs to be "conquered," as they possess the power to influence the fight and its outcome. Because public support and international legitimacy have become the decisive factors in any campaign's success, violence is no longer the central means for achieving one's ends in war. Instead, it has become essential to harness mass communications, mobilize the international community, and find new ways to translate military advantage into political gains. The unfettered transparency ushered in by the aforementioned revolutions suggests a new metaphor for the modern conflict arena: a theater stage. The audience—mostly civilians, watching the acts unfold at home and abroad—determine who is good and who is bad, and by means of their applause lend support to one side over the other, dramatically affecting the odds of victory.

In the absence of decisive victory on the battlefield, and given the protracted nature of the struggle, victory becomes dependent on social resilience and international support no less than on military accomplishments.

Thus, we can think of the modern fight against terror as a combined struggle taking place simultaneously on three fronts: military, civilian, and international. These three fronts are interconnected in surprising ways, so that an achievement on one front may lead to a setback on one of the others. For instance, the massive use of force can bring success on the military front, while dissipating a state's legitimacy or weakening its social cohesion. These considerations have become so important to the waging of modern war that they must be incorporated into military decision making.

This conceptual shift rests, at its core, on the principle of restraint in the use of force. As such, it calls for a fresh look at the laws of war and international law, as well as at democratic norms during wartime.

Redefining Fundamental Concepts: From Hard Power to Smart Power

Smart Power. The shift from traditional wars conducted primarily on the battlefield, to an ongoing struggle conducted on multiple fronts simultaneously, requires a conceptual shift that de-emphasizes the centrality of military force, or "hard power." A security doctrine that rests on military force alone is not feasible in an interconnected world,

> The notion of smart power reflects recognition that since the Cold War, it has become possible to win a war without achieving a decisive military victory.

where diplomacy is inseparable from the overall campaign. At the same time, a security doctrine that rests solely on what Prof. Joseph Nye termed "soft power"—the power to persuade via diplomatic, economic, legal, social, and political means—is unlikely to succeed against violent groups determined to overthrow the state, the international order, or both. This understanding has led more and more states to adopt a foreign policy underpinned by the strategy of "smart power."

The "smart power" concept is also attributed to Nye,[4] who concluded from the events of September 11, 2001 and the US invasion of Iraq (2003) that soft power on its own cannot underpin an entire security doctrine. Without the backing of hard power—and the proven willingness to use force—soft power is meaningless, especially in a campaign where not all actors accept the same rules of the game. Accordingly, Nye stressed the importance of combining hard and soft power by striking a balance between them that is tailored to the enemy's particular strategy, the various fronts involved, and the different stages of an ongoing struggle.

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4   The origin of the term "smart power" is disputed. There are those who attribute the term to Susan Nossel, although in this report we lean on Nye's work and attribute the term to him.

The notion of smart power reflects recognition that since the Cold War, it has become possible to win a war without achieving a decisive military victory. During the Cold War the threat of mutually assured destruction made the use of massive military might unthinkable. This led to a decline in the fundamental principle of "decisive victory" as the cornerstone of global strategy, to be replaced by "mutually assured deterrence".

According to the doctrine of smart power, a state's ability to achieve its objectives is no longer solely contingent on its military strength, but is based on achieving the correct balance between many different factors that influence outcomes. Some of these factors can be considered "soft"—prowess in science, culture, economics, technology, and industry; social resilience and shared values; or a willingness to contribute to international causes—while others are "hard": military power, the ability to impose economic sanctions on other states, and more.

Smart power, as conceived by Nye, was originally put forward as the governing concept for a state's foreign policy. In this report, however, we submit that smart power is just as relevant for the conduct of war and the management of its domestic consequences. Military force must be deployed in combination with the tools of soft power on every one of the three fronts—military, international, and civilian. On each front, policy-makers need to decide whether to deploy hard or soft power, or some mixture of the two, on the basis of a precise calculation of their likely relative effectiveness in a given situation.

The shift away from military force as the primary means for fashioning political reality, and toward a smart power paradigm, diversifies the suite of tools available to decision-makers when crafting policy. Moreover, this shift provides an advantage to the side that enjoys superiority in non-military areas such as science, culture, and art, and to the side that upholds ideals like freedom and equality. Wielded correctly, smart power may successfully neutralize the advantage often

held by the weaker side when subjected to superior force—portraying itself as beaten and victimized, and therefore worthy of international sympathy and support.

Moving the center of gravity of one's security doctrine from military force to smart power requires a rethinking of traditional concepts—first and foremost "decisive victory," "deterrence," and "early warning."

Decisive victory. In traditional warfare, decisive victory was attained when one of the sides broke the enemy's ability or will to continue fighting. This was achieved by conquering territory, destroying key weapons systems, or fatally damaging critical infrastructure. In today's reality, however, terror organizations actually grow stronger under occupation, and prove resilient to the loss of men, materiel, and territory: terrorists adopt a strategy of "no surrender" and score a victory every day they are not decisively defeated. In this manner, the war on terror is similar to the war on crime—while it can never be completely eradicated, it can be minimized to a level that allows normal life to continue.

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States that pursue a strategy of decisive victory against terror's strategy of "no surrender" are courting defeat. Given the vast power disparities between a state and a terror organization, the state's inability to achieve a militarily decisive victory is interpreted as a victory for the weaker side. The greater the military force applied, the greater the enemy's achievements. Their fighters turn into heroes, their mobilization appeal increases, and the motivation to join and support the cause grows.

Deterrence. In contrast to traditional notions of deterrence, according to which the threat and demonstration of force (and the concomitant destruction) instills greater loss aversion in the enemy, thereby achieving a more effective deterrence posture, the realities of the

struggle against terror point to a different conclusion entirely. Indeed, in the new hybrid wars, there is no direct correlation between the level of force used and the level of deterrence gained. As long as an enemy believes he has nothing to lose, he cannot be deterred. Without hope for a better future, or a coherent political alternative, terror becomes the default choice.

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Early warning. The failure to predict the first intifada (1987), the Arab Spring (2011) or other events in the Middle East demonstrates how the concept of prior warning has changed. In what we will term the "ongoing hybrid struggle," prior warning requires more than assessing enemy capabilities and intentions: it necessitates delving into deep-rooted political and social processes. Intelligence agencies need to internalize this change, and appreciate the advantage held by academic researchers for identifying the potential for such violent eruptions. When waves of violence erupt spontaneously from below with no organizational direction, the ability to predict them based solely on intelligence gathering is limited. Moreover, in an ongoing struggle, it is important to differentiate between two types of prior warning: strategic and operational/tactical. Strategic prior warning is related to major trends stemming from structural and historical factors. This layer is visible and relatively long lasting, and therefore, in principle, identifiable. By contrast, the operational/tactical layer is contingent on circumstances that are often fleeting and random, and are therefore difficult to predict ahead of time.

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THE NEW STRUGGLE AGAINST TERROR

"Ongoing Hybrid Struggle of Varying Intensity"

Two accepted descriptions are often used these days for the phenomenon of states confronting the terrorist threat: "low-intensity conflict" or "asymmetric warfare." We submit that these two descriptions do not accurately reflect the nature of modern warfare, and offer instead the term: "ongoing hybrid struggle of varying intensity."

While the threat from modern terror is not an existential threat— that is, a threat to the physical existence of a state in the near term— the military intensity of operations is not always low. Moreover, the ongoing nature of the conflict threatens the constitutional foundations of democracies and poses serious challenges to daily life.

The accepted wisdom, according to which the struggle against terror is an asymmetric war between a strong and a weak side, is misleading. In reality, the side that is inferior militarily and economically often compensates for these weaknesses with underappreciated strengths on other fronts. For instance, a militarily inferior fundamentalist terror group may reverse the asymmetry with a supposedly more powerful state by capitalizing on the stronger motivation of its population to fight. Understandably, when a conflict is depicted as a battle between "David and Goliath," and accompanied by visual images of death and destruction on one side,

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public opinion gravitates toward the weaker party. This inclination is strengthened when the weaker side's cause is viewed as justified,

such as "freedom fighters" doing battle against a stronger "occupying" power. Moreover, dependence on the international community's support, crucial in modern warfare, often limits the stronger party's ability to bring all its force to bear against terror operatives, especially when the use of such force may involve harming non-combatants.

In this manner the state's military advantage is diminished. The weaker side, unlike the stronger state, has no concerns about differentiating between combatants and civilians, and thus weakness becomes an advantage.

Although the law distinguishes between the justness of the war itself (*jus ad bellum*) and the justness of the deployed force and means once war has been initiated (*jus in bello*), the international community tends to link the two, so that when the war is perceived to be unjust, the legitimacy of the means used decreases accordingly.

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Against this background, we propose the term "ongoing hybrid struggle of varying intensity," as follows:

- **Ongoing.** This signifies the lack of a clear beginning or end to violence in the context of a long and continuous conflict. Among other implications, the continuous nature of the conflict requires an ongoing appraisal of the struggle and its evolution over time. It is necessary to examine how the length of the conflict affects the enemy, but even more so how it affects the state.

- **Hybrid.** This term captures the complex nature of the struggle, the adversary and the battlefield. In our usage, "hybrid" connotes both the blend of military, economic, diplomatic, and social tools that comprise smart power, as well as the tri-partite nature of the

battlefield (military, international, and civilian).[5] In addition, the term "hybrid" refers to the variety of possible adversaries, each with its own characteristics, objectives and strategy.

- **Struggle.** We submit that the term "struggle" is a more accurate description than the traditional "war" or "confrontation." While "confrontation" is more appropriate than "war" because it captures non-lethal features of the phenomenon, "struggle" is preferable because it highlights the domestic aspects that are particularly crucial for democracies. A democratic state's struggle against terror is not solely orientated outward, but inward too. This is a struggle over the character of a democratic society, and the two struggles— against the external terrorist threat and to preserve the internal character of the state—must be viewed as one.

- **Varying intensity.** An ongoing struggle can, over time, reach different levels of intensity. Moreover, the intensity of the conflict may vary across fronts: the primary arena of struggle may shift from the battlefield to the international arena, for instance. Such shifts in a conflict's intensity, or a transfer of focus from one front to another, may occur at the initiative of one of the parties, but can also be due to an unintended deterioration of the situation.

In conclusion, the conceptual shift from "traditional warfare" to an "ongoing hybrid struggle of varying intensity" matches the re-examination of such foundational concepts as "decisive victory," "deterrence," and the nature of "victory" itself. The continuous, complex, varying nature

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5   NATO defines the term "hybrid warfare" as a "military strategy that blends conventional warfare, irregular warfare and cyber warfare. By combining kinetic operations with subversive efforts, the aggressor intends to avoid attribution or retribution." Jill R. Aitoro, "Defense Lacks Doctrine to Guide It Through Cyberwarfare," *nexgovi.com*, September 13, 2010. General Raymond Odierno, former US Army Chief of Staff, offers a different definition: "Hybrid warfare means operating in environments with both regular military and irregular paramilitary or civilian adversaries, with the potential for terrorism, criminality and other complications." Frank Hoffman, "On Not-So-New Warfare: Political Warfare vs. Hybrid Threats," *War on the Rocks* (online), July 28, 2014.

of the campaign and the enemy require constant, dynamic adjustments to the state's warfighting strategy.

Transformation of the Conflict

It has been customary to divide international conflicts into two types:

1. **Limited political conflicts.** These are usually conflicts over borders, security, economic interests, and more. The prevailing assumption is that these are usually amenable to negotiated solutions.

2. **Intractable conflicts.** These are often conflicts characterized not just by the openly declared points of difference, but also by deep-rooted religious, cultural, and ethnic differences, and by contrasting narratives over such things as justice and historical rights. In these types of conflicts, the prevailing assumption is that without addressing the root causes, the chances of a negotiated settlement range from slim to non-existent.

A political conflict is characterized by pragmatism, wherein a distinction is made between a long-term vision, on the one hand, and the achievable objectives in a given political context, on the other. An intractable conflict, however, erases such distinctions: the aspirational political vision does not take into account existing limitations. Moreover, in a political conflict it is often possible to define the areas of difference and begin to bridge the gaps between the two sides; in an intractable conflict it is difficult even to agree on the areas of difference.

In a political conflict it is acceptable to adopt a strategy of "smart standing," combining soft and hard power as tools to achieve a political objective (the goal usually being to influence and change the enemy's objectives). The assumption is that the behavior of one side influences that of the other and that each side's calculations are practical, based on cost-benefit analysis. In an intractable conflict, however, the weaker party often adopts a strategy of "steadfastness" and "no surrender,"

while the stronger party opts, as a strategy, simply to manage the conflict. In such a situation, the behavior of one side does not impact the behavior of the other.

Occasionally, states finding themselves in an intractable conflict attempt to transform the conflict, from intractable to political. This may be for various reasons: as a result of attrition or exhaustion, after much bloodshed, or due to the pressure of an external power.

The theory of conflict transformation draws its logic from ongoing conflicts between two parties who cannot separate from each other, and are thus forced to keep up a certain level of cooperation despite their deep-rooted differences. The assumption is that the transformation of an intractable conflict requires a fundamental shift in relations between the two societies living side-by-side, one that creates opportunities for strengthening the pragmatic elements within them while weakening the more violent and inflammatory elements. This is a gradual process of identifying common interests and advancing toward an "agreed political settlement" via an array of tools, including diplomatic negotiations.

Yet the shift from an intractable to a political conflict requires overcoming two main obstacles. The first is the lack of synchronicity between the two parties' positions, which may lead to them pursuing contradictory policies. For example, one party may adopt a pragmatic and rational position while the other holds fast to an absolutist position of achieving its entire vision. Where there is lack of symmetry between the positions, the more stubborn approach usually gains the upper hand, because the more pragmatic or flexible party cannot distinguish between its long-term vision and the necessary policies it must adopt in the present. Thus, the entire conflict becomes intractable.

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The second obstacle involves the strength of the parties' governance systems and the quality of their leadership. Whenever a powerful ideological voice is able speak out in disregard of rational considerations (such as economic or diplomatic constraints), casting the entire conflict as intractable, and the political leadership is unable or unwilling to counter this narrative, it matters little that the radical voice does not represent the majority; it can be sufficiently influential as to effectively dictate policy.

We believe that distinguishing between types of conflicts is crucial in order to identify the appropriate means for their resolution. Such means also require, inter alia, the involvement of the international community and a basic understanding by the parties that any other path will lead to a dead end.

Differentiating Between Types of Terror Groups[6]

One of the fundamental insights of this report is that vehement opposition to all acts of violence against civilians should not lead us blindly to assert that "terrorists are all the same." If democratic states are to stand a chance in the struggle against terror, it is vital that they make distinctions between the different types of terrorism they confront. We submit that two main types of terrorism can be identified: "total terror," waged by groups like al-Qaeda that reject the principle of nationalism and its manifestation in the form of the nation-state; and "limited terror," waged by nationalist groups such as the Palestinian Fatah that are committed to statehood, or by fundamentalist groups

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6   Based on Ami Ayalon, Robert Castel and Elad Popovich, *Fighting with Distinction(s)*, Jerusalem: The Israel Democracy Institute, forthcoming.

such as Hamas that incorporate statist principles into their Islamist worldview.[7]
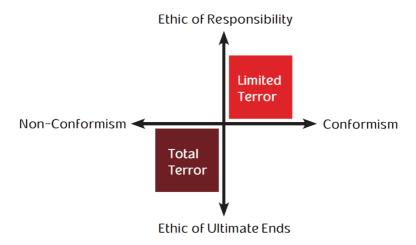
The distinction between these two models runs on two axes, representing ends and means (see figure below). The horizontal axis represents the group's *ends/objectives*, differentiating groups according to their political conformity and level of identification with the international community.[8] At one end of this axis are those groups who seek to join the international community, and at the other end are those who wish to destroy it.

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The vertical axis represents the group's *means/strategy*, differentiating groups according to the political ideology that governs their actions. At one end of the axis is an ideology that we term, following Max Weber, the "ethic of responsibility," and at the other end, the "ethic of ultimate ends."[9]

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7   As we will make clear in later sections, Hamas does not fully submit to the definition of a "limited terror" group. Yet we differentiate it from "total terror" groups due to its sense of responsibility to the Palestinian public, and its readiness to delay the fulfillment of its overall vision if this runs counter to Palestinian public opinion. This characterization may change should certain shifts occur in Palestinian public opinion.

8   Robert K. Merton, "Social Structure and Anomie," *American Sociology Review* 3 (1938), pp. 672–673.

9   This analysis draws on Max Weber's lecture "Politics as a Vocation" (Politik als Beruf), given in Munich on January 28, 1919. In Max Weber, *From Max Weber: Essays in Sociology*, edited by Charles Wright Mills, translated by Hans H. Gerth. New York: Oxford University Press, 1946.

The two axes create four sub-categories of terror groups. These categories are not static, as groups may shift between them at different times, as circumstances change and their characteristics evolve. It is possible that a group will act according to the ethic of responsibility at one moment in time based on a fleeting cost-benefit analysis, while at the same time still rejecting any intention to join the international community.

While the limited terror groups that occupy the top right quadrant in the diagram are fighting to change existing political orders, they do accept the state as the basic building block of the global system, and their actions are limited due to a sense of responsibility toward their own community. In contrast, the total terror groups in the bottom left quadrant seek to destabilize the state system, dismantle accepted structures, and create new regional

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and international realities. Such groups deploy violence without any clear limits, including against fellow community members who do not share their views.

Limited terror groups that exhibit the ethic of responsibility possess a certain commitment to the societies from which they arise. Such groups consider the implications of their actions for their own societies, and weigh their steps according to a cost-benefit analysis. They even design their political and religious approach accordingly. This approach necessitates matching means with ends, and a willingness to change goals to suit existing capabilities when required (as displayed by Fatah in the Palestinian case). In extreme cases, this kind of approach may require a group to delay the fulfillment of its goals to a more convenient time, making do with what is achievable in the present—so long as the path to fulfilling its strategic objectives remains open.

The total terror groups in the bottom left quadrant seek to destabilize the state system, dismantle accepted structures, and create new regional and international realities. Such groups deploy violence without any clear limits, including against fellow community members who do not share their views.

By contrast, the ethic of ultimate ends emphasizes the ideological and moral motivations of the actor (whether a group or individual), which in turn dictates behavior. The core values of such groups are not subject to change in response to changing circumstances, and their operational goals—often stemming from religious interpretation—sanctify any means deployed. Such groups are not given to cost-benefit analysis, or to consideration of their own society's needs.

Groups operating according to the ethic of responsibility often find themselves acting in a world of conflicting values, constantly seeking a balance between their founding principles and vision, on the one hand,

and external reality, on the other. However, groups adhering to the ethic of ultimate ends operate in a simpler world where there is only one guiding value, supreme and absolute.

> It is critical to identify the correct model for each terror group, because its strategy will inevitably stem from these characteristics.

It is critical to identify the correct model for each terror group, because its strategy will inevitably stem from these characteristics. The struggle against a global and total terror group such as Islamic State—which has no ethic of responsibility and seeks to destroy existing political systems driven by its absolutist ideology—is very different from the struggle against a nationalist limited terror group Such as Hamas. As well as their differing ideologies, the means deployed by total terror groups are more extreme than those used by limited terror groups, who fundamentally wish to join the international system.

Confronting the total terror threat admittedly requires a strategy heavily dominated by military force, in which efforts on the international front are directed primarily toward mobilizing support (given the lack of potential for a negotiated solution). However, in this report we are primarily concerned with local or limited terror groups, in which the non-military components of the struggle are paramount.

CHAPTER III
A NEW OBJECTIVE FOR COUNTERTERRORISM: DEFENDING DEMOCRACY

From Defensive to Inclusive Democracy

In democratic states, it is generally held that there is a tension between the commitment to uphold democratic values and the determination to confront terrorism— or between "security and democracy," as it is often phrased. Since democracy places limits on the use of force and demands protections

We propose a different way of thinking about democracy and its battle against terror. Instead of there being a tension between security and democracy, we posit that the two are in fact mutually reinforcing.

for human rights even during wartime, difficulties emerge when fighting terror; democracy, it is said, has a structural deficiency in this respect. The question posed by Israeli Supreme Court Justice Elyakim Rubinstein highlights the problem: "When, and by how much, do rights retreat in the face of security?"[10] Without democracy's limitations it would be much easier to fight terror. The other side of the coin, as Prof. Audrey Cronin explains, is that when a democratic state employs a strategy of massive force against terror over a long period of time, it suffers major harm and in effect "destroys itself."[11]

We propose a different way of thinking about democracy and its battle against terror. Instead of there being a tension between security and

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10 Elyakim Rubinstein, "On Security and Human Rights During the Battle with Terror," *Law and Army* 16 (D), February 2003, pp. 765–787 (Hebrew).

11 Audrey Kurth Cronin, *How Terrorism Ends: Understanding the Decline and Demise of Terrorist Campaigns*, New Jersey: Princeton University Press, 2009.

democracy, we posit that the two are in fact mutually reinforcing. Our concept views the protection of democratic values not just as an unfortunate necessity and an obstacle on the road to victory, but rather as the goal itself. We suggest that the paradigm of "defensive democracy"—based on the premise of an inherent tension between upholding security and upholding democracy—be put aside in favor of an alternative paradigm called "inclusive democracy," according to which defending democratic values is in fact a central and essential component—indeed, the very goal—in the struggle against terror.

Adopting the paradigm of inclusive democracy is especially valuable in divided societies that have undergone the dislocations and disruptions associated with technological change and immigration. Refugee influxes in particular have ushered in dramatic demographic and cultural changes, making Western democratic states more heterogeneous. "The changing face of globalization" is, to a great extent, the fertile soil from which terrorism and radical movements (many originating in the Middle East) have sprouted in Western countries.

> Defending democratic values is in fact a central and essential component—indeed, the very goal—in the struggle against terror.

The desire of immigrant minority groups to maintain their cultural, religious, ethical, and linguistic identities tends to draw a negative response from the absorbing society. This leads to greater polarization and division within heterogeneous societies. Many in the host society see the immigrants as an "enemy from within," with examples including the fight against the burka in France, the debate over the height of churches and mosques in Switzerland, and so on.

In addition to countering the effects of globalization, the need for inclusive democracy also stems from the length and ongoing nature of the struggle. Inclusive democracy rejects many of the measures deployed in democratic states for dealing with an enemy during wartime,

particularly the constraints placed on certain democratic processes so long as the guns are still firing. The mechanisms of defensive democracy, such as emergency laws, are especially egregious. Our argument is that in a war with no end date, a democracy cannot afford to implement such measures if it wants to remain a democracy. In the short term, suspension of liberties may seem effective, but in the long term the placement of limitations on democracy undermines a society's ability to deal with the threat; it may even destabilize it, leading to violent eruptions from excluded minorities. In contrast, upholding civil and minority rights in the face of terror is the best guarantee for increasing citizens' security, precisely because it lessens terror's impact on society from outside (the international front) and inside (the home front).

An important factor that strengthens democracy in the war against terror is "social resilience." Resilience is crucial in dealing with the destruction wrought by terror, whose very purpose is to sow fear and collapse society from within. Terror disrupts daily life and undermines public trust in the ability of the political, military, and legal systems to ensure security.[12] A confident democracy copes with fear rather than escalating it; avoids overreactions; and instills pride in its normative base in the face of adversity.

> In the short term, suspension of liberties may seem effective, but in the long term the placement of limitations on democracy undermines a society's ability to deal with the threat; it may even destabilize it, leading to violent eruptions from excluded minorities.

Democracy—by which we mean a framework for the provision of rights to citizens and minorities, which allows for the peaceful mediation of social differences—is a powerful platform for generating the resilience that is crucial for confronting terror, allowing a society to defend its

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12 We draw here on Dana Blander and Dania Kaufman, *Inclusive Democracy, Social Resilience, and Terror*, Jerusalem: The Israel Democracy Institute, forthcoming.

core democratic values despite the ongoing threat. There is, in other words, a positive and synergistic correlation between democracy and social resilience. Accordingly, revoking minority rights for an extended period of time damages social resilience and deepens divisions until they turn violent.

Moreover, when a state functions according to the principles of inclusive democracy, it maintains its moral advantage over the terrorists, but when it harms individual and minority rights it often loses that advantage.

> Revoking minority rights for an extended period of time damages social resilience and deepens divisions until they turn violent.

Defending the principles of inclusive democracy in the face of terror groups seeking to drag the state into violent overreactions is, in itself, an achievement.

Fundamental Principles

The shift from defensive democracy to inclusive democracy embodies the shift from an attempt to obliterate difference by way of a melting pot, to inclusion of multiple identities in a single mosaic that respects individual differences. (This mosaic consists of communities that share common values, but that also maintain their own distinct and independent cultural character.) The majority group sets the state's symbolic baseline and it has, to be sure, much influence on the public sphere, but the cultures and rights of minority groups are defended.

The following are several fundamental principles that underpin the shift to inclusive democracy:

1. Recognizing the right of each community to maintain its uniqueness, identity, culture, and customs on a collective basis, and examining how this can be expressed in the public sphere.

2. Maintaining a common civil baseline without erasing or blurring each group's distinct narrative. In an inclusive democracy it is not

possible, nor is it advisable, to create a "false unity" or to hide conflicts and differences. The goal of inclusive democracy is to allow for co-existence between free and equal citizens who may have differences and conflict. The essence of democracy is not to hide the conflicts, but rather to manage them. Thus, there is no aspiration to enforce one unitary culture.

3. Holding continued conversations with and among communities regarding core values, coalescing around agreed "rules of the game." The acceptance of such rules is a basic condition for life in a divided society without the resort to violence. One of the challenges of inclusive democracy is determining where the lines are for both containment and inclusion, and finding ways to handle illiberal groups and those that seek to undermine democratic principles.

4. Creating an array of social conventions through various mechanisms to address areas of difference between communities. Clarifying common fundamental principles can serve as a basis for mobilizing legislation, determining practical ways to implement both equal rights and the distribution of resources. To be clear, these are bottom-up processes—not top-down—that are driven by civil organizations rather than official decision-makers.

5. Maintaining a robust democracy that places limits on majority rule. In a divided society with a solid ethnic majority and a large permanent minority, the principle of majority rule is problematic. Thus, there is a need to anchor minority rights in law and practice. In order to ensure social resilience, a state has to care for the welfare of all its citizens.

6. Decentralizing political power through the separation of powers and the devolution of political authority. This is critically important in a divided society in which there is a dominant group that may arrogate to itself absolute power based on its democratic majority. What is required is a balance between the various branches of government, in order to moderate the majority's power and mitigate the threat of authoritarianism.

In conclusion, inclusive democracy embraces a different perspective on the correct balance between security and rights, rejecting the notion that one must come at the expense of the other. To be sure, neither defensive nor inclusive democracy should be considered absolute paradigms. Defensive democracy does not sacrifice all democratic principles at the altar of security, and inclusive democracy does not subordinate all security considerations to democratic principles. Inclusive democracy, too, may from time to time find the need to deploy the tools of defensive democracy. Nevertheless, at its, core, inclusive democracy places the preservation of democratic principles at the heart of the struggle against terror.

CHAPTER IV
THE DIFFERENT FRONTS
IN THE STRUGGLE

One of the basic assumptions of this report is that the military front is not the only front on which ongoing hybrid struggles are waged, and it may not even be the most important one. The struggle against terror, as stated, takes place on three parallel fronts, with victory dependent on achieving one's objectives on each: the home front; the international front; and the military front.

The Home Front. Terror groups see the civilian population as their primary target in the struggle, and marshal all their efforts to harm it, on the assumption that this is the best way to achieve their objectives. Accordingly, in order to win, the state has to bolster the resilience of all its citizenry (including minorities), and so enable it to preserve its solidarity and values in the face of terror over time. For this reason, we place social resilience at the heart

> The struggle against terror, as stated, takes place on three parallel fronts, with victory dependent on achieving one's objectives on each: the home front; the international front; and the military front.

of the home front. This resilience is expressed by a society's ability to function effectively during an ongoing crisis, uphold its core values, and perhaps even emerge from the crisis strengthened. Social resilience increases the steadfastness of society and prevents external violence from seeping inside. In a resilient society, there are relationships of trust between people from different communities, and between these and the government. Below we describe how such resilience can be achieved, while outlining the tensions and difficulties inherent in trying to attain coherence between minority groups with different identities and values.

The International Front. Terror groups direct their actions at the international community with the goal of obtaining aid and diplomatic support, while denying such support to the enemy. Central to the international front is the concept of "legitimacy." In this sense, legitimacy refers to the fact that a state's capacity to wage an effective counterterrorism campaign is dependent on the acceptance of that campaign as just by other states and key actors in the international arena. Legitimacy is measured by the international community's willingness to recognize and support the state engaged in the fight, and to maintain diplomatic, commercial, cultural, and scientific ties. Below we examine the most influential pillars on which international legitimacy is based, and the manner in which this legitimacy can be maintained without the state having to relinquish its own particular principles and sovereign identity.

The home front is the primary front in the ongoing struggle against terrorism. Indeed, by their very nature terror attacks put the civilian population at the heart of the struggle, and create a major domestic challenge for the state to resolve.

The Military Front. Here we should again emphasize that in this report we address the struggle of democracy with limited terror; thus, the determinations we make, such as the inability to achieve victory solely by military means, or recommending a smart power strategy, refer only to this type of struggle. The struggle against total terror requires a separate analysis not contained in this document. At the heart of the military front lies the concept of "flexible deterrence," which refers to the threat of measured military force combined with a wide array of economic, political, and diplomatic sanctions and incentives. Flexible deterrence is meant to achieve two objectives: The first is to create a distinction between the terror group and the wider population within which it operates, instilling some hope in the latter. The second is to minimize the risk of minor skirmishes deteriorating into major confrontations, by developing a wide spectrum of responses.

The Home Front

The home front describes the arena in which the state's citizens are involved in a crisis situation (security, civil, or natural disaster). In addition to citizens, it also encompasses various interested parties who may be harmed in the crisis, including state institutions: the government, local authorities, and any other bodies with official responsibilities. The home front also includes the state's social network, comprising civil society, the business sector, households, and individual citizens. These two systems—state institutions and social network—are interconnected but are also distinct in their structures, values, management, authority to mobilize the population, and more.

In contrast to the traditional concept of war (where the military front is the most evident), a key insight of this report is that the home front is the *primary* front in the ongoing struggle against terrorism. Indeed, by their very nature terror attacks put the civilian population at the heart of the struggle, and create a major domestic challenge for the state to resolve.

This situation was described the report from Israel's Committee on Testing the Preparedness of the Home Front (2009):

> During the 1990s, more and more signs emerged indicating a new trend, whereby Israel's enemies recognized that in order to prevent Israeli victories on the battlefield, they would have to shift most of their resources—and the confrontation's center of gravity—to the home front, which they perceived as the soft underbelly of Israeli society.

The report goes on to quote the well-known statement by Hezbollah Secretary-General Sheikh Hassan Nasrallah, in a speech given after the IDF's withdrawal from Southern Lebanon in 2000:

> In order to liberate the land, we do not require tanks or plans. With *shahids* we can force our demands on the belligerent

> Zionists… This "Israel" which possesses nuclear weapons and the most powerful air force in the region is weaker than a spider's web.[13]

In these remarks, Nasrallah was highlighting what he perceived to be Israeli society's lack of resolve in the war of attrition imposed by a terror campaign. His words underscore the assumption that destroying the resilience of Israeli society is the means by which an enemy can achieve its objectives.

In order to succeed in the struggle against terror, a state has to be aware of its own society's resilience and work to strengthen it. But what is resilience? According to the committee's definition, it is:

> A concept that reflects the ability of a nation to remain steadfast during a crisis situation and come out of it stronger. Such an ability is based, among other things, on the public's level of understanding regarding the challenges in front of it, its willingness to confront them, its identification with the objectives of the campaign, and the trust it has in its leaders… A society's capacity to stand up to such challenges is measured both quantitatively and qualitatively, including: the ability of the civilian population and the authorities to respond quickly and effectively in a crisis situation; their ability to solidify a feeling of common national purpose; local leadership; and a clear delineation of expectations, values, priorities, operational patterns, and necessary habits.

From the point of view of the citizenry, resilience is measured according to these parameters:

1. A feeling of physical security for them and their families, stemming from the existence of defensive and protective systems.

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13 From Nasrallah's speech on May 26, 2000 in Bint Jbeil.

2. The level of understanding of, and readiness for, the crisis situation they are about to encounter.

3. A feeling of belonging and common destiny, both communal and inter-communal.

4. Agreement with the goals of the campaign or struggle and the means by which they are prosecuted, including a recognition that the central goal is to avoid violence.

5. Trust in the leadership, democracy, and the system of law and justice.

6. Trust that the government is acting equally vis-à-vis all the citizens, and is especially mindful of the weaker sectors in the population.

7. An expectation that the future will be better on "the day after."

In order to obtain such resilience, what is needed is a social network responsible for organizing the home front ahead of a crisis, and for government ministries to prepare and divide responsibilities in this regard. Ultimately, social resilience depends mostly on the cohesiveness of the citizenry and its ability to function as a society. Maintaining this ability is especially complicated when a society is divided into sub-sectors and groups with different narratives and identities.

> In a heterogeneous and divided society—especially one in which one of the communities identifies nationalistically, religiously, or culturally with the enemy (or is perceived to do so)—a crisis only highlights the competing narratives, deepens divisions and undermines resilience.

Resilience in a divided society. In a homogenous society, shared national narratives strengthen the home front during periods of crisis, rallying citizens and highlighting their unifying common denominators. By contrast, in a heterogeneous and divided society—especially one in which one of the communities identifies nationalistically, religiously, or culturally with the enemy (or is perceived to do so)—a crisis only highlights the competing narratives, deepens divisions and undermines resilience. As

such, in heterogeneous societies it is necessary to differentiate between national resilience and social/inter-communal resilience.

National resilience is based on the national narratives of the society's majority community, while social/inter-communal resilience is the resilience of a society in its entirety, encompassing all the citizens of a state. This kind of resilience is based on feelings of trust between citizens from different communities and sectors; as a rule, the stronger the trust, the stronger the social resilience, especially in crisis situations.

The International Front[14]

In the past, legitimacy was measured according to relations between governments. Today, however, after the globalization and communication revolutions, legitimacy must take into account global public opinion. In democratic states, for the most part, citizens exhibit interest in foreign affairs (and, indeed, human rights and other issues), with their positions expressed in polling data, demonstrations, and voting patterns at election time.

> Resilience is based on feelings of trust between citizens from different communities and sectors; as a rule, the stronger the trust, the stronger the social resilience, especially in crisis situations.

The legitimacy we address in this report is two-sided: it is not just a question of factoring international public opinion into state decision-making, but also of boosting the state's influence in the international arena. It owes much to the international law theory of "internalization": internalizing the positions of the international community means

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14 In this chapter, we found it appropriate to make an exception and to combine our theoretical analysis with a review of its application in the Israeli case.

orchestrating a shift in the opinions held by the state's elites and decision-makers, and by society at large—legally,[15] bureaucratically,[16] socially,[17] and ultimately politically.[18] According to internalization theory, the state is not a unitary body with unitary interests, but rather a coalition of interests that at times cooperates with similar interest groups in various other countries.

In assessing a state's international legitimacy, we should differentiate between three types of legitimacy: basic, theater, and situational. Basic legitimacy is the extent to which the international community accepts the state as part of the family of nations, based on its constituent values. Theater legitimacy is the willingness of the international community to accept the state's policies regarding a given conflict as being in accordance with the international community's own position, or at the very least as a basis for dialogue with the international community.

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15 The shift is supported by the state's courts and other legal institutions, which back the adoption of the international position. These institutions support an ongoing dialogue that attempts to close the gap between the two sides' positions/views. Judges view their connections and stature as an asset to the courts and the state (and are interested in preserving such a position).

16 This refers to government decision-makers and senior civil servants who support the international community's positions, and are aware of the professional costs—in terms of their own relations with foreign governments—if such positions are ignored.

17 The international position can gain legitimacy by strengthening domestic agents (who gain support for their goals from the international community). Influential groups within the state make use of the international position in a variety of ways. International law provides clear definitions for such terms as "rights" and "rules," allowing the groups to better define their missions. The international community allows them to draw assistance, resources, experience, and connections from external/foreign groups. And the international community can also encourage independent external/foreign groups to enter the domestic arena so as to influence the state from within. As a result, the internal/domestic groups who support the interests of the international community grow in strength and influence.

18 Political change stems from politicians being exposed to international pressure and other states' positions. Internal change in the legal and social spheres allows them to take difficult decisions and even, at times, to change their positions.

Situational legitimacy is the level of international acceptance of a state's behavior in a particular situation or operation.

Let us now examine the Israeli context, as a case study for the role of the international front in the battle against terror.

Israel's International Legitimacy: Basic, Theater, and Situational

Basic legitimacy. Israel enjoys a high degree of basic international legitimacy due to the value system it espouses as a Jewish and democratic state, and its numerous scientific, cultural, and economic achievements. Nevertheless, certain government actions or policies that are viewed as anti-democratic (such as legislation curbing NGOs or targeting minority parliamentarians) negatively impact Israel's basic legitimacy among other democracies.

Theater legitimacy. The biggest problem Israel faces in terms of theater legitimacy is the ongoing Israeli-Palestinian conflict. For 50 years Israel has controlled Judea and Samaria (the West Bank), and in certain respects it continues to exert control over the Gaza Strip as well.[19] Israel's effort to maintain control over the territories conquered in 1967, even when framed in

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terms of a "war on terror," is viewed by many in the world as illegitimate, and considered an unjust war. The lack of legitimacy accorded Israel's position on the Palestinian issue has a deleterious impact on the legitimacy of specific military operations in which Israel acts to defend

19 It is possible that in future a similar problem will arise with respect to the Golan Heights (although at present this issue seems to be managed on a much lower flame).

justified interests, which might otherwise be considered actions of a "just war."[20]

Situational legitimacy. Israel faces an additional challenge to the international legitimacy of its military operations. On this issue, a differentiation needs to be made between the legitimacy of deploying force (in legal terms, *jus ad bellum*) and the manner in which that force is exercised (*jus in bello*). Israel's use of force is often considered ilegitimate; problems most often arise from the manner in which it is deployed.

Israel's effort to maintain control over the territories conquered in 1967, even when framed in terms of a "war on terror."

The reciprocal nature of international legitimacy. Contrary to common perceptions, Israel's location at the center of the international conversation can be construed as a form of power. The Israeli government, frustrated with the international obsession with Israel's behavior is sometimes driven to reject dialogue with the international community, especially in its interactions with international bodies such as the UN. This view misses the reciprocal nature of international legitimacy: when Israel does open itself to an international dialogue, its ability to influence the international position increases. This is based on the fact that Israel holds significant tools in the realm of smart power— as the sole stable democracy in a region of unstable dictatorships; as the "start-up nation"; and as a world leader in the fields of agriculture and clean energy. The battle for global public opinion should not be conceded preemptively.

At the same time, we must accept that when a significant gap opens up between Israel and the positions of key players in the international

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20 On this issue, it is important to note the difference between the legitimacy granted to Israel on its front with Hezbollah, for instance, and the legitimacy (or lack thereof) granted to its battle against Palestinian terror—viewed by many as a struggle for national liberation (despite its employment of such methods as the deliberate targeting of civilians, which are outlawed).

arena, its influence in certain countries—its soft power—is limited. One way to lower the barriers to influence is to change Israeli policy.

The Roots of the Dispute: Central Factors Influencing Israel's Legitimacy

The four primary factors influencing Israel's international legitimacy today are:

1. **International law.** Israel needs to follow the rules of international law. While upholding such rules does not guarantee legitimacy, behavior that contradicts international law will necessarily harm the country's legitimacy.

2. **Unjust wars and their impact on legitimacy.** Israel views all its wars as just wars for independence or defense, but the international community sees Israel's continued battle for control over Judea and Samaria (the West Bank)—and most definitely its continued support for the settlement enterprise—as unjust. The international community accepts Israel's right to defend itself (including the settlements), and therefore does not demand an IDF withdrawal from the West Bank prior to a political settlement that guarantees Israel's security. Yet the continued expansion of the settlement enterprise is viewed as illegitimate, and as one of the reasons for Palestinian violence. The international community views Israel as a single sovereign entity, and does not see the state's settlement policy changing—the implication being that Israel is acting to prevent of the creation of a Palestinian state, a cause that is widely seen as just. This perception erodes support among the international community for Israel's just wars for survival, and harms the state's basic legitimacy.[21]

21 To expand on this point, see Ami Ayalon and Idit Shafran Gittleman, *Just Wars and the (De)Legitimacy of Israel*, Jerusalem: The Israel Democracy Institute, forthcoming:

> Our argument is that, in practice, the question of whether a state can provide security for its citizens without resorting to force is a question that, in the eyes of the world, is worth raising. In particular, the question

3. **Participation in international dialogue.** As mentioned, a central problem for Israel in the international arena is the gap between its own independent view regarding a host of issues and the perceptions of key members of the international community. This gap makes it difficult for Israel to participate in international dialogue.

4. **The Palestinian advantage in the international arena.** Given the current reality, the Palestinian position is closer to the international position on the issue of acceptance of the principle "two states for two peoples". Widespread sympathy for the Palestinian plight makes it difficult for Israel to compete in the international arena. The Palestinians have an advantage over Israel among key international constituencies, such as the European and Arab states, the international media, social media, and the United Nations.

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of whether the military force used is proportional, is judged not only in terms of each operation, but also in terms of whether the entire war is perceived as justified—and therefore tolerated—by the international legal system. This is in contrast to the traditional conception of how a war is deemed just, which was based on whether it was managed in a just manner from the start. It seems that, after all, the theoretical distinctions between these two branches of the Laws of War are not implemented in a vacuum when legitimacy is decided upon in practice. The lines between them do get blurred, with the perception of a war's justness influencing the perception of how the conduct of a war is judged. As such, so long as Israel has not exhausted all the diplomatic possibilities to end the violence against it, then the harm it causes to a civilian population during war (even if unintentional and caused as collateral damage to legitimate military operations) will oftentimes be considered non-proportional.

As a result, Israel has good basic legitimacy, but low theater legitimacy, which is weakened by the settlement project. This lack of theater legitimacy erodes Israel's situational legitimacy.

When attacked for its settlement policy, Israel often tries to shift the debate, focusing instead on basic or situational legitimacy. Yet to preserve these, it must strengthen its theater legitimacy, especially in an age when the media does much to shape a state's image. In the age of transparency, as former US Secretary of State George Shultz has called it, pictures of violent confrontations with Palestinians will be more effective than thousands of words about the virtues of Israeli democracy or the necessities of self-defense against terror. These are what dictate Israel's image in the international consciousness.

All this does not mean that Israel has to subordinate itself to international pressure on every issue. But in order to begin increasing its legitimacy on the international front, Israel has to show receptivity on at least some of the issues that divide it from the international community. Such receptivity may necessitate a change in Israel's position, but it may also allow it to influence—and possibly alter—the international community's position as well.

> In the age of transparency, as former US Secretary of State George Shultz has called it, pictures of violent confrontations with Palestinians will be more effective than thousands of words about the virtues of Israeli democracy or the necessities of self-defense against terror.

International legitimacy will only be attained through the involvement of the international community in the issues under dispute, and by adopting policies that demonstrate a willingness to take a more conciliatory approach toward the positions of the international community. There are those convinced that this kind of cooperation is dangerous, inviting international pressure that could damage Israeli core interests. Yet the only way for Israel to enjoy access to, and influence over, the international community, is to participate in the game.

Transforming the Conflict and Gaining International Legitimacy

The basic problem for both sides in the Israeli-Palestinian conflict is lack of trust, as well as lack of faith in the possibility of reaching a comprehensive solution. In these circumstances, progress toward a solution will not come from bilateral promises, but rather from the involvement and actions of the international community, including the Arab states. Unilateral steps taken by Israel in the past, such as a settlement freeze imposed without international guarantees, were often viewed as stalling tactics, to be canceled or suspended after every terrorist attack.

The international community's basic preference for the Palestinian position erodes the trust of the Israeli public, making it difficult for Israel to agree to international involvement in resolving the conflict (this is what happened with the January 2017 Paris Peace Conference). Thus, a vicious cycle was created: the only way to move forward with resolving the conflict is via international bridging efforts between the two sides; the international position is contradictory to the Israeli position; therefore, Israel is against any international involvement. The way to break this vicious cycle is through the "transformation of the conflict."

The path to transforming the conflict, and thereby gaining international legitimacy, consists of the following:

1. **Involvement of the international community.** This includes a willingness in Israel, in both principle and practice, to cooperate with international tribunals (even those whose objectivity is suspect).

2. **Focus on regional solutions.** Unlike the traditional conception of only cooperating with Western powers, what is required is cooperation with regional actors as well, due to the understanding that there is no military solution to the conflict.

3. **Israeli readiness for a two-state solution.** Israel's declarations on this issue should be translated into effective policy. It is necessary to separate the security question from ongoing settlement

construction, and to accept UN Security Council Resolution 242 and the Arab Peace Initiative as the basis for a political framework.

4. **Subordinating military considerations to international legitimacy considerations.** The international front has to be taken into account when making military decisions.

5. **Creating trust and dynamism.** There is a need to create a feeling of trust, and a sense of dynamism, between Israel and the international community.

6. **Understanding the media dimension.** The role of the media and its influence on the international community, including international courts and justice systems, needs to be better understood.

Despite the fact that a solution between the two parties, even with international mediation, is viewed as impossible in the near term, there are conciliatory steps that can be taken that will allow for the transformation of the conflict, leading to increased international legitimacy. Such steps should be based on Prime Minister Netanyahu's speech at the UN General Assembly in September 2016 regarding his commitment to a two-state vision for peace, and the recognition of the Arab Peace Initiative as a possible basis for a future deal. Of course, legislation viewed as problematic by the international community— such as that aimed at retroactively legalizing illegal settlements—is an obstacle to transforming the conflict, and further erodes Israel's international legitimacy.

The Military Front

In an ongoing hybrid struggle against limited terrorism, the military front plays a less central role than in traditional warfare. As discussed, the political fruits of victory no longer stem from a decisive triumph on the battlefield, itself the product of the superior application of massive force. In the struggle against terror groups, the military cannot decisively defeat the enemy. Similar to the war on crime, success in such a struggle is

measured by the state's ability to lower the violence to a level that allows society to function normally—while also upholding its core values—making it possible for policy-makers to conduct a diplomatic process. This is true for the struggle as a whole, as well as for every round of violence. The primary objective for the military in a conflict of this sort is the defense of its citizens, territory, and

> In the struggle against terror groups, the military cannot decisively defeat the enemy. Similar to the war on crime, success in such a struggle is measured by the state's ability to lower the violence to a level that allows society to function normally.

infrastructure; lengthening the time between high-intensity peaks; and the creation of long-term deterrence to the greatest extent possible.[22]

In order to reach its objectives, the military deploys its force against terror, yet strategic and political gains can only be achieved if the use of force is based on the principle of smart power and is integrated with the civilian and international fronts. Such systemic integration needs to be subordinated to two principles, which form the building blocks for a democratic state's struggle against terror: (a) The principle of distinction—that is, differentiating between civilian and military targets, and allowing attacks only against the latter; and (b) the principle of proportionality—that is, upholding a proportional balance between civilian/non-combatant collateral damage, on the one hand, and the military advantage gained in such operations, on the other.

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22 In the debate surrounding the military's role and objectives in the struggle against terror, it is important to differentiate between defense and security. This distinction (based on Gen. Rupert Smith's work) differentiates between "optimizing interceptions"—that is, the identification, prior warning, and interception of incoming stand-off fire that should remain the responsibility of the military front; and "optimizing self-protection"—the preparation of civilian society for emergency situations, something that falls under the home front's responsibility. The military provides defense, since it is responsible for the physical defense of the state's citizens. But the citizenry's sense of security also depends on the work of the home front and the national leadership.

The primary objective for the military in a conflict of this sort is the defense of its citizens, territory, and infrastructure; lengthening the time between high-intensity peaks; and the creation of long-term deterrence to the greatest extent possible.

In addition to these two guiding principles, three key aspects of the military front in an ongoing hybrid struggle of varying intensity need to be considered: flexible deterrence, smart containment, and the time factor.

Flexible deterrence. Flexible deterrence is related to the concept of smart power. This kind of deterrence is not based solely on the threat of force, but instead involves optimizing the wider aspects of cost-benefit/win-loss calculations, including the use of economic, diplomatic, social, and image-related tools. The primary advantage of flexible deterrence is the creation of hope on the opposing side as well. As highlighted above, it is impossible to deter an entity that believes it has nothing to lose. Consequently, it is important to clearly indicate a better alternative for the civilian population, and to foster belief that this alternative can be realized. Cultivating such an idea amongst the enemy's followers creates a new equation, whereby the terrorist leadership weighs the benefit of terror attacks against the damage wrought to its people. Such a dynamic may drive a wedge between the general population and the terror groups, thereby deterring the latter (dependent as they are, to a great extent, on the support of the public).

Smart containment. Smart containment, too, is related to the concept of smart power. Today's wars take place in densely populated civilian areas that belong to the "enemy side," despite the fact that most civilians are not involved in terror. This reality requires a combat strategy that avoids harming non-combatants. It is important to stress that no amount of military force applied within, and against, a civilian population will succeed in changing a nation's narratives.[23]

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23 In this regard, Gen. Rupert Smith talks about "America's success in Iraq in destroying the regime of Saddam Hussein, but its failure in building a democracy through military force." See Smith, p. 7.

An operational plan based on smart power will avoid actions that harm the civilian population. Military operations must be planned with a view to advancing objectives on the home front (social resilience) and international front (legitimacy). This is "smart containment." Smart containment does not depend only on military force—planes, ships, tanks, and so on—because in the new reality the application of superior hard power can be self-defeating. Rather, it recognizes the critical importance of adhering to the principles of proportionality and distinction in order to minimize the number of casualties and damage to both sides.

The time factor. The protracted nature of the struggle and the necessity to maintain deterrence over time create a rhythm of periodic rounds of combat; thus, the relative importance of the military front varies according to the level of conflict intensity at any given point of time. It becomes more central when the intensity of the struggle is high, and less central during periods of low intensity.

> It is important to stress that no amount of military force applied within, and against, a civilian population will succeed in changing a nation's narratives.

During low-intensity periods, the military's activity comprises low-level enforcement. It will be governed by the principles of restraint of power and distinction between combatants and non-combatants. During high intensity periods, the goal is to create and/or strengthen deterrence by ramping up the force employed against the military objectives of the terror organization, while maintaining the distinction principle to the greatest extent possible. It is essential that military operations be kept as short as possible even while they involve a maximum use of military force, causing as much damage as possible to the military wing of the terrorist organization in the shortest possible

> Military operations must be planned with a view to advancing objectives on the home front (social resilience) and international front (legitimacy).

time. The longer the period of military activity, the stronger the sense of victory among the terror operatives and their supporters in the civilian population. A terrorist organization whose main strategy is non-surrender scores a victory every day it is not defeated, and will continue to fight regardless of its situation on the battlefield.

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CHAPTER V

WINNING DEMOCRACY'S STRUGGLE AGAINST TERROR: "COMBINED ONGOING VICTORY"

The debate over what constitutes victory requires a clarification regarding two components: the political objective—that is, the objective for which one fights; and the strategy—that is, how the political objective is to be attained in a given reality and against a defined enemy. It should be emphasized again that in this report we are concerned with

> The meaning of victory changes from a future reality to be attained, markedly different from the current situation, to victory "as a present and ongoing reality"— meaning the ongoing maintenance of security while ensuring a high standard of living and upholding society's core values.

the struggle against limited terror (rather than total terror) groups, as defined In chapter II (page 22).

In traditional inter-state warfare, victory is viewed as a new, and more advantageous, political reality, achieved after a decisive military victory in battle. Yet the war on terror is an ongoing struggle with no fixed end point. In this kind of struggle, as discussed earlier, there will be no decisive military victory in the sense of an enemy surrendering and the dawn of a new political reality. Moreover, the meaning of victory changes from a future reality to be attained, markedly different from the current situation, to victory "as a present and ongoing reality"— meaning the ongoing maintenance of security while ensuring a high standard of living and upholding society's core values, despite the continued need to confront crisis and conflict over an extended period of time.

In addition, due to the fact that the modern struggle against terror is conducted on three parallel fronts (military, international, And the civilian front), victory is dependent on combined success on all three. Only when success is achieved on each and every front can we begin to talk about victory in the struggle. This is a reality that we term a "combined ongoing victory."

> On the home front, success is measured according to the level of social resilience achieved, which allows for a confrontation to last for an extended period of time.

On the home front, success is measured according to the level of social resilience achieved, which allows for a confrontation to last for an extended period of time. This resilience can only be created by shifting from defensive democracy, in which democratic core values are viewed as something that delays victory, to inclusive democracy, in which upholding democratic values forms an integral part of how victory itself is defined.

On the international front, success is measured according to the level of basic, theater, and situational legitimacy afforded the state by the international community. A necessary condition for success on this front is that the war (embarked upon by the state) is viewed as justified by the international community.

> On the international front, success is measured according to the level of basic, theater, and situational legitimacy afforded the state by the international community.

On the military front, success is measured by the defense[24] afforded to the state's citizens, its vital infrastructure, and its sovereign territory, and by the ability to maintain daily life throughout the struggle. Such

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24 Note the distinction between defense and security, as explained in footnote 22 above.

success can be ensured by adopting a combined strategy of flexible deterrence and smart containment.

The political objective, as defined in this report, consists of maintaining an optimal level of security and daily life

On the military front, success is measured by the defense afforded to the state's citizens, its vital infrastructure, and its sovereign territory

throughout an ongoing struggle, while upholding the core values of a democratic state that is viewed as a legitimate actor in the international community.

Any discussion about the strategy for achieving this objective requires two clarifications. First, terror is neither monolithic nor stable; it changes form rapidly, and thus requires dynamic adjustment of the strategy adopted in order to match the type of terror faced. Second, any strategy needs to take into account the lack of recourse to a decisive military victory, and must clearly communicate this complex reality to the public.

The preferred strategy might therefore be described as "smart standing," stemming from a policy of smart power. Smart standing, in contrast to what Israelis refer to as "standing strong" (referring to resoluteness or steadfastness), presumes that civilian society will successfully bear the

burden until the end of the military conflict. However, it also takes into account both the limitations imposed by the international community on the use of military force and government policy, as

The concept of victory defined here ("combined ongoing victory") does not rule out a win-win solution—that is, a situation in which both sides feel they have come out on top—because victory in the struggle against terror is not concluded by dictating terms after a military victory.

well as the need to foster social resilience in the context of what we have termed inclusive democracy. The correct strategy thus requires

a level of flexibility that simply does not exist in the more traditional concept of standing strong.[25] We should note that the concept of victory defined here ("combined ongoing victory") does not rule out a win-win solution—that is, a situation in which both sides feel they have come out on top—because victory in the struggle against terror is not concluded by dictating terms after a military victory.

The strategic objective of a democratic state in its struggle against terror is to change the enemy's primary objectives and to facilitate the fulfillment of the political objective (see above), via the deployment of a smart standing strategy.

In conclusion, former US President Barack Obama's speech at the National Defense University in May 2013 can provide a useful starting point for thinking about the new nature of the struggle and a new perception of the notion of victory:

> So, America is at a crossroads. We must define the nature and the scope of this struggle or else it will define us. We have to be mindful of James Madison's warning that "No nation could preserve its freedoms in the midst of continual warfare." Neither I, nor any president, can promise the total defeat of terror… Our victory against terrorism won't be measured in a surrender ceremony on a battleship…Victory will be measured in parents taking their kids to school…a veteran starting a business… The quiet determination—that refutation of fear—that is both our sword and our shield.

This research paper is intended to serve as a conceptual framework for further discussion on how a democratic state needs to meet the challenges posed by its struggle against terror. The terror phenomenon

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25   It is accepted, in the Israeli case, to identify "standing strong" with the "Iron Wall" concept: the difference between this concept and "smart standing" represents, to a great extent, the difference between Jabotinsky and Ben-Gurion. See footnote 5 above.

is, of course, not new. Yet our argument is that the revolutions in communication and globalization at the start of the 21st century have fundamentally altered this phenomenon: terror now poses a real threat to the identity of democratic states. In order to meet this challenge while upholding their core values, democratic states need to reexamine their understanding of terror and the manner in which they wage war against it, while at the same time reexamining how democracy itself is understood.

"Victory" is no longer simply "peace" once the battles end, but rather an ongoing reality—as alluded to by Obama—in which we are victorious so long as we safeguard our chosen values and our way of life. Continued multidisciplinary study into how to realize this concept in our modern world, in addition to the other concepts outlined above, is of course required. It is our belief that a failure to do so will, in all likelihood, lead to social disintegration and democratic collapse.[26]

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26 See Brian Jenkins's concept of "incremental tyranny," in *State Terrorism and Human Rights: International Responses Since the End of the Cold War*, edited by Gillian Duncan et al., New York: Routledge, 2013, Chapter 3, pp. 32–41.

THE CASE OF ISRAEL

In examining Israel's struggle against Palestinian terrorism, we must examine how it differs from the struggles of other democracies with their own terrorist challenges. These differences stem both from the particular characteristics of Israel and Israeli democracy, as well as the characteristics of Palestinian terrorism, as described in Chapter III.

The Palestinian terrorism facing Israel is defined as limited terrorism; unlike total terrorism, it does not threaten the global order and therefore is not seen as a threat to the international community. Given this context, it is possible to understand the extent of the support Palestinian terror enjoys among large sections of the international community who view its struggle as one for national liberation from the burden of Israeli occupation. This is in contrast to the conflict with Hezbollah in Lebanon, in which Israel is usually supported by the international community. An analysis of this issue appears in the above sections, The International Front (p. 40; 41 and foot-note 20).

> The Palestinian terrorism facing Israel is defined as limited terrorism; unlike total terrorism, it does not threaten the global order and therefore is not seen as a threat to the international community.

As for Israel and Israeli democracy, it represents a unique case: the nation-state of the Jewish people in which more than 20 percent of citizens, who were born in the country and have lived there for generations, are not Jewish. The implications of this complex reality feature prominently on the political and public agenda in Israel, and as we have noted, the most keenly-felt rifts in Israeli society are between Jewish and Arab Israelis and between religious and secular Israelis. The level of polarization between the different groups in society has profound consequences for Israeli democracy and social resilience

and thus for the Israeli home front, as discussed in the section 'Home Front – The Israeli case' (p. 66;67).

The Required Shift in Israel's Security Doctrine: From Military Force to Smart Power

The formation of Israel's national security doctrine began in the 1920s. It was anchored in Ze'ev Jabotinsky's "Iron Wall" concept (1923), and was finalized by David Ben-Gurion in the early 1950s, with an official government decision adopted in October 1953.[27]

The doctrine assumed a basic asymmetry—geographic, demographic, and economic—between the State of Israel and the Arab and Muslim world that surrounded it. Given that Israel would never be able to overcome this quantitative inferiority, it would have to convince the Arab states—by wielding and projecting military and political power—that there was no way to destroy the Jewish state and that they would have to come to terms with its existence. The Arab states eventual acceptance of Israel's existence would then allow for reconciliation, co-existence, and peace.

Militarily, the operational basis of Israel's traditional security doctrine consisted of deterrence, early warning, and achieving a decisive military victory. (At a later stage, and under the guidance of Dan Meridor, then a government minister, the concept of "defense" was also introduced.)

- **Deterrence.** First and foremost, the doctrine considered it essential to build and repeatedly demonstrate a military capability strong enough to deter Israel's enemies from launching a war.

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27 Despite the similar language used in both Jabotinsky and Ben-Gurion's respective doctrines, their positions differed. Jabotinsky viewed the Iron Wall as a strategy for managing an ongoing reality that demanded steadfastness, whereas Ben-Gurion viewed the strategy as a means toward a more limited objective.

- **Early warning**. To be prepared for a situation in which deterrence failed, Israel should maintain a robust intelligence capability that would provide early warning about the enemy's intent to launch a war, and would allow for the mobilization of reserve forces in advance.

- **Decisive military victory**. Should the Arab armies launch an offensive, Israel would strive to take the war into the enemy's territory, with the aim of achieving a decisive operational victory as quickly as possible.[28]

The adoption of these principles by the military would, it was assumed, grant some respite before the next round of violence erupted—time for the state to strengthen itself militarily, economically, and socially. From round to round, Israel's enemies would find the state stronger and more resolute, until gradually they would draw the conclusion that it could not be destroyed. This strategy matched the classical concept of the use of force as a means to prevent the enemy form achieving its own political goal, forcing it instead to accept Israel's existence as an established fact. The underlying hope of the doctrine was that it would lead to a situation in which the conflict would be managed around a negotiating table, while its design matched the reality in which Israel's enemies were states that refused to recognize its existence and worked for its destruction.

The threat arrayed against Israel today is no longer an existential physical threat, but rather a threat against its identity as a democratic state.

Overall, this strategy was successful: it led to a widescale shift, from the end of the 1970s to 2002, in the course of which all the

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28 It was, however, understood that a decisive victory on a "national scale," involving the surrender of one or more Arab states, was unobtainable. For this reason, the operational goal was to win the immediate battle and then, in the long term, to erode the enemy's willingness to fight and to change their goals.

Arab League states, as well as the Palestinian national movement, internalized the need to accept as fact the State of Israel inside the 1967 lines, in accordance with UN resolutions. The peace agreements that Israel concluded with Egypt and Jordan; Palestinian acceptance of UN Resolutions 242 and 338 (recognizing Israel within the 1967 borders); and the Arab League resolution of 2002, are all testaments to the change in the national goals of Israel's enemies. These were the same enemies, it should be recalled, that rejected the UN partition plan of 1947 and that in 1967 (after the Six Day War) signed on to the "Three No's" of the Khartoum Resolution (no peace with Israel, no recognition of Israel, no negotiations with Israel).

Indeed, Israel's enemies, including the Palestinians, have accepted that it can no longer be destroyed, and the threat arrayed against Israel today is no longer an existential physical threat, but rather a threat against its identity as a democratic state. The changing nature of the threat requires a rethinking of traditional security concepts; it would be incorrect to assume that a doctrine that proved successful in the past will be successful in the future.

The three core concepts underpinning Israel's national security doctrine—and the underlying assumption that military achievements determine political behavior—are no longer relevant for a struggle in which the military front is just one of many, and military gains are insufficient to dictate a new political reality.

This is especially true when the struggle is against those who see themselves as fighting for their basic right for self-determination. In most cases, this kind of struggle is not given to any form of compromise, because the aspiration for collective national identity (or the expression of this identity) is deep-rooted and difficult to combat. It suggests a rather different objective than decisive military victory: the creation of more amenable conditions for a political settlement to the underlying conflict.

A clear example of the failure of the old paradigm can be seen in the strengthening of Hamas among the Palestinian public after Operation Protective Edge (2014). Despite the IDF's military success in the operation, and despite the massive blows suffered by Hamas (the destruction of its tunnels, the destruction of its rocket production infrastructure, the heavy casualties it sustained), the organization did not surrender or waive a white flag, and the operation did not give birth to a better political reality. In contrast to the widespread belief amongst the Israeli public that Protective Edge halted a "major terror offensive," the reality is that Israel did not dictate the terms of the ceasefire, and subsequently Hamas doubled its popularity in public opinion, with its political strategy (violent resistance) becoming more accepted by the Palestinian people.[29] As a result, the quiet that was achieved is expected to be temporary. So long as the current policy continues, the next round appears to be unavoidable.

Israel's national security doctrine needs to reflect the understanding that victory against terror groups will not be achieved by military force alone, and that it is dependent on gains on other fronts as well. It is therefore necessary to set aside the doctrine that places undue emphasis on unilateral action and military fighting, two things that in the modern world often fail to create new political horizons. Instead, Israel needs a smart power doctrine that combines "steadfastness" with other tools more relevant to this new kind of campaign.

In conclusion, a strategy founded on smart power will allow Israel to leverage its considerable advantages over its opponents, such as its scientific, technological, economic, and cultural power. The precise and restrained use of high-intensity force can decrease the collateral damage to the civilian population, and reduce the harm to the state's legitimacy when deploying such force; Israel sustains losses on the

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29 According to polls conducted by Khalil Shikaki. Palestine Center for Policy and Survey Research, "Special Gaza War Poll," August 26–30, 2014. Available at: www.pcpsr.org/en/node/492.

international front every time pictures of destruction on the Palestinian street are disseminated by the media. In addition, faced with an enemy policy of "no surrender," the only effective counter-policy is one that strengthens the pragmatic elements in the enemy's midst and, in turn, contains those radical elements that have a tendency to grow stronger in direct proportion to the hard power deployed against them.

Transformation of the Conflict: The Case of Israel

The Israeli-Palestinian conflict can be divided in two: Israel's conflict with the Palestinian national movement Fatah, which we identify as a political conflict; and Israel's conflict with the religious fundamentalist movement Hamas, which is an intractable conflict with existential characteristics.

To illustrate the difference between the two, consider each movement's attitude toward the 2002 Arab Peace Initiative. Fatah (and the Palestinian Authority) adopted the resolution, which delineates the conflict territorially along the 1967 lines. Hamas, on the other hand, rejected the initiative, for it cannot countenance signing an agreement that would end the conflict with Israel. Hamas's flexibility vis-à-vis Israel is limited to conflict management; it does not extend to a comprehensive political solution. This applies, too, to the possibility of a ceasefire (*tahdiya*) or truce (*hudna*), which are allowed so long as the distinction is maintained between such temporary agreements and a final settlement.

The failure of the Oslo Accords exposed the conflict's deep and intractable roots, based as it is on religious, tribal and cultural origins. While there are differing interpretations regarding the reasons for the Oslo Process's failure, the impasse over the Palestinian refugee issue and the question of Jerusalem revealed that the conflict is governed by competing narratives based on different understandings of historical

claims. Each side clings uncompromisingly to a founding narrative, espoused by dominant ideological elites. Although these elites are a minority within their respective societies, they are the ones who have formed each side's policies and, ultimately, led to the failure of the political process.

Additionally, the Israeli-Palestinian conflict is characterized by a lack of synchronicity, with there having been no moment in time when the two sides were both ready to see the conflict as political and therefore amenable to a negotiated solution. This lack of synchronicity lent the conflict an air of intractability even when one of the sides was, in fact, ready for compromise. Nevertheless, even without the necessary synchronicity, working to transform the conflict can still be worthwhile through cooperation between the pragmatic party and the international community, and through confidence-building steps toward the intractable party.

For example: If Israel (as the pragmatic party) were to take the initiative and accept the principle of "two states for two peoples," on the basis of prior UN resolutions and the Arab Peace Initiative, and would adopt measures accordingly (such as legislation offering compensation to settlers who evacuate by choice), then there is a high likelihood that this in itself would influence the Palestinian side, strengthening the pragmatic elements within it. In this way, significant gains could be made without removing the IDF's presence in the West Bank.

For the transformation of the conflict to succeed, several preconditions are required. First is the participation of a (mutually agreed) third party that acts as mediator, in addition to the involvement of the international community.[30] Second is the existence of a common

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30   In this regard we adopt the positions put forward by US Ambassador Daniel Kurtzer in a 2015 article. In the introduction, Kurtzer attacks the underlying American assumptions regarding the peace process, according to which the United States should not be involved if its desire to achieve a settlement is greater than that of both the parties. Against this, Kurtzer argues that without active American

framework that can help clarify the principles of the desired end-state. Clarifying the end-state (also known as establishing the final status parameters) is an important ingredient in the positive transformation of the conflict: it can build confidence as well as measure progress. Every diplomatic, economic or security step can thus be evaluated according to one question: does it bring the two sides closer to the ultimate goal, or does it do the opposite? The parties need to do what is possible now, and leave those issues that are not immediately solvable for later in the process.

> Clarifying the end-state (also known as establishing the final status parameters) is an important ingredient in the positive transformation of the conflict: it can build confidence as well as measure progress.

Under present conditions, the conflict is showing signs of reverting back to being intractable, with the low level of trust between the two sides making any mediation efforts toward negotiations more difficult. With all that, both sides are aware of the fact that there is no alternative, and that only minorities on both sides want a solution along the lines of one state for two peoples. As a result, what is required is a process that leads to the goal of two states on the basis of prior UN Security Council resolutions, with support from the international community for unconditional/independent steps by both parties.

> Both sides are aware of the fact that there is no alternative, and that only minorities on both sides want a solution along the lines of one state for two peoples.

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involvement—or active involvement of another third party—it will be impossible to end the conflict. Daniel Kurtzer, "7 Steps to an Effective U.S. Peace Policy," *The National Interest*, November 2, 2015.

Differentiating Between Types of Terror Groups: The Case of Israel

Organized Palestinian terrorism[31] is now led by Hamas, an Islamic fundamentalist movement that controls the Gaza Strip and also attempts to exert influence in the West Bank. Hamas sees violent resistance (jihad or armed intifada) as the correct way to bring the Israeli occupation to an end. The West Bank, meanwhile, is ruled by the Palestinian Authority, led by the nationalist movement Fatah. Unlike Hamas, Fatah adheres to a strategy of diplomacy and non-violent popular resistance, and coordinates with Israel on security in the West Bank. However, in the absence of a genuine political process, the movement also tends to publicly support violent terror, including being active involved in such acts (such as during the second intifada).

Both Hamas and Fatah are engaged in a struggle for the leadership of Palestinian society. They subsume their resistance strategies to this aspiration, and compete between themselves for public support. For example, whether the Palestinian street does or does not support a particular act of terror—due to the existence or lack of political alternatives—will be taken into consideration by the two movements when contemplating expanding the violence, and will also influence the choice of target (civilians or security forces, settlers or non-settlers, inside or outside the West Bank, suicide bombings or shooting attacks, and so on). Particularly at times when the political/diplomatic track is viewed as ineffectual, the Palestinian public may support violence, driving the Palestinian leadership—sometimes

> Both Hamas and Fatah are engaged in a struggle for the leadership of Palestinian society. They subsume their resistance strategies to this aspiration, and compete between themselves for public support.

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31 We do not deal in this report with terrorism often described as "atmospheric terror" or "individual terror," which is influenced by organized terror but requires a separate analysis.

against its will—to support and even lead the action. This is true for both Hamas and Fatah.

The two movements, however, are divided on three main issues: (a) the geographic definition of the occupation (1948 or 1967 borders); (b) the right way to end the occupation (diplomacy or violence, non-violent popular intifada or armed violent intifada); and (c) the nature of the future Palestine (nationalist secular democracy or sharia-based Islamic state).

Unlike Fatah, Hamas rejects the international community's conditions according to which the borders of a future State of Palestine will be based on the 1967 lines, and has worked hard to convince the Palestinian public of this position. As such, while Fatah seeks international legitimacy, for Hamas it is less important, and its use of violence is restrained mainly by considerations relating to the Palestinian street. Moreover, even when Hamas does its use of violence (in order to win public support), it still leaves a path open to fulfilling its long-term religious-nationalist vision. In this respect, Hamas tries to hold both ends of the stick at the same time:

> The lack of progress toward a political settlement to the conflict helps Hamas with this challenge, since without political hope more and more Palestinians tend to see Hamas's military option as the only solution to their misery.

remaining faithful to its absolute values while also being responsive to its public responsibilities.

Indeed, the lack of progress toward a political settlement to the conflict helps Hamas with this challenge, since without political hope more and more Palestinians tend to see Hamas's military option as the only solution to their misery. However, when political hope does exist, the dichotomy inherent in Hamas's strategy becomes clear, creating difficulties for the organization. In order not to go against the will of people, Hamas may, under such conditions, choose to wait for its next opportunity, citing the Arab idea of *sabr* (resilience, or endurance).

Based on this analysis, we believe that Israel, in formulating its policy against Palestinian terror, must strengthen the pragmatic elements in Palestinian public opinion and the Palestinian Authority (led by Fatah). These advocate for a settlement along the lines of "two states for two peoples," in line with the resolutions of the UN Security Council and the Arab League. Taking steps toward this goal should weaken the fundamentalist Islamic elements in Palestinian public opinion, led by Hamas.

The Home Front: The Case of Israel

In Israeli society, the most prominent divisions are between Jews and Arabs and between religious and secular. The Jewish-Arab division is exemplified by a Jewish narrative and an Arab-Palestinian narrative that contradict and negate each other, making it difficult—if not impossible— for both sides to inhabit the same space. The Jewish narrative does not accept the Palestinian national identity of Israel's Arab citizens, while the Arab narrative does not accept the right of the Jewish people to a nation-state in the land of Israel. A central part of Jewish national resilience is related to unique collective characteristics, such as the historical idea of an enemy in every generation seeking to wipe out the Jewish people. Such characteristics, often based on foundational texts, support the resilience of Jewish communities, but deepen the divisions between the Jewish and Arab communities in Israel (especially in times of crisis). An example of this was the call that went out during 2014's Operation Protective Edge to boycott Arab businesses. These kinds of statements deepen divisions, undermine the resilience of Israeli society, and may push radicals into violent inter-communal actions.

In order to strengthen Israeli society's resilience, there is a need to shift from an "either-or" dichotomy—either you're Israeli or Palestinian, either you're religious or secular, and so on—to a concept of "complementing differences." According to this concept, the various

groups complement and enrich each other, seeing difference as a virtue and emphasizing common interests and mutual trust. It is supported by the creation of various inter-communal ties, which should not, it should be emphasized, harm the unique cultural identities of each community. Such an approach acts as a counterweight to the "melting pot" policy adopted during the early years of Israel's existence, which sought to integrate many diverse communities into one group with unitary signifiers.

If Israeli society were to achieve this kind of resilience then Nasrallah's "spider web" metaphor would be turned on its head: what had previously been viewed as a liability would come to represent Israel's strength and power. As the well-known arachnologist Paul Hillyard explained: "The strength of spider webs allows them to absorb targeted pressure from a weight ten times greater than the strongest synthetic fiber."[32]

Yet the strength Hillyard alludes to derives from a concept of force that is different from the one usually deployed in the public debate, and that consists of more than just military power. According to this approach, a society's power lies in its flexibility and its ability to make adjustments during a crisis; the cohesion within and between all the communities that it contains; and its ability to quickly alter its strategies in response to its enemy's moves. In the Israeli case, achieving such power is contingent on the ability to create an inclusive democracy, and to overcome the divisions highlighted above.

> A society's power lies in its flexibility and its ability to make adjustments during a crisis; the cohesion within and between all the communities that it contains; and its ability to quickly alter its strategies in response to its enemy's moves.

32 Paul Hillyard, *The Book of the Spider: From Arachnophobia to the Love of Spiders*, New York: Random House, 1994.

The Military Front: The Case of Israel

One of the central premises of this report is that it is vital to distinguish between terror groups and the civilian populations from within which they operate. In the Israeli case, we need to differentiate between Hamas and the general Palestinian population. This distinction is critical for decision-making on the military front, but it also has direct implications for social resilience on the home front: when the Israeli public is able to fully apprise the distinction between the Palestinian public as a whole and Palestinian terror groups, then Arab-Israeli expressions of solidarity with their Palestinian brethren will no longer be viewed as proof of their support for terrorism or the existence of a "fifth column." This would contribute greatly to the assimilation of the principles of inclusive democracy in Israeli society at large.

We saw that differentiating between a terror group and the population from within which it operates is actualized by only targeting terror operatives, maintaining the principles of proportionality and distinction, while also smartly deploying soft power to create hope and a open up a political horizon. In the Israeli-Palestinian case, this includes increased freedom of movement, economic development in Gaza, and the strengthening of the pragmatic elements who believe in a political settlement (the Palestinian Authority). Such policies match the principle of restraint in the use of force—that is, using no more than the degree of force necessary to meet the military objective. IDF Chief of Staff Gadi Eisenkot has spoken

IDF Chief of Staff Gadi Eisenkot has spoken about restraint and its influence in restraining Palestinian violence and terror:

> **Restraint in the use of force needs to be a guiding light for commanders when they move to use military force.**

about restraint and its influence in restraining Palestinian violence and terror:

> Restraint in the use of force needs to be a guiding light for commanders when they move to use military force. Restraint in the military response to the events of the past year [2015–2016] avoided having the violence develop into an intifada, despite the potential Palestinian support for violent acts… As the power that controls Judea and Samaria, the IDF has to maintain hope among the Palestinian public. As a policy, the IDF supports the continued employment of hundreds of thousands of Palestinians, despite the protests of various figures who oppose it; this is an example of that [extending hope to the Palestinian public].[33]

The Military Front in a Struggle of Varying Intensity. As noted earlier, while during low-intensity phases the activity on the military front is governed by restraint and distinction (between combatants and the civilian population), during high-intensity phases military activities focus on a massive and concentrated use of military force, while maintaining the principle of distinction, and on keeping military operations as short as possible. In the case of Israel, we would add to these the impact of the discussion and identification of military objectives in Israeli political discourse, as these significantly affect the outcome of the military operation and the perception of victory on both sides. The greater the gap between political declarations and concrete achievements at the end of the operation, the greater the sense of victory enjoyed by Hamas and the larger the support of the Palestinian public for its policy.

Defeating Hamas. In managing the military conflict with Israel, Hamas seeks to achieve a draw (a "no-win—no-win" situation). This is viewed

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33 Remarks delivered by Chief of Staff Gadi Eisenkot at the Fifth Annual Conference in Memory of Chief of Staff Amnon Lipkin-Shahak at the Herzliya Interdisciplinary Center, in cooperation with the Israel National Defense College, on the topic of "The IDF and Israeli Society," January 2017. Similar remarks were made at the same event by Gen. Tamir Hyman: "The art of war is actually expressed by the 'restraint in the use of force' and not by its use! We should therefore understand the basic principles of war in this spirit—concentration of forces, efficiency in effort, efficiency in forces, deception, concealment, and misdirection."

by the group (and, it believes, also by the Palestinian and Arab publics) as a major achievement against a resource-rich enemy such as Israel. Such a situation represents, in Hamas's opinion, a reality of mutual deterrence, whereby both sides are forced to carefully weigh moving forward with another round of violence. In between such rounds, Hamas's mission is to prepare the means by which it can bridge the structural asymmetries that exist between it and Israel. According to Hamas's strategy of "no surrender," every day that goes by without surrendering to Israel's superior power is a victory.

From the Israeli perspective, a decisive military victory over the Hamas regime in Gaza would require a wide-scale military operation to reconquer the entire territory. It would be impossible to successfully carry out such an operation, and trying to do so would in any case be highly inadvisable, as it would exact a heavy price on all three fronts of the struggle due to its inevitable negative strategic and diplomatic consequences. Instead, the debate over Hamas and the Gaza Strip should move away from narrow territorial considerations and toward a wider analysis of the realities that relate to Gaza.

Toppling Hamas rule in Gaza, without creating a better political horizon, would create a vacuum that supporters of Islamic State and al-Qaeda in Gaza and the Sinai Peninsula would rush to fill. The strengthening of such groups, relying as it would on the recruitment of Palestinian refugees, would threaten Egyptian control in the Sinai, for which Egypt would blame Israel. While these radical groups are fading and losing ground in other parts of the region, Israel would be viewed as indirectly assisting them by reconquering Gaza. In such a scenario, the Gaza Strip could connect with the Sinai Peninsula, creating the possibility of a contiguous area under the sway of Islamic State and al-Qaeda's "chaos strategy."

Conquering densely populated urban centers would necessitate many casualties (primarily on the Palestinian side), along with wide-scale damage and destruction. In this age of transparency, in which

the power of technology means that nothing can be hidden, bloody images of the conquest of Gaza would be beamed worldwide for all to see, while hordes of refugees would mass at the Rafah border crossing with Egypt and on the border with Israel. The damage to Israel's basic legitimacy in the world would be

Toppling Hamas rule in Gaza, without creating a better political horizon, would create a vacuum that supporters of Islamic State and al-Qaeda in Gaza and the Sinai Peninsula would rush to fill.

unprecedented. And Egypt would be faced with a stark dilemma: to accept into its territory masses of refugees that it does not want, or to block the border and be seen—both domestically and internationally— as insensitive to Palestinian suffering. With no other alternative, Egypt might well shift the burden of responsibility onto Israel, up to and including a reassessment of the peace treaty between the two states.

Combined Ongoing Victory: The Case of Israel

Israel's success in changing the Arab states' objective of destroying it should also form the basis for its new concept of victory against terror. The extent of this success should not be underplayed, and it is evident in the Arab League's 2002 resolution,[34] approved by the Palestinian

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34 The Arab League resolution of April 2002 undoubtedly represents a change in the Arab states' position regarding Israel, and it contains a framework for a comprehensive resolution of the Israeli-Palestinian conflict as well as for the normalization of relations between Israel and the Arab League members. The resolution received the support of 56 "Islamic states," although it was opposed by Iran.

In addition to the progress from a complete rejection of Israel (as stated at the Khartoum conference in August 1967) to a willingness to recognize Israel, it is worth emphasizing the shift in positions on refugees and borders—a dramatic change in policy in the Arab world. On the issue of refugees, the phrase "right of return" was not mentioned at all, with the formulation being "finding a just and agreed

Authority, to recognize Israel, contingent on the fulfillment of UN Security Council resolutions.

According to the concept of "combined ongoing victory," Israel's political objective is the maintenance of an optimal level of security and way of life throughout the struggle, while upholding the core values of a Jewish and democratic state as laid out in its Declaration of Independence. Its unique strategic objective, however, needs to be defined as "maintaining the political framework necessary for any future negotiated solution according to past UN Security Council resolutions and the Arab Peace Initiative," via the adoption of a smart standing strategy.

A smart standing strategy involves a balance between the use of hard power—military, economic, and diplomatic measures—and soft power. For Israel, soft power means the creation of a viable political horizon for the Palestinian people through a regional political process supported by the international community, as well as steps to improve daily life in the West Bank and Gaza Strip.

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solution." The meaning of this formulation was that, while UN General Assembly Resolution 194 stated that each refugee had the right of return to his home in Israel, according to the Arab League resolution this right would be transferred from the individual refugee to the Palestinian Authority (as the representative of the Palestinian people).

The resolution went on to state that agreement on this issue would be reached in negotiations between Israel and the PA. In a follow-up debate over the resolution (Arab League Summit, March 2009), it was emphasized that the Arab Peace Initiative did not include the right of return for refugees, leading Libya to oppose it. When asked, Arab League Secretary-General Amr Moussa said that the refugee question was now an issue to be negotiated between Israel and the PA, and not between the Arab League members. On the issue of borders, and contrary to the traditional Arab position, the Arab League resolution accepted UN Security Council Resolution 242, which views the 1967 borders as "the basis for a solution to the territorial dimension" of the conflict. The resolution, moreover, did not reject land swaps. Arab leaders have explicitly emphasized all of the above at various international fora.

Additionally, Israel needs to differentiate between Hamas and the Palestinian Authority (controlled by Fatah), and to promote policies that strengthen the PA. With the PA it is possible to engage in a process of "initiated transformation" of the conflict, by creating a political horizon and setting in motion a gradual political process founded on cooperation in areas where there is agreement. A political process supported by the international community, and involving those Arab states supportive of the Arab Peace Initiative, can bring about a two-state political horizon that would also weaken Hamas. Hamas, in this case, would lose its standing in Palestinian eyes as the "liberator of Palestine" from the yoke of occupation. Today, the lack of a political process makes Hamas stronger.

Israel's political objective is the maintenance of an optimal level of security and daily life throughout the struggle, while upholding the core values of a Jewish and democratic state as laid out in its Declaration of Independence.

In conclusion, it should be stressed that this report does not seek to create the illusion of a victory along the lines of the simplistic "peace and security" slogan. The struggle against minority groups opposed to any compromise solution, on both the Palestinian and Israeli sides, is expected to continue and requires that the process be managed intelligently. However, we are convinced that the policy laid out here will decrease the level of popular opposition to Israel on in neighboring Arab states, allowing their political leadership to develop and expand relations with Israel in the security, economic, and regional diplomatic spheres. In such a reality, the alienation and divisions between the Jewish majority and Arab minority in Israel will decrease, allowing the Israeli debate to focus on equal social rights and "inclusive democracy."

Constructive management of the conflict[35] will be gradual, and should include an ongoing dialogue with groups opposing any kind of resolution. Even if the divide between Jewish and Arab citizens in Israel is narrowed, the divide between supporters and opponents of a two-state solution can be expected to widen considerably. The intelligent management of the process should include a conversation about Israel's character on the day after a settlement with the Palestinians. Such a conversation is necessary even without the fight against terror; indeed, it is part of the shift from "defensive democracy" to "inclusive democracy."

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35   A distinction should be made between management of the conflict, and constructive management of it. Constructive management of the conflict aims to achieve a clear social or political goal which is known to both parties and acknowledged by them.

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