

**DEMOCRACY'S STRUGGLE AGAINST TERROR:  
A VIEW FROM ISRAEL**

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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.

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## INTRODUCTION

The question of how democratic states address the challenge of terrorism while simultaneously upholding the core values for which they stand is one of the central challenges of our time. From the outset of the 21<sup>st</sup> century, 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 whereby terror groups threaten not only a state’s security but also its social fabric and the global order.

Academics, policymakers and opinion leaders have been grappling with this issue for several decades, 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;<sup>1</sup> the second argues that deploying the necessary means leads to a collapse of democracy from within.<sup>2</sup> According to these two arguments, democracy’s war against terror is either doomed to fail or, conversely, to end in a pyrrhic victory, the price of which may be democracy itself. 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 strategic discussion, primarily through the prism of a “Smart Power” doctrine. The second chapter provides a new point of view regarding the fight against terror – termed 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 21<sup>st</sup> century (including terrorism), there is a need to redefine both national security doctrine and the political order itself. The fourth chapter analyzes the different fronts of the battle. The fifth chapter offers a new approach to the term “victory”, putting forward a framework for a “Combined Ongoing Victory” over terror via action on three fronts: civilian, international, and military. Finally, the appendix builds on this new conceptual framework, situating it in the particular case of Israel and the Israeli-Palestinian conflict.

This report is a product of in-depth discussions by a series of study groups convened under the aegis of the Israel Democracy Institute in 2015-2016. The initial assumption governing these

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<sup>1</sup> Gil Marom, *How Democracies Lose Small Wars*, Cambridge: Cambridge University Press, 2003

<sup>2</sup> Audrey Kurt Cronin, *How Terrorism Ends: Understanding the Decline and Demise of Terrorist Campaigns*, New Jersey: Princeton University Press, 2009

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 the 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 terrorist scourge, it gives special emphasis to the Israeli case and its battle against Palestinian terror groups. We hope it will be useful to the policymaking community in Israel and to scholars, strategists and statesmen around the democratic world who confront the common challenge of terror.

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## CHAPTER I. INTELLECTUAL FRAMEWORK

### (1) A Crisis in the Conception of 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 decision, followed by a renewed period of peace – is no longer representative of the way modern conflict works between democratic states and terror groups.

In conflicts of the new variety, the military campaign is conducted amidst 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 bring about the achievement of a political goal, the struggle against non-state terror groups is protracted and does not lend itself to decisive victories. Winning a series of battles can, in the best case, secure a political achievement against terror, but in many cases the fighting in fact distances the state from the political goal it seeks.<sup>3</sup> 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 a better political reality; to the contrary, Hamas's popularity in Palestinian public opinion only increased after the war.

The revolutions in technology, media and globalization have weakened the power of states and governments, while strengthening the power of large multinational corporations and civil society organizations. In the new political environment, these groups constitute the "objective" that needs to be "conquered," since 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 communication, mobilize the international community, and find new ways to translate military advantage into political achievement. The incredible transparency ushered in by the aforementioned revolutions suggests a new metaphor for the modern conflict arena: a theater stage. The audience – mostly civilians witnessing the acts unfold, at home and abroad – determines 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 decision on the battlefield, and given the protracted nature of the struggle, victory becomes dependent on social resilience and international support no less than military accomplishments.

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<sup>3</sup> This analysis rests to a large extent on Rupert Smith, *The Utility of Force in the Modern World*, London: Allen Lane, 2005.



Therefore, we may conceive 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 democratic norms during wartime.

## **(2) 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 shift away from the centrality of military force, or “hard power.” A security doctrine that rests on military force alone is not feasible in an interconnected world, where diplomacy is inseparable from the overall campaign. At the same time, a security doctrine that rests solely on what 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 concept of “smart power” is also attributed to Prof. Joseph Nye,<sup>4</sup> who concluded from the events of September 11, 2001 and the U.S. 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 appropriate to the enemy's particular strategy, the various fronts involved, and the different stages of an ongoing struggle.

The notion of smart power reflects recognition that since the Cold War, it has become possible to win a war without achieving decisive victory. During the Cold War the threat of mutually assured destruction made the use of massive military might unthinkable. Thus, at least as far as creating a new political environment, “decisive victory” stopped being a foundational principle and “mutually assured deterrence” took its place as a cornerstone of strategy.

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 comprised of many different factors and the correct balance between them. Some of these factors can be considered “soft” – prowess in science,

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<sup>4</sup> 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.

culture, economics, technology, industry; societal resilience, values; a willingness to contribute to international causes – while some can be considered “hard” – military power, the ability to impose economic sanctions on other states, and more.

“Smart power,” as conceived of by Nye, was originally put forward as the governing concept of 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 every 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 which is liable to be most effective in a given situation.

The shift away from military force as the primary means to fashion political reality, and towards a smart power paradigm, diversifies the suite of tools available to decision-makers when crafting policy. Moreover, such a shift provides an advantage to the side that enjoys superiority in such non-military areas 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 that the weaker side often holds 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 achieved when one of the sides broke the enemy’s ability or will to continue fighting. Decisive victory was achieved by conquering territory, destroying key weapons systems, or fatally damaging critical infrastructure. The reality today, however, shows that 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 win every day they are not decisively beaten. In this manner the war on terror is similar to the war on crime –while its complete eradication is impossible, it can be minimized to allow normal life to continue.

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. His fighters turn into heroes, his organization’s mobilization appeal increases, and the motivation to join and support the cause grows.

**Concept of 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.

***Early Warning:*** The failure to predict the First Intifada (1987), the Arab Spring (2011) or other events in the Middle East highlight the changes in the concept of prior warning. 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 social processes. Intelligence agencies need to internalize this change, and appreciate the advantage that academic researchers hold in identifying the potential for such violent eruptions. When waves of violence emanate spontaneously from below with no organizational direction, the ability to predict them based solely on intelligence gathering is limited. Moreover, in an ongoing struggle, one needs 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. In contrast, the operational/tactical layer is contingent on circumstances that are often fleeting and random – and therefore difficult to predict ahead of time.

## CHAPTER II. THE NEW STRUGGLE AGAINST TERROR

### (1) “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” – i.e. 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 poses a threat to the constitutional foundations of democracies and serious challenges to daily life.

The accepted wisdom, according to which the struggle against terror is an asymmetric war between one strong side and one weak side, is misleading. In reality, the side that is inferior militarily and economically often compensates for these weaknesses with little appreciated strengths on other fronts. For instance, a militarily inferior fundamentalist terror group may reverse the asymmetry vis-à-vis a nominally 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, public opinion gravitates towards the weaker side. 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, does not worry about differentiating between combatants and civilians. Weakness, in this way, 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.

We shall now examine each of the components of the term “Ongoing Hybrid Warfare of Varying Intensity”:

- *Struggle*: We submit that the term “struggle” is a more accurate description than the traditional “war” or “confrontation.” While the term “confrontation” is more appropriate than “war” because it captures non-lethal aspects of the phenomenon, “struggle” is

preferable because it highlights the domestic aspects that are crucial for democracies in particular. A democratic state's struggle against terror is not solely orientated "outwards," but "inwards" 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.

- *Hybrid*: This term captures the complex nature of the struggle, the adversary and the battlefield. In our usage, "hybrid" both connotes 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).<sup>5</sup> In addition, the term "hybrid" refers to the variety of possible adversaries, each with its own characteristics, objectives and strategy.
- *Ongoing*: This term 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 influences the enemy, but even more so how it affects the state.
- *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 also 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." The continuous, complex, varying nature of the campaign and the enemy require constant, dynamic adjustments to the state's warfighting strategy.

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<sup>5</sup> 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 U.S. 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.

## **(2) 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 opt for a strategy of “Smart Standing,” combining soft and hard power as tools to achieve a political objective (the objective usually being to influence and change an enemy’s objectives). The assumption is that the behavior of one side influences that of the other and that calculations are practical, i.e. 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 opposite side.

Occasionally, states finding themselves in an intractable conflict attempt to “transform the conflict” – from intractable to political. They may do so 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 the fundamental transformation of relations between the two societies living side-by-side – such that opportunities arise 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 towards 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, a reality that may lead to

contradictory policies. This may happen, for instance, when one party adopts a pragmatic and rational position while the other party holds fast to an absolutist position of achieving its entire vision. Where there is lack of symmetry between the positions, the more stubborn or intractable side usually comes out ahead. This is due to the fact that the more pragmatic or flexible party cannot distinguish between its long-term vision and the necessary policies it must adopt in the present; the entire conflict is thereby painted with an “intractable” brush.

The second obstacle involves the strength of a party’s governance system and the quality of its leadership. Whenever a powerful ideological voice can speak out in disregard of rational considerations (e.g. economic or diplomatic constraints), casting the entire conflict as intractable, and the political leadership is incapable or unwilling to counter this narrative, it matters little that the radical voice does not represent the majority; it has influence and can effectively dictate the policy.

Our position is 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.

### **(3) Differentiating Between Types of Terror Groups:**

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 “terror is terror is terror.” If they are to stand a chance in the struggle against terror, it is vital for democratic states to 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 who reject the world order and its manifestation in the form of self-determination – the nation-state; and “limited terror,” waged by nationalist groups like the Palestinian Fatah that are committed to statehood, or by fundamentalist groups like Hamas that incorporate statist principles into their Islamist worldview.<sup>6</sup>

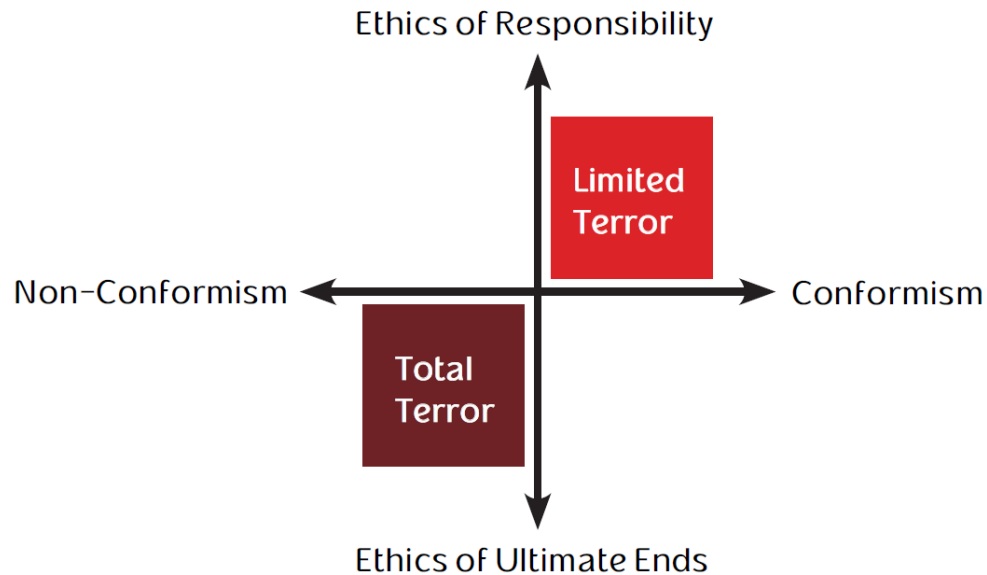
The distinction between these two models runs on two axes, representing ends and means (see graph below). The horizontal axis represents the group’s *ends/objectives*, differentiating groups according to their political conformity and level of identification with the international community.<sup>7</sup> On one end of the axis are those groups who seek to join the international community, and on the other end are those who wish to destroy it. The vertical axis represents the group’s *means/strategy*, differentiating groups according to the political ideology that

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<sup>6</sup> As we will make clear in later sections, Hamas does not fully submit to the definition of a “limited terror” group. Yet we do attribute to it limitations that differentiate it from “total terror” groups, in particular its readiness to delay the fulfillment of its overall vision if it runs counter to Palestinian public opinion. This characterization is subject to change if certain shifts are identified in Palestinian public opinion.

<sup>7</sup> Robert K. Merton, “Social Structure and Anomie,” *American Sociology Review* 3 (1938). See pp. 672-673

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.”<sup>8</sup>



The two axes create four sub-categories of terror groups. These categories are not static, as groups may move along and through them at different times, as circumstances change and their characteristics evolve. It is possible that a group will act according to an “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 above graph 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 towards their own community. In contrast, the “Total Terror” groups that reside in the bottom left quadrant in the above graph seek to destabilize the state system, tear apart accepted structures and create new realities both regional and international. Such groups deploy violence without any clear limits – including against fellow community members who do not share their views.

“Limited Terror” groups that exhibit an “ethic of responsibility” possess a certain commitment to the societies from which they arise. Such groups consider the implications of their actions on their own societies, and weigh their steps according to a cost-benefit analysis. They even design

<sup>8</sup> This analysis is based on Max Weber’s lecture “Politics as a Vocation” (Politik als Beruf), given in Munich on January 28, 1919.



their political and religious approach accordingly. Such an approach necessitates matching means with ends, and if need be a willingness to change goals in accordance with objective capabilities (e.g. 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 is not blocked.

In contrast, the “ethic of ultimate ends” places emphasis on 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 according to need, with operational goals – often stemming from religious interpretation – sanctifying the means deployed. Such groups are not prone to conduct cost-benefit analysis, or grant consideration for their own society’s needs.

Groups operating according to an “ethic of responsibility” often find themselves acting in a world of “conflicting values,” constantly looking for a balance between their founding principles and vision, on the one hand, and external reality, on the other. However, groups adhering to an “ethic of ultimate ends” operate in a simpler world where there is only one value – a higher and absolute one.

It is critical to get a terror group’s model right, because its strategy will inevitably stem from these characteristics. The struggle against a global and “Total Terror” group like ISIS – which does not hold an “ethic of responsibility” and seeks to destroy political systems out of an “absolutist value” ideology – is very different than the struggle against a nationalist “Limited Terror” group like Fatah. For their part, 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 towards 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**

### **(1) From Defensive to Inclusive Democracy**

It is generally held that a tension exists between the commitment to uphold democratic values and the determination to confront terrorism—or between “security and democracy,” as it is often put. Since democracy places limits on the use of force and demands protections 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?”<sup>9</sup> 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.”<sup>10</sup>

We proffer a different concept of democracy and its battle against terror. Rather than accept the tension between security and democracy, we posit that the two are in fact 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” – whose basic assumption is that tensions exist between upholding security and upholding democracy – be put aside in favor of an alternative paradigm called “inclusive democracy,” wherein defending democratic values is in fact a central and essential component—if not the end goal itself—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, turning the 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) sprout – in Europe, America, and Israel.

The desire of immigrant minority groups to maintain their cultural, religious, ethical and linguistic identities draws a negative response from the absorbing society. This leads to greater polarization and division within the 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 height of churches and mosques in Switzerland, and so on.

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<sup>9</sup> Elyakim Rubinstein, “On Security and Human Rights During the Battle With Terror,” *Law and Army* 16 (D), February 2003, pp. 765-787 (Hebrew).

<sup>10</sup> Audrey Kurth Cronin, *How Terrorism Ends: Understanding the Decline and Demise of Terrorist Campaigns*, New Jersey: Princeton University Press, 2009.

In addition to countering the effects of globalization, the need for an Inclusive Democracy also stems from the length and ongoing nature of the struggle. An Inclusive Democracy rejects many of the measures deployed in democratic states for dealing with an enemy during wartime – in particular 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 the 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.<sup>11</sup> A confident democracy copes with fear rather than escalating it; avoids overreactions; and instills pride in its normative base in the face of adversity.

Democracy – by which we mean a framework for 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 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 vis-à-vis the terrorists; when it harms individual and minority rights it often loses that advantage. 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 an “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 “single mosaic” consists of communities who maintain common universal values, but who also maintain their own distinct and independent cultural character.) The majority group sets the state’s symbolic baseline and it

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<sup>11</sup> This is based on Dana Blander and Dania Kaufman, "Inclusive Democracy, Social Resilience and Terror," The Israel Democracy Institute (Forthcoming).

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 for the shift to an Inclusive Democracy:

1. A recognition of the right of each community to maintain its uniqueness, identity, culture, and customs on a collective basis, and an examination of 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 an 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 force one unitary culture.
3. Holding an ongoing conversation between 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 democracy's principles.
4. Creating an array of social conventions through various mechanisms, around 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. These are, to be sure, bottom-up processes – not top-down – that may arise due to the initiative of social organizations (and not from 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 power and the devolution of political authority. This is critically important in a divided society in particular, where there exists 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.

DRAFT

## 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, as mentioned, takes place on three parallel fronts, with victory dependent on achieving one's objectives on each. The fronts in the struggle against terror are: the civilian front (also referred to as the home front); the international front; and the military front.

*The Civilian Front (Home Front):* Terror groups see the civilian population as their primary target in the struggle, and marshal all their efforts to harm it – the assumption being that this is the way to achieve their objectives. Accordingly, in order to win, the state has to boost 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 center of the civilian front. Such 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 the external violence from seeping inside. In a resilient society, relationships of trust exist between people from different communities, and between them and the government. Below we will lay out the way in which such resilience can be achieved, while outlining the tension and difficulties inherent in trying to find 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 case, legitimacy refers to the dependency between a state's capacity to wage an effective counterterror campaign and the acceptance of that campaign as just by states and other 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 will examine the most influential pillars upon which international legitimacy is based, and the manner in which this legitimacy can be maintained without having the state give up its unique principles and sovereign identity.

*The Military Front:* At the center of the military front lies the concept of “flexible deterrence,” which refers to the threat of measured military force along with a wide array of sanctions – including economic, political and diplomatic. Flexible deterrence is meant to achieve two objectives. The first is to create a differentiation 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 that minor skirmishes deteriorate into major confrontations by developing a wide spectrum of responses.

### **(1) The Civilian Front**

The civilian front is the point wherein the state's citizens meet a crisis situation (security, civil, or natural disaster). In addition to the citizens, this includes as well various "interested parties" that may be harmed in the crisis, such as state institutions: the government, local authorities, and any other body with official responsibilities. The civilian front also includes a state's social network: civil society, the business sector, households, and individual citizens. These two systems – state institutions and the social network – are connected to each other but 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 central front), a main insight of this report is that the civilian 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 is how the report by Israel's Committee on Testing the Preparedness of the Home Front (2009) put it:

“During the course of 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 civilian front, which was perceived by them as the soft underbelly of Israeli society.”

The report goes on to quote the well-known statement by Hizballah Secretary-General Sheikh Hassan Nasrallah from 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.”<sup>12</sup>

In these remarks, Nasrallah was highlighting Israeli society's lack of resolve (according to him) 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 through which an enemy can achieve his 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:

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<sup>12</sup> From Nasrallah's speech on May 26, 2000 in Bint Jbeil. Translation via Wikipedia.

“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: an ability by the civilian population and the authorities to respond quickly and effectively in a crisis situation; an ability to solidify a feeling of common national purpose; local leadership; 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.
2. The level of understanding about, 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 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 civilian front ahead of a crisis, and for government ministries to prepare and divide responsibilities on the matter. Ultimately, societal resilience depends mostly on the cohesiveness of the citizenry and its ability to function as a society. Such an ability becomes especially complicated when a society is divided into sub-sectors and groups with different narratives and identities.

***Resilience in a Divided Society:*** In a homogenous society, national narratives strengthen the civilian front during periods of crisis, rallying citizens around them and highlighting the unifying common denominators. In contrast, in a heterogeneous and divided society – especially where one of the communities identifies nationalistically, religiously or culturally with the enemy (or is perceived to be as such) – a crisis only highlights the competing narratives, deepens divisions and undermines resilience. As such, in heterogeneous societies there is a need to differentiate between national resilience and societal resilience (i.e. inter-communal).



National resilience is based on the national narratives of the society's majority community, while societal resilience (inter-communal) is the resilience of a society in its entirety – in other words, 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 societal resilience, especially in crisis situations.

## **(2) The International Front**

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.

The legitimacy we address in this report is two-sided: not just factoring international public opinion into state decision-making” but also boosting the state’s influence in this arena. It owes much to the international law theory of “internalization.” Internalizing the positions of the international community means orchestrating shift a in the opinions held by the state’s elites, decision-makers and society at large: legally,<sup>13</sup> bureaucratically,<sup>14</sup> socially,<sup>15</sup> and ultimately politically.<sup>16</sup> 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 towards a given conflict, as an expression of the international community’s own

<sup>13</sup> 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 of Israel (and are interested in preserving such a position).

<sup>14</sup> Decision-makers and senior civil servants in government who support the international community’s positions, and are aware of the professional costs – in terms of their contacts with foreign governments – if such positions are ignored.

<sup>15</sup> 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 terms like “rights” and “rules,” allowing the groups to better define their missions. The international community allows them to draw assistance, resources, experience, and connections from outside/foreign groups. And the international community can also encourage independent outside/foreign groups to enter the domestic arena so as to influence the state from within. As a result the domestic/internal groups who support the interests of the international community increase their strength and influence.

<sup>16</sup> 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 hard decisions and even, at times, to change their positions.

position, or at the very least as a basis for dialogue with the international community. 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 case, as a case study for the role of the international front in the battle.

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

International legitimacy can be differentiated according to three types: basic, theater, and situational. In the Israeli case, this breaks down thus:

*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 (e.g. legislation curbing NGOs, legislation targeting minority parliamentarians, etc.), 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 (i.e. the West Bank) – and in certain respects it continues to exert control over the Gaza Strip as well.<sup>17</sup> Israel's effort to maintain control over the territories conquered in 1967, even when framed in terms of a "war on terror," is viewed by many in the world as illegitimate (i.e. 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 justified interests (i.e. a "just war").<sup>18</sup>

*Situational Legitimacy:* Israel faces an additional challenge concerning 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 legitimate; problems most often arise from the manner in which it is deployed.

*The Two-Way 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 like the UN. This view misses the two-way nature of international legitimacy: when Israel does open itself to an

<sup>17</sup> 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).

<sup>18</sup> 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 for its battle against Palestinian terror – viewed by many as a struggle for national liberation (despite its employment of methods, like the deliberate targeting of civilians, which are outlawed).

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”: Being the sole stable democracy in a region of unstable dictatorships; being the “start-up nation”; and being a world leader in the fields of agriculture and clean energy. The battle for global public opinion should not be conceded in advance.

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

#### **(4) 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 its 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 (i.e. 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 continuation of the settlement enterprise is viewed as illegitimate, and as one of the reasons for Palestinian violence. The international community views Israel as one 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 the international community’s support for Israel’s just wars for survival, and harms the state’s basic legitimacy.<sup>19</sup>

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<sup>19</sup> To expand on this point, see Ami Ayalon and Idit Shafran Gittleman, “Just Wars and the (De)Legitimacy of Israel,” The Israel Democracy Institute (Forthcoming), wherein:

“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 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

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 two central issues: Acceptance of the principle “two states for two peoples” and the negation of violence (at least publicly) as a means to end the occupation. The 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, in the international media, on social media, and in the UN.

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 where the media does much to shape a state’s image. In the age of transparency, as former U.S. 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 a few of the divisive questions that separate it from the international community. Such receptivity may change the Israeli position, but it may also allow it to influence – and possibly change – the international community’s position as well.

International legitimacy will only be attained through the involvement of the international community in the issues under dispute, and through the adoption of policies that demonstrate a willingness to move towards a more conciliatory approach towards 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 participate in the game.

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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".

### **(5) Transforming the Conflict and Obtaining 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. Under such a scenario, movement towards a solution will not happen through bilateral promises, but rather through the international community – including the Arab states – and actions supported by same. Unilateral steps taken by Israel in the past, such as a settlement freeze taken without international guarantees, were often viewed as stalling tactics, 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 with it gaining international legitimacy, consists of the following:

1. *Involvement of the international community*: This includes a willingness, in principle as well as 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. There is a need 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 – and with it, 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 – like that aimed at retroactively legalizing illegal settlements – is an obstacle to transforming the conflict, further eroding Israel’s international legitimacy.

### **(3) The Military Front**

In an ongoing hybrid struggle, the military front plays a less central role than in traditional warfare. As discussed, the political fruits of victory no longer stem from a clear decision 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 policymakers 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 infrastructure; lengthening the time between high-intensity peaks; and the creation of long-term deterrence to the greatest extent possible.<sup>20</sup>

In order to reach its objectives, the military deploys its force against the terror, yet strategic and political gains can only be achieved if the use of force is based on the principle of smart power and 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

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<sup>20</sup> In the debate surrounding a military’s job 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” – i.e. the identification, prior warning, and interception of incoming stand-off fire that should remain in the military front’s area of responsibility – and “optimizing self-protection” – i.e. the preparation of civilian society for emergency situations, something that falls under the civilian 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 civilian front and the national leadership.

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.

***Flexible Deterrence:*** Flexible deterrence is a term related to the concept of smart power. This kind of deterrence is not based solely on threatening the use of force, but rather optimizing the wider aspects of cost-benefit/win-loss calculations, including via economic, diplomatic, social, and image-related tools. The primary advantage of flexible deterrence is the creation of hope amongst the enemy as well. As highlighted above, deterring an entity that believes it has nothing to lose is impossible. Stemming from this is the importance of emphasizing a better alternative for the civilian population, and creating faith in its realization. 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 could drive a wedge between the population and terror operatives, thereby deterring the groups (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 warfighting strategy that avoids harming non-combatants. It is important to stress that no amount of military force in, and on, a civilian population will succeed in changing a nation's narratives.<sup>21</sup>

An operational plan based on smart power will avoid actions that harm the civilian population. Military operations must be planned with allowing view to advancing objectives on the civilian front ("societal resilience") and international front ("legitimacy"). This is "smart containment." Smart containment does not depend only on military force – i.e. planes, ships, tanks, etc. – because in the new reality the application of superior hard power battlefield can be self-defeating. Instead, it is critically important to adhere to the principles proportionality and distinction in order to minimize the number of casualties and damage to both sides.

New offensive cyber tools, for example, may dramatically harm an enemy's ability to function – up to shutting down systems vital for normal daily life – without excessive harm to non-combatants. An additional example is the use of intelligence sensors, including in weapons systems, in a way that minimizes battlefield uncertainty and civilian casualties. In short, the notion of smart containment calls for nothing less than a revolution in our thinking about the use of force.

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<sup>21</sup> In this regard, Gen. Rupert Smith talks about "America's success in Iraq destroying the regime of Saddam Hussein but its failure building a democracy through military force." See Smith, p. 7.

## **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, the way to fulfill the political objective in a given reality and against a defined enemy. It should be emphasized again that in this report we are concerned with the struggle against Limited Terror groups, as defined in the previous chapter.

In traditional inter-state warfare, victory is viewed as a new, and more advantageous, political reality, achieved after a decisive victory in battle. Yet the war on terror is an ongoing struggle without a fixed end point. In this kind of struggle, as discussed earlier, there is no decisive victory in the sense of an enemy surrendering and the achievement of a new political reality.

Moreover, the meaning of victory changes from a future reality, to victory “as a present and ongoing reality” – meaning the ongoing maintenance of security and a high standard of living while upholding the core values of the society confronting 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 civilian), victory is dependent on combined success on all three fronts. Only when success is achieved on each and every front can we begin to talk about victory in the struggle – a reality we term a “Combined Ongoing Victory.”

On the civilian front, success is measured according to the societal resilience achieved, something that allows for a confrontation to last for an extended period of time. Such resilience will be achieved by shifting from a “defensive democracy” – wherein democratic core values are viewed as something that delays victory – to “inclusive democracy” – wherein upholding such democratic values are 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) be viewed as justified by the international community.

On the military front, success is measured by the defense<sup>22</sup> afforded the state’s citizens, vital infrastructure, and sovereign territory, and by the ability to maintain daily life throughout the struggle. Such success can be ensured by adopting a strategy of flexible deterrence and smart containment.

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<sup>22</sup> A distinction needs to be made between defense and security. See footnote 27 above.



The political objective, as defined in this report, is maintaining an optimal level of security and daily life 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 not monolithic and it changes at a high rate, thus requiring the dynamic adjustment of the strategy to fit the type of terror one is fighting. Second, a victory strategy needs to take into account the lack of decisive victory and 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” (i.e. resoluteness/steadfastness), takes as a given that civilian society will successfully bear the burden until the end of the military conflict. However, it takes into account both the limitations imposed by the international community on the use of military force and government policy, as well as the need to foster social resilience in the context of what we have termed “inclusive democracy.” The correct strategy requires flexibility that simply does not exist in the concept of “standing strong.”<sup>23</sup> We should note that the concept of victory defined here (“Combined Ongoing Victory”) does not rule out a Win-Win solution – i.e. a situation where the two sides feel that they both won – because victory in the struggle against terror is not finalized 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 allow the fulfillment of the political objective (see above), via the deployment of a Smart Standing strategy.

In conclusion, former U.S. President Barack Obama’s speech at the National Defense University (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 meant 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 is, of course, not new. Yet our argument is that the revolutions in communication

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<sup>23</sup> 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.

and globalization at the start of the 21<sup>st</sup> century have fundamentally altered the phenomenon: terror now poses a real threat to a democratic state's identity. In order to meet this challenge while upholding their core values, democratic states need to reexamine their understanding of terror and the manner 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 Obama alluded to – wherein we win so long as we safeguard our chosen values and daily life. Continued multidisciplinary study on how to actualize 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.<sup>24</sup>

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<sup>24</sup> See Brian Jenkins' concept of “An Incremental Tyranny,” in *State Terrorism and Human Rights: International Responses Since the End of the Cold War*, ed. Gillian Duncan et al. (New York: Routledge, 2013), Chapter 3, pp. 32-41. [https://www.rand.org/pubs/external\\_publications/EP50381.html](https://www.rand.org/pubs/external_publications/EP50381.html)

## **APPENDIX: THE CASE OF ISRAEL**

### **(1) The Needed Change in Israel's Security Doctrine: Shift from Military Force to Smart Power**

Israel's national security doctrine started being formed in the 1920s. It was anchored in Zeev 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.<sup>25</sup>

The doctrine assumed a basic asymmetry – geographic, demographic, economic – between the State of Israel and the Arab and Muslim world which surrounded it. Given that Israel would never be able to overcome this material inferiority, it would have to convince the Arab states – via the “steadfastness” and “Iron Wall” concepts of 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' acceptance of Israel's existence would then allow for reconciliation, co-existence, and peace.

Militarily, the operative basis of Israel's traditional security doctrine was comprised of deterrence, early warning, and decisive 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 need to build-up and repeatedly demonstrate a military capability strong enough to deter Israel's enemies from launching a war.
- Early Warning: Should deterrence fail, the need for a robust intelligence capability that will provide early warning about the enemy's intent to launch a war, and allow for the mobilization of reserve forces in advance.
- Decisive Victory: Should deterrence fail and the Arab armies launch an offensive, the need to take the war into the enemy's territory, with the intent to achieve a decisive operational victory as quickly as possible.<sup>26</sup>

The adoption of these principles by the military would, it was assumed, grant a 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 was impossible to destroy it. This strategy matched the classical

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<sup>25</sup> The differences between Jabotinsky and Ben-Gurion's respective doctrines need to be highlighted. Despite their similar language, their positions differed. Jabotinsky viewed the Iron Wall as a strategy to manage an ongoing reality where steadfastness was required, whereas Ben-Gurion viewed the strategy as a means towards a more limited objective.

<sup>26</sup> It was, however, understood that reaching a decisive victory on a “national scale,” thereby leading to the Arab states' surrender, was unachievable. For this reason the operational goal was to win the battle and, in the long term, to erode the enemy's willingness to fight and to change his goals.

concept of the use of force as a means to stop the enemy achieving its own political goal, forcing it to accept Israel's existence as an established fact. The hope behind such a move was that it would lead the conflict to be managed around a negotiating table. It also matched a reality whereby Israel's enemies were states that refused to recognize its existence and worked for its destruction.

Overall, this strategy was successful: it sparked a revolution, from the end of the 1970s to 2002, in the course of which all the 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 United Nations resolutions. The peace agreements Israel concluded with Egypt and Jordan; Palestinian acceptance of UN resolutions 242 and 338 (recognizing Israel in the 1967 lines); and the Arab League decision of 2002, are 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 in a struggle where the military front is just one of many fronts, and wherein military achievements 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 rightful demand for self-determination. This kind of struggle is, in most cases, uncompromising, 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 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 is the strengthening of Hamas amongst 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), the organization didn't surrender and waive a white flag; a better political reality was not created after the end of the operation. In contrast to the widespread belief amongst the Israeli public – that the operation stopped a "major terror attack" – the reality is that Israel

did not dictate the terms of the ceasefire, Hamas doubled its popularity in public opinion, and its political strategy (violent resistance) became more accepted by the Palestinian people.<sup>27</sup> 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 new 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 achievements on other fronts as well. There is a need, therefore, to put aside the doctrine that places undue emphasis on unilateral moves and military fighting, two things that in the modern world often fail to create new political horizons. A smart power doctrine that combines "steadfastness" with additional relevant tools needs to be adopted for this new kind of campaign.

In conclusion, a strategy founded on smart power allows a state to take advantage of its relative advantages – such as scientific, technological, economic, and cultural power. The precise and restrained use of high-intensity force can decrease the collateral damage on civilians, and soften the damage to the state's legitimacy when deploying such force. Israel suffers such damage on the 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 with a tendency to grow stronger in direct proportion to the hard power deployed against them.

## **(2) 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 towards 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 ending the conflict with Israel. Hamas's flexibility vis-à-vis Israel is limited to conflict management; it does not extend to a 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.

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<sup>27</sup> According to polls conducted by Khalil Shikaki. "Special Gaza War Poll," Palestine Center for Policy and Survey Research, August 26-30, 2014. <http://www.pcpsr.org/en/node/492>

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 the lack of synchronicity, bereft of any common 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 towards the intractable party.

For example: If Israel (as the pragmatic party) were to take the initiative – accepting the principle of “two states for two peoples” on the basis of prior UN resolutions and the Arab Peace Initiative and adopting measures that matched this policy (e.g. 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.

All this, 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 a bridging mechanism, along with the involvement of the international community.<sup>28</sup> Second is the existence of a common framework that can help clarify the principles of the desired end-state. Clarifying the end-state (also known as final status parameters) is an important ingredient in the conflict's “positive transformation”: 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 achievable for later in the process.

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<sup>28</sup> In this manner we adopt the positions put forward by US ambassador Daniel Kurtzer. In the introduction to his article, Kurtzer attacked the underlying American assumptions regarding the Peace Process, whereby the U.S. cannot want it more than the two parties (and therefore, in the absence of desire from one or the other party, it is exempt from intervening). Kurtzer argued that without active American involvement – or, for that matter, 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.

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 bridging efforts in negotiations more difficult. With all that, both sides are aware of the fact that there is no alternative, and that only minorities 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 past UN Security Council resolutions, with support from the international community for unilateral/independent steps by both parties.

### **(3) Differentiating Between Types of Terror Groups – The Case of Israel**

Organized Palestinian terrorism<sup>29</sup> is led, these days, by Hamas – a fundamentalist Islam religious movement that controls the Gaza Strip and also works to influence the West Bank. This movement sees violent resistance (jihad or armed Intifada) as the correct way to bring the Israeli occupation to an end. In the West Bank, the Palestinian Authority – led by the nationalist movement Fatah – rules. This movement 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, this movement also tends to publicly support violent terror, including active involvement in such acts (e.g. the Second Intifada period).

The two movements, Hamas and Fatah, are engaged in a battle 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 not, of a political horizon – will be taken into consideration by the two movements when contemplating expanding the violence, and by the choice of target (e.g. civilians or security forces, settlers or non-settlers, inside or outside the West Bank, suicide bombings or shooting attacks, etc.). Especially when the political/diplomatic track is viewed as ineffectual, the Palestinian public may support violence, leading the leadership itself – sometimes against its will – to support and even lead the action. This is true both for Hamas and Fatah.

The two movements, however, are divided along 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); c) the nature of a 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, Hamas only limits its level of violence due to constraints emanating from the Palestinian street. Moreover, even when Hamas does limit the level of violence (in order to win public support) it still leaves a path open to fulfilling its long-

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<sup>29</sup> 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.

term religious-nationalist vision. Hamas tries to hold both ends of the stick at the same time: remaining faithful to its absolute values while also being responsive to its public responsibilities.

Indeed, the lack of progress towards a political settlement to the conflict helps Hamas do this, 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 contradiction between the two ends of Hamas's stick becomes clear – and when, for groups like Hamas, difficulties arise. In order not to go against the will of people, Hamas may, under such conditions, choose to wait for its next opportunity – according to the Arab idea of *saber*.

Based on this analysis, we believe that Israel, in formulating its policy against Palestinian terror, has to strengthen the pragmatic movements in Palestinian public opinion and the Palestinian Authority (led by Fatah). Such trends advocate for a settlement along the lines of “two states for two peoples,” per UN Security Council resolutions and the Arab League's decisions. Taking steps towards this goal should weaken the fundamentalist Islamic elements – led by Hamas – in Palestinian public opinion.

#### **(4) The Civilian Front - The Case of Israel**

In Israeli society, the most prominent divisions are between Jews-Arabs and religious-secular. The Jewish-Arab division is exemplified by a Jewish narrative and an Arab-Palestinian narrative that contradict and negate each other, finding it difficult – if not impossible – 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 for a nation-state. A central part of Jewish national resilience is related to unique collective characteristics, such as the idea of an enemy in every generation seeking to wipe it out. 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 is 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, etc. – 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 idea of a “melting pot” adopted during the early years of Israel's existence, whereby many communities were integrated together 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 spider expert 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."<sup>30</sup>

Yet the strength Hillyard alludes to derives from a concept of "force" which is different than the one usually deployed in the public debate. Hillyard's "force" is not only measured by military power. According to this principle, the basis of societal power is "flexibility" and the ability to make adjustments during a crisis; cohesion inside the community and between all the communities that make up a society; and an ability to quickly change strategies according to the 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.

### **(5) The Military Front – The Case of Israel**

One of the central premises of this report is that a distinction needs to be made between a terror group and the civilian population from within which it operates. In the Israeli case, there is a need to differentiate between the Hamas group and the Palestinian population. This distinction is critical for decision-making on the military front, but it also has direct implications for societal resilience on the civilian/home front. When the distinction between the Palestinian public and a Palestinian terror group seeps down into the Israeli public, 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 very much assist in the assimilation of the principles of an 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 political horizon. In the Israeli-Palestinian case, this includes increasing freedom of movement, economic development in Gaza, and the strengthening of the pragmatic actors that believe in a political settlement (i.e. the Palestinian Authority). Such policies match the principle of restraint (in the use of force) – that is, using the degree of force necessary in order to meet the military objective, but not beyond that. IDF Chief of Staff Gadi Eisenkot spoke 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

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<sup>30</sup> Paul Hillyard, *The Book of the Spider: From Arachnophobia to the Love of Spiders*, New York: Random House, 1994.

violent acts. ...As the power who controls Judea and Samaria, the IDF has to maintain hope amongst the Palestinian public. As a policy, the IDF supports the continued employment of hundreds of thousands of Palestinians, despite the protests of various actors who oppose it – this is an example for that.”<sup>31</sup>

*Defeating Hamas:* In managing the military conflict with Israel, Hamas seeks to achieve a draw (“No Win – No Win” situation). This is viewed by the group (and in its mind also the Palestinian and Arab publics) as a major achievement against a resource-rich enemy like 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 wherein it does not surrender 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. Such an operation is not only impossible, and in any case is not advisable; trying to achieve it would exact a heavy price on all three fronts of the struggle. This is due to the negative strategic and diplomatic consequences that would accompany any such move. Yet the debate over Hamas and the Gaza Strip requires a deviation from the specific territory, in favor of a wider analysis regarding the reality that surrounds the Strip.

Toppling Hamas rule in Gaza, without creating a better political horizon, would create a vacuum that supporters of the Islamic State and Al Qaeda in Gaza and the Sinai Peninsula would seek to fill. The strengthening of such groups, relying as it would on the recruitment of Palestinian refugees, would threaten Egyptian control in the Sinai – and Egypt would blame Israel. While these radical groups weaken and lose 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 one unitary area under the sway of the Islamic State and Al Qaeda’s “chaos strategy.”

Conquering densely populated, teeming population centers will necessitate many casualties (primarily on the Palestinian side) and wide-scale damage and destruction. Under contemporary transparency guidelines, with modern technology able to penetrate everywhere, bloody images of the conquest of Gaza would be beamed worldwide for all to see; hordes of refugees would mass at the border crossing with Egypt (Rafah crossing) and on the border with Israel. The damage to Israel’s basic legitimacy in the world would be unprecedented. And Egypt would be faced with a dilemma: to accept into its territory

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<sup>31</sup> 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!” The principles of war we should hence understand in this spirit (concentration of forces, efficiency in effort, efficiency in forces, deception, concealment, and misdirection).

masses of refugees that it does not want, or to block the border and be seen – domestically and internationally – as insensitive to Palestinian suffering. With no other alternative, Egypt may shift the burden of responsibility onto Israel – up to and including a reassessment of the peace treaty between the two states.

### **(6) Combined Ongoing Victory – The Case of Israel**

Israel's success in changing the Arab states' objective (of destroying Israel) needs to form the basis for its concept of victory. An expression of this success is the Arab League's decision, approved by the Palestinian Authority, to recognize Israel contingent on the fulfillment of past UN Security Council decisions.

According to the concept of a "Combined Ongoing Victory," 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 the Declaration of Independence.

In terms of Israel's strategic objective, "changing an enemy's primary objectives" was only partially achieved. The Arab League decision<sup>32</sup> (accepted by both the Palestinian Authority and Fatah) is positive proof. Israel's unique strategic objective, however, needs to be defined thus: "Maintaining the political framework for any future negotiated solution according to past UN Security Council decisions and the Arab Peace Initiative," via the adoption of a Smart Standing strategy.

In terms of a Smart Standing strategy, Israel needs to balance between the use of hard power – military, economic, and diplomatic measures – and soft power. Soft power requires the creation of a political

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<sup>32</sup> The Arab League decision (April 2002) is indeed a change in the Arab states' position regarding Israel, and holds within it both a framework for a comprehensive resolution of the Israeli-Palestinian conflict as well as the normalization of relations between Israel and the Arab League members. The decision received the support of 56 "Islamic states," compared to the opposition of Iran. In addition to a move from the complete rejection of Israel (Khartoum conference, 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 from what the Arab world previously supported. On the issue of refugees, the phrase "right of return" was not mentioned at all, with the formulation being "finding a just and agreed solution." The meaning of this formulation was that, while UN General Assembly Resolution 194 decided that each refugee had the right of return to his home in Israel, the Arab League decision stated that this right would be transferred from the individual refugee to the Palestinian Authority (as the representative of the Palestinian people). The decision went on to state that this issue will be agreed to as part of the negotiations between Israel and the PA. In a follow-up debate over the decision (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 file 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 decision accepted UN Security Council Resolution 242 that views the 1967 lines as "the basis for a solution to the territorial dimension" of the conflict. The decision, moreover, did not reject land swaps. Arab leaders have explicitly emphasized all of the above at various international fora.

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.

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 move of “initiated transformation” of the conflict, by creating a political horizon and setting in motion a gradual political process whose essence is 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, its standing only increases due to the lack of a political process.

In conclusion, it should be clear that this report was not intended 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, both on the Palestinian and Israeli side, 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 opposition to Israel on the “Arab Street” in neighboring states, allowing their political leadership to give rise to, and further 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.”

Managing the conflict 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 an “inclusive democracy.”