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The Phony War Crimes Accusation Against Israel


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Every time Israel seeks to defend its civilians against terrorist attacks, it is accused of war crimes by various United Nations agencies, hard left academics and some in the media. It is a totally phony charge concocted as part of Hamas' strategy - supported by many on the hard left - to delegitimize and demonize the Jewish state. Israel

is the only democracy in the world ever accused of war crimes when it fights a defensive war to protect its civilians. This is remarkable, especially in light of the fact that Israel has killed far fewer civilians than any other country in the world that has faced comparable threats. In the most recent war in Gaza fewer than a thousand civilians - even by Hamas' skewed count - have been killed. This, despite the fact that no one can now deny that Hamas had employed a deliberate policy of using children, schools, mosques, apartment buildings and other civilian areas as shields from behind which to launch its deadly anti-personnel rockets. The Israeli Air Force has produced unchallengeable video evidence of this Hamas war crime.

Just to take one comparison, consider the recent wars waged by Russia against Chechnya. In these wars Russian troops have killed tens of thousands of Chechnyan civilians, some of them willfully, at close range and in cold blood. Yet those radical academics who scream bloody murder against Israel (particularly in England) have never called for war crime tribunals to be convened against Russia. Nor have they called for war crime charges to be filed against any other of the many countries that routinely kill civilians, not in an effort to stop enemy terrorists, but just because it is part of their policy.

Nor did we see the Nuremberg-type rallies that were directed against Israel when hundreds of thousands of civilians were being murdered in Rwanda, in Darfur and in other parts of the world. These bigoted hate-fests are reserved for Israel.

The accusation of war crimes is nothing more than a tactic selectively invoked by Israel's enemies. Those who cry "war crime" against Israel don't generally care about war crimes, as such, indeed they often support them when engaged in by country's they like. What these people care about, and all they seem to care about, is Israel. Whatever Israel does is wrong regardless of the fact that so many other countries do worse.

When I raised this concern in a recent debate, my opponent accused me of changing the subject. He said we are talking about Israel now, not Chechnya or Darfur. This reminded me of a famous exchange between Harvard's racist president, Abbott Lawrence Lowell, and the great American judge Leonard Hand. Lowell announced that he wanted to reduce the number of Jews at Harvard, because, "Jews cheat." Judge Hand replied that "Christians also cheat." Lowell responded, "You're changing the subject. We are talking about Jews."

Well, you can't just talk about Jews. Nor can you just talk about the Jewish state. Any discussion of war crimes must be comparative and contextual. If Russia did not commit war crimes when its soldiers massacred tens of thousands of Chechnyans (not even in a defensive war) then on what basis could Israel be accused of accidentally killing a far fewer number of human shields in an effort to protect its civilians? What are the standards? Why are they not being applied equally or selectively? Can human rights endure in the face of such unequal and selective application? These are the questions the international community should be debating, not whether Israel, and Israel alone, violated the norms of that vaguest of notions called "international law" or the "law of war."

If Israel, and Israel and democracies fighting defensive wars, were ever to be charged with "war crimes," that would mark the end of international human rights law as a neutral arbitrator of conduct. Any international tribunal that were to charge Israel, having not charged the many nations that have done far worse, will lose any remaining legitimacy among fair-minded people of good will, If the laws of war in particular, and international human rights in general, are to endure, they must be applied to nations in order of the seriousness of the violations, not in order of the political unpopularity of the nations. If the law of war were applied in this manner, Israel would be among the last, and certainly not the first, charged.

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The Reid/McConnell resolution is a perfect articulation of one voice in the American debate over Israel's actions in Gaza. Here are a few objections that should be raised.



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While there certainly is an underlying rivalry between Israel and Iran that has come to fuel many other otherwise unrelated conflicts in the region, not every war Israel fights is related to Iran.



[Photos From Israel That You Won't See on the News](#)

Israel is not media savvy – we have installed warning systems and bomb shelters. No casualties means no photos, which means that many incidents aren't even covered by the media.

[Weighing Proportionality in Gaza](#)



Waiving Proportionality in Gaza

The losses on both sides will be all in vain if the final outcome of the war does not substantially improve both the prospects for an eventual Israeli-Palestinian peace.



The CNN-NPR-NYT Middle East Conspiracy

When people complain about bias in the media, it's always bias *against* their own point of view, and never *in favor* of their side. Nowhere is this more true than in coverage of the Middle East.



No Exit for Civilians in Gaza in the Midst of War

In similar situations around the world, civilians caught in the midst of conflict would have the option of seeking safety in neighboring countries as refugees. Gazans have no such option.



Evidence Grows That Israel is Using White Phosphorus in Gaza

Today, at least two UN officials have flatly declared that three or more white phosphorous shells were part of the attack today that set a UN building and compound ablaze in Gaza City.



Reportage from Israel/Gaza

We can't ignore this fact: Gaza is becoming not the embryo of the so-desired Palestinian State, but the advance base of a total war against the Jewish State.



Proportionality and Disproportionality: A Guide to Arguments about Gaza

Even if the guns fall silent the charges and counter-charges of violations of international law will continue. Already the airwaves are full of talk that Israel's "disproportionate" response is a violation of international law.



Changing the Reality in Gaza

Counting on international pressure to bring a quick end to the Israeli onslaught may prove to be misplaced as Israel is now determined to never allow a return to the status quo ante.



Obama -- Please Say Something!

In just over two weeks Obama will be unable to avoid saying something and the world will be looking to him and demanding to hear his opinion on the crisis in Gaza.



Hamas and the Death of a Better Future

To me, Gaza is personal. As an Israeli infantry officer, I served in Gaza before, during, and after the 2005 Disengagement.



Al Jazeera English Beats Israel's Ban on Reporters in Gaza with Exclusive Coverage

Some may call it propaganda but I call it hardcore reporting. If you are not watching Al Jazeera English's coverage of the War on Gaza, you are missing much, if not, most of the story.



Why Aren't More Americans Dancing To Israel's Tune?

The surprising trend in American opinion on Gaza may be because the same pundits who are cheerleading Israel's assault once sold the occupation of Iraq, and with a nearly identical set of arguments.



Maybe Hamas is Not so Stupid

Judged as a piece of political theater, Hamas has succeeded in presenting Israel as the golem on the block.



Israel as Mini-Me

We are both settler states -- the Puritans, who escaped oppression in the Old World only to mete out oppression in the New, unfolded their Zionist project in the 17th century with their "city built upon a hill" as the New Jerusalem.



Israel's Risk

What we're watching in Gaza is not so much low-intensity warfare as the continued fracture of the post-Soviet international order.



Gaza: The War On Children

Israel has accused Hamas of intentionally attacking from civilian-populated areas, driving up casualties among non-combatants to provoke anger against Israel. But do children have to pay the price?



Why Do So Few Speak Up for Gaza?

Why is it that there is such widespread acceptance, beginning with the apologetic arguments of George Bush, that whatever Israel does is always justified as necessary to the survival of the Jewish state?



Why Israel Was Right to Invade Gaza

How should Israel attempt to protect its people, long-term, if it merely acts defensively in a tit-for-tat manner? That would be a horribly naïve response given its history.



What Was Israel Supposed to Do?

Every day now, I hear someone saying, "What was Israel supposed to do? Hamas keeps firing rockets into their country." So, here is a quick list of the things they were supposed to do.



Gaza, Qaddafi, And Starbucks

Along with the images of bloodied children, scenes of destruction and carnage in Gaza, debates on Arab disunity have increased in the Arab media.



Israel's Extensive PR Campaign

Last Friday, at the height of the attacks, Israeli Defense Minister Ehud Barak announced without a hint of irony: "We are peace seekers."



Accused of Funding Hamas, Controversial Charity Collects Money in Lebanon for Palestinians in Gaza (VIDEO)

On Beirut's waterfront road, young men dressed in green jackets with the Etelaf Al-Khair logo on their backs are handing out fliers with images of bloodied Palestinian children and holding donation boxes.



Georgetown Newspaper Editor Reports on Sderot-Gaza, and Recording With Rockets

In a recording studio in Sderot, a few miles east of Israel's Gaza strip, Sergio Arditì felt the steady pulse of Rock and Roll give way to the sporadic vibration of bombs.



Israel: There Has To Be A Better Way

The war between Israel and Hamas is not as two-dimensional as the United States Senate would like to believe. This is a complex and asymmetric war that will not end favorably for either side.



Israel, Hamas, Gaza: Plenty of Us in America Just Need to Shut Up

Something labeled "Subject: Fwd: Some Differences Between Hamas and the Nazi Party" showed up in my inbox Monday night.



Obama Camp "Prepared To Talk To Hamas," Says the Guardian

The Obama administration's emphasis on "talk" with Hamas will bring a significant moral shift in U.S. policy – but it will not do away with some of the core grievances vis-a-vis U.S.-Israel relations.



Defending Condi: Olmert Shames Himself in Kick-in-the-Teeth Attack on Rice

Olmert's statements certainly send a signal to many in the incoming Obama administration that while there are convergent American and Israeli interests - friendship and trust are eroding.



Protesters in Beirut Demand Action from Arab Leaders on Gaza, Focusing on Egypt as Demonstrations Rise (VIDEO)

Millions across the Arab world are demonstrating, demanding that Arab governments do more to support Palestinians trapped in Gaza.



Mitchell Bard is Wrong On Israel

Hamas did not start this conflict. Here's an extensive time line of events, making clear that Israel broke the ceasefire, not Hamas.



AP Reporter Watches Own Home Destroyed, via YouTube, in Gaza

In one of the most moving accounts of the war in Gaza, Ibrahim Barzak, the AP's chief correspondent there for 17 years, today wrote of watching his own home destroyed on YouTube.



Eyeless in Gaza

I wish I didn't believe that the events now unfolding in the Middle East are too complicated for unalloyed outrage. I wish the arguments of only one side rang wholly true to me.



Ceasefire

The first reason for a ceasefire now is to stop the killing. The second is to ensure that a year or two from now we are not all wishing that Hamas was still in charge.



Livni and Barak's Gaza Calculus

If hundreds of innocent deaths helps secure a real security mandate for the moderate-to-dovish Kadima/Labor and Israeli-Palestinian peace, that's political calculus Livni and Barak were willing to take.



Fanaticism and Contempt

Once the master of revolutionary war, Israel cannot seem to grasp the essential nature of asymmetrical warfare.



Was Israel Punked by Hamas? Are Progressives Attacking Israel Being Punked too?

The only way the Israeli and Palestinian people have a shot at peace is for outsiders to put pressure on both sides to make it happen and to stop the violence. It can be done.



Bomb A Ghetto, Raise A Cheer -- The Video

On January 11, an estimated 10,000 people rallied in front of the Israeli consulate in New York in support of Israel's attack on Gaza. The event was a festive affair that began and ended with singing and joyous dancing.



Gaza on YouTube: Film at 11!

In lieu of actual reporting, all you have to do is log on to the Israel Defense Forces' YouTube Channel and you can see images of Israel pummeling Gaza, and sit in on "the first ever" Twitter press conference.

NY Times Responds Weakly Today to Israel's 'Incursion' -- As Shells Kill



Dozens at U.N. School

It takes until paragraph #8 for the *Times*, to mention that, by the way, Israel "must" allow foreign journalists access to Gaza, especially since its highest court so ordered.



Gazans in Peril

The human tragedy that has befallen Gaza's Palestinians – Hamas supporters or not – warrants every American to take cognizance because of its consequences for a durable Middle East peace.



Israel and Hamas: Two to Tango

What is going on in Gaza is that it is not the result of a sudden decision or an immediate and intolerable provocation by one side or the other – this thing has been in the planning by both sides for months.



Hamas Is Responsible for the Civilian Casualties in Gaza

By choosing tactical advantages over the safety of its citizens, the terrorist organization chose its military goals over the safety of its fellow Palestinians in Gaza.



Hold Your Fire: Children and Civilians In Gaza

If the killing of unarmed civilians by terrorist groups is wrong, Israel's killing of unarmed Palestinian civilians and our defense of Israel's conduct cannot be right.



War Diary from Sderot

Not in my name and not for me did you go into this war. The bloodbath in Gaza is not in my name nor for my security. Behind this accursed leadership of Hamas live human beings.



Overwhelming Force Is the Only Way to Fight Terrorists

The destruction of Hamas benefits the Palestinians far more than the Israelis. It is they that must live under the cruelty of an organization that terrorizes its citizens even more than its enemies.



Self-Deception and the Assault on Gaza

From the civilian deaths in Gaza will spring more hatred and terrorism. Yet no people are so prone as Americans and Israelis to think admiringly of our own good intentions.



Gaza and the Obama Effect – Ending the War

It might be pushing the envelope to call Obama the peacemaker here, but it's hard to deny that his impending entrance to the world stage has an effect.



How to Defeat Hamas – Face Up to the Truth

Making Hamas into a unique demon is pure propaganda. But no form of Islamic extremism will end until moderate Muslims stand up for their religion.



Letter From Beersheva

I am here in Beersheva – on the "almost" frontlines of the conflict with Hamas – to tell you the first thing to go when missiles start to fall nearby, is your diet.



It's Time for a Sustained Focus on a Lasting Middle East Peace

What we continue to lack is the kind of real political solution to the Israeli/Palestinian conflict that could finally make a "ceasefire" endure.



Gaza: Fight at the End of the Tunnel?

Any ceasefire must include an ironclad commitment by Egypt to cooperate fully with Israel to shut Hamas' tunnel network once and for all whatever Hamas' political or military wings decide tomorrow in Cairo.



How Propaganda Hijacked Israeli Strategy in Gaza

While Israel's explicit goal is to cease all attacks on southern Israel, senior IDF and intelligence officials have privately signaled that this is unrealistic, even with a ground invasion.



Obama's Silence

As January 20 approaches, Obama will have to make a lonely decision - to remember his 2007 words about Palestinian suffering and his campaign pledge to talk unconditionally with adversaries.



Video Reveals that a Lack of Moral Center Is Central to Hamas's War Strategy

The whole world is quick to condemn Israel for civilian deaths in Gaza, but there is utter silence over Hamas's blatant disregard for the lives of its own citizens.



Goodnight My Love, See You in Heaven – Diary From an Aid Worker in Gaza

The situation has now reached such a critical point that doctors frequently confront dilemmas such as these – to treat the child who is bleeding to death or the baby who has severe head injuries?

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