

January 29th, 2010

A Specter Is Haunting Israel, Its Name Is Goldstone

By Leonard Fein

Goldstone yes, Goldstone no, Goldstone yes and no, Goldstone here, Goldstone there, Goldstone everywhere.

An exchange in Jerusalem the other week with a close observer of the Goldstone report:

“I am so tired of talking about Goldstone.”

“Me, too.”

And then, for the better part of an hour, we talk about Goldstone.

The day before, at a dinner party, one retired senior diplomat says, bluntly, “I’ve not read the report, but we deserve it all.”

“Even ‘crimes against humanity’?”

“Yes, all of it. The occupation, nearly 43 years now, what did we expect?”

And the next day, over coffee, a leading journalist argues, vehemently, that Goldstone has greatly and unfairly damaged Israel, provided aid and comfort to Israel’s enemies, to those who are bent upon delegitimizing Israel.

Gently, now; gently. I have no desire to revisit the Goldstone controversy. I want instead to examine two words that are much used and abused these days. The first arises directly from within the Goldstone report, the second from the controversy regarding the report.

Intentionality: I fully accept the insistent assertion by a number of Israelis with whom I have spoken directly on the matter of whether Israel specifically and intentionally targeted innocent civilians during its war in Gaza, as Goldstone suggests. To a person, they have direct

access to information regarding Israel's conduct during the war; to a person, they deny that innocents were targeted. I believe them.

That said, how shall we understand the hundreds of deaths of innocents, be they the 762 noncombatants including 318 minors under the age of 18 that B'Tselem reports, or the 295 uninvolved Palestinians, including 89 under the age of 16, that the Israeli army acknowledges? In my view, given the specific circumstances of the war — the asymmetry of a proficient war machine confronting an elusive and inherently camouflaged enemy, Gaza's congestion, Israel's determination to restore the fearsome reputation of the Israel Defense Forces in the wake of the Lebanon debacle of 2006 and to keep its own casualties to a minimum — the number of bystander dead is distressing but not especially surprising. Whether Israel was required by international humanitarian law, which was Goldstone's analytic framework, to behave differently — say, by putting its own troops at greater risk — is an important question I leave to the experts.

There is a difference between intent and responsibility. In my view, the killings were not intentional as we laypeople use that word. That does not, however, mean that Israel is not responsible. One among the many reasons an independent investigation is so important, even urgent, is to sort these things out, to achieve clarity on the degree and nature of that responsibility.

The other word, given new momentum by the Goldstone debate, is legitimacy — or, more clumsily but more precisely, delegitimization. Defenders of Israel have for some time been accusing those who recklessly attack Israel, wildly exaggerating and even concocting its flaws and failures, of being guilty of an effort to “delegitimize” the Jewish state. Lately, the accusation has been directed even at mainstream critics of Israeli policy.

I am not quite certain what delegitimizing Israel means. Does it mean that Israel's critics seek to eliminate the Jewish state? Plainly, there are those who do. But the vast majority of those who are growingly critical of Israel — I think here in particular of the European Union — do not even hint at putting an end to the Jewish state. Quite the contrary, in fact. They call, ever more urgently, for the implementation of a two-state solution. And in fact a two-state solution is the only way to assure the survival of the Jewish state — a point widely recognized in Israel.

Now, whether Israel deserves the criticism to which it is daily subjected for its alleged reluctance to move more energetically toward a two-state solution is a matter of legitimate

debate. But surely it is not the idea of a two-state solution that calls into question Israel's legitimacy as a Jewish state. Quite the contrary: Anyone who calls for a two-state solution implicitly recognizes and accepts the validity, the legitimacy, of the Jewish state.

It is those who prattle on about a one-state solution who reject Israel's legitimacy. These days, the one-staters are in the ascendance. There are those who say that the point of no return has already been reached, that a two-state solution is no longer possible. Others say that midnight, though imminent, is still avoidable. In the Arab world, there is a growing feeling that time is now on its side, that the Jewish state will soon implode as the world gives up on two states living side-by-side in security and peace.

That does not mean that a two-state solution offers a problem-free resolution to the conflict. All we know for sure is that absent a two-state solution, the Jewish state is doomed, while with two states there will be new and perplexing problems and possibly new and dangerous threats as well. Choosing a possible downside over a certain doomsday is a no-brainer.

We dare not conflate criticism, even impatience, with delegitimization. Who goes there, friend or foe? If for a two-state solution, hence accepting of a Jewish state, then friend.