

## Poor Picked On Israel! (Part One)

Buried behind the headlines concerning the national party of elites called the presidential inaugural is a far more gruesome and ongoing story. It is now such a daily news headliner that we are becoming immune to it: Israel steps up its attack on Gaza; many more civilians die. Israel uses white phosphorous; many civilians burned. Israel attacks United Nations buildings; the U.S. discusses Michelle Obama's inaugural gown. The Gazans and the Palestinians are crying out: "Where is the world?!"

The supporters of Israel have been given the upper hand in the mainstream media to make their specious case. And spurious their arguments have been. For example, a supporter of the attacks of Israel, Fania Ox-Salzberger was actually given an op-ed column recently in the San Francisco *Chronicle* to present the very shallow analogical argument that Israel is a poor, picked-on citizen whose crazy neighbor is taking pot shots into his living room. In this analogy, the police are unavailable, and the shot-at neighbor has a superior gun. The point of this comparison is that the shot-at neighbor is completely justified in shooting back at the crazy neighbor, and killing him and his child if necessary in order to get the shooting to stop. Thus, says Ox-Salzberger, Israel is justified by analogy in its attack on Gaza (see *San Francisco Chronicle*, Editorials, 1/5/09). This type of analogy and method of argument is fairly standard among the supporters of Israel's attacks, such as the U.S. Congress. So let us dissect it a bit in order to demonstrate its fallacious nature.

Because the space is limited here, let us confine ourselves to three glaring problems with such an analogue. First of all, that Israel has been the aggressor over the years, not the "poor, picked-on neighbor," is indisputable. There are at least three easy ways to observe this. First, examine the occupation of Palestinian territory over the last two decades alone. Second, observe the sieges of Palestine and Gaza. Third, simply examine the record of U.N. resolutions mandating Israel to cease and desist in its attacks on Palestinians and/or stop the settlements on Palestinian lands, and Israel's complete ignoring of those resolutions. At my last count, Israel has thumbed its nose at over 100 U.N. resolutions requiring it to stop its actions against the Palestinians. In addition, at least 40 resolutions never got out of the Security Council because they were stopped by U.S. vetoes. Now compare that to the resolutions concerning Palestinian attacks on Israel. Are there eight of them? Ten? None? Any way one counts it, the count of U.N. planned and actual condemnations and cease-and-desist calls are overwhelmingly more toward Israel than to Palestine. So the analogy fails in the very first assertion, that Israel is the victim.

The second falsehood of the analogy is that it ignores the fact that the police *are* available. Call them the United Nations. This analogy implicitly admits, but conveniently ignores, that the police *exist*. Thus, the shot-at neighbor cannot by law or morality take matters into his own hands unless his very life was under immediate, direct threat. This claim cannot be legitimately made by Israel, as the scattered rocket fire is not a threat to the existence of the state of Israel. Further, the existence of the police, and their availability, slow though they may be, defuses the intended power of the analogy that the

shot-at neighbor must act immediately, without police assistance. We must also add to this analogy that the shot-at neighbor has consistently ignored what the police have told him for many years that he must do in order to stop the neighbor from shooting: stop building on his neighbor's property, and stop killing his children with his "superior gun." The shooting is not a random, mad act, as Ox-Salzberger's analogy would have it.

Finally, the ridiculous analogy fails to add an important detail: the bullets shot by the crazy neighbor are not going into the other neighbor's living room, but hitting the tree that stands just over the property line, and not coming close to the living room in most cases. While the occasional bullet that pierces the living room contains within it the possible future of its finding its target and is thus clearly a threat, one may only attempt to subdue the threat, nothing more. This is as true of domestic law as it is of international law. Even if the shooter is hiding in the middle of his family, as Ox-Salzberger suggests in his analogy, the right to self-defense does not permit the slaughter of the family in order to get to the shooter. The end in this case never justifies the means, or there would be no need for domestic laws concerning the use of force or for the international prohibitions on war to begin with. He simply is not permitted to destroy everything around the attacker in order to get to the attacker. In principle and in law, this is called "proportionality." With regard to attacking the whole family *per se*, the principle is called "discrimination." On these two principles are written most of our international laws on war. Israel, even on Ox-Salzberger's analogy, is guilty of gross moral and legal violations, and must be held accountable.

Ethically, no *country* may attack another unless that *country* is attacking it. Israel has not proven that this is the case. Second, if the country allegedly under attack thinks it must strike, they are required to distinguish between civilians and noncivilians. This is something Israel has consistently refused to do. Third, the ethical principle of proportionality requires that the damage inflicted be proportional to the injury received. When four Israeli citizens have died from the latest rocket attacks, and twelve have died from them since 2002, and Israel responds by killing over 1,000 Palestinians and injuring another 1,000 in three weeks, that is in no way proportionate. Nor is it discriminate, since the vast majority of the dead and injured are women and their small children.

Legally speaking, there are many international laws that condemn the latest actions of Israel. Next week, we will use these laws to demonstrate that Israel has no moral or legal right to either initiate the war, or to engage in punitive measures against civilians in the way they are doing it. The question that remains, after all this, is: "Where is the world in stopping this massacre?" More on that question next week as well.