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Thomas Rid

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Deterrence beyond the State: The Israeli Experience

THOMAS RID

Deterrence is as old as fear. Punishing offenders is a common theme in the Bible. Threatening potential aggressors with costly consequences has been a subject of political philosophy for centuries, especially in the theory of law.¹ Yet, in the history of strategy and international relations, deterrence received remarkably little attention before the mid 20th century. None of the masters of strategy of the 19th century has left much worthy of note about the age-old practice of administering threats by military means. Only in the Cold War were deterrence and retaliation explored in theory and elevated to policy. ‘The twentieth century is not the first century in which “retaliation” has been part of our strategy’, observed Thomas Schelling in the 1960s, ‘but it is the first in which we have systematically recognized it’.² Deterrence theory rapidly rose to the most influential school of thought in the study of international relations, according to a prominent review article from 1979.³ Yet the pinnacle of deterrence was short. By 1991, the Soviet Union was gone; by 2001, terrorism and political violence stepped to the fore, and the idea of using the threat of force to prevent offences was swiftly jilted. ‘Deterrence’, American president George W. Bush said in June 2002 in a landmark speech in West Point, ‘means nothing against shadowy terrorist networks with no nation or citizens to defend’.⁴ This sceptical view, or variations of it, still dominates policy in the West as well as a new wave of scholarly debate.⁵

This is not the case in Israel. The one country that has probably experienced more political violence over the past century than any other does not share this pessimistic reading of deterrence. To the contrary, the Jewish state has, in several respects, experienced the opposite. Studying this experience up close provides highly valuable insights for those engaged in countering, or instigating, political violence. Firstly, in Israel deterrence based on reprisals and punishment dates back to militants practically fighting other militants with knives and rifles well before the foundation of the State of Israel in 1948, not to theorizing state-on-state confrontations with sophisticated nuclear arms since the late 1940s. Secondly, militants in the Arab-Israeli conflict have long operated across contested borders, often representing groups with criminal as well as political motivations, neither plain criminals nor nation states. Thirdly, Israel’s doctrine of deterrence evolved over many decades as a response to various kinds of threats facing the state. It was not a temporary adaptation of strategic thought reacting to one unique threat: that of the atomic bomb. These cursory observations raise a number of questions. How did Israel’s strategy of deterrence evolve? How was it adapted to fit the non-state threat? And what were the utility and the limitations of this approach?
The answers to these questions offer fresh perspectives on three assumptions widely held in the scholarly debate about deterrence. The first common assumption is theoretical: that the role of deterrence is to avoid all adversarial offensive action, and that once force is used, deterrence has failed. The second widespread assumption is historical: that the origins of the modern theory of deterrence go back to the rise of airpower in the 1930s and then evolved and matured during the nuclear stand-off in the Cold War. The third orthodoxy is operational: that deterrence is largely limited to nuclear confrontations and, in a more limited way, to symmetric conventional military powers between armies, while terrorism and political violence are most difficult to deter. The Israeli experience runs counter to all three assumptions and allows for crucial insights – both positive and negative – which can inform other democracies in their long-term approach to countering political violence. The Israeli case study does this in at least three novel ways. Theoretically, the Israeli learning experience with regard to deterrence can best be understood by using concepts from what may be called ‘the other deterrence debate’, that in the sociology of law and criminology, not from the theory of international relations. Historically, Israel offers perhaps the only case study where different approaches towards the deterrence of non-state actors and terrorists have been tried and tested over many decades – decades during which Israel’s political and military leaders assumed that political violence could not be entirely stopped, only limited, thereby transcending a singular and binary view of the use of force. Operationally, Israel’s experience illuminates the relationship between the deterring use of force and the construction of norms, an aspect of deterrence research that has received little attention in the vast literature on the subject.

Israel’s experience calls into question a number of cherished common wisdoms about the deterring use of military force widely held in Europe and the United States. To put it in starker terms, the mere prospect of nuclear annihilation contaminated the West’s conceptual, historical and operational understanding of deterrence. The Israeli case offers much-needed refreshment. Over the past 90 years, this article will argue, Jewish political and military thinkers have gradually modified and adapted the concept of deterrence to non-state adversaries. In doing so, Israel’s defence establishment approached, often inadvertently, a notion of deterrence that has been conceptualized in the theory of law. War, consequently, is assuming a double-faced character, thus transcending its classical form. War, to paraphrase Clausewitz, is not just an act of force to compel one actor to fulfil one specific political goal at one given time; deterrence may be a series of acts of force to create and maintain general norms of behaviour for many political actors over an extended period of time. In essence, the main utility of deterrence is normative.

This article will explore this evolution in three steps. The first is conceptual. Israel’s deterrence strategy goes back to the concept’s philosophical roots, to deterring offences of criminal as well as political nature. To appreciate this connection, some of the conceptual foundations of deterrence in the philosophy of jurisprudence will be presented. Only then does the most innovative aspect of Israel’s deterrence strategy appear. Military force has become an instrument to establish and maintain de facto norms of behaviour. In particular, the role of punishment in relation to the failure of deterrence has to be fundamentally reconsidered to understand the
norm-creating and norm-maintaining aspects of the use of force. The second step is historical. The origins of deterrence in Israel date back to the 1920s, when both the Jewish defence forces as well as their enemies were irregular, non-state armed groups. Some of the most important milestones that shaped the Israeli approach to deterrence happened between, not during, Israel’s major wars, and are therefore less well covered by the news media and less well studied by scholars. The third step is more practical. Both the theoretical and the historical backdrop is important to understand the role of deterrence – as well as the limitations of deterrence – during and after the three most recent major operations, the Second Intifada, the Second Lebanon War of 2006 and the aftermath of Operation Cast Lead in 2008/2009.

Theory: Punishment and Norms

Deterrence, in Israel, can be traced back to its genuine philosophical roots. These intellectual roots lie in the theory of law and political philosophy more than in air-power theory or the Cold War. Deterring political violence, Israeli operators discovered, is conceptually closer to deterring crime than to deterring a nuclear strike. A number of basic concepts from the theory of law can not only be applied to the Israeli experience with deterring political violence, but these concepts have also been effectively adopted by Israeli strategic thinkers over the past decades, if, as will be explored in the next section, not always in the same terminology. Introducing two basic theoretical distinctions will add precision. Firstly, deterrence can be specific or general; secondly it can be absolute or restrictive. Once these differentiations are made, they can be illustrated with historical and current examples from Israel.

Specific deterrence is the deterrence of potential offenders who have experienced punishment in the past. For example, during the Second Intifada the Palestinian city of Tulkarem was the origin of a significant number of suicide bombings (at least 13 successful ones in 2001 alone) perpetrated by various groups such as the Al-Aqsa Martyrs’ Brigades, Hamas, and Islamic Jihad. To get to their target, often the Israeli city of Netanya, attackers had to hire a local driver or take an ordinary taxi. The Palestinian drivers knew if they were transporting a suicide bomber, and the Shin Bet, Israel’s internal intelligence agency, knew that they knew. If a cab driver was arrested or punished for taking a suicide bomber, and then refused to aid attackers in the future, specific deterrence had occurred. The distinction rests on an agent’s record of causing punitive consequences for himself or somebody else. In criminal law, the reference to somebody else’s punishment is necessary to include the possibility of vicarious punishments. When countering political violence, which connects followers to a common cause, it accounts for instance for the possibility that membership of a terrorist group is outlawed.

General deterrence, by contrast, refers to the deterrence of potential offenders who have never experienced punishment in the past. In crime prevention, this describes the deterrence of potential offenders who have not been legally punished. If, for example, a cab driver who has never been penalized hears by word of mouth or reads in a local paper that another taxi driver who aided a suicide
bombing has been arrested, convicted or killed by a missile, and thereafter decides not
to do the same himself, general deterrence has occurred.

A few points are noteworthy here. Firstly, the distinction between general and
specific deterrence is common, well established and relatively uncontroversial in
the criminological literature. It is less common, less established and more contro-
versial in international relations. Another significant element of this distinction is
that its level of analysis remains at the individual, not the collective or even the
state level. Expressed in the language of political theory, this distinction, which
takes its inspiration from the philosophy of law, opens a liberal and possibly even
an unexpected constructivist perspective on a deterrence debate that too often
remains dominated by realist approaches. This is, finally, because the distinction’s
focus on individual decisions and experiences is more appropriate to understand
how to deter militant networks and organizations that are highly dependent on entre-
preneurial and skilled individual leaders, precisely because their organization may
only have an informal and personality-dependent hierarchy and *modus operandi*.

The second important distinction is less conventional but also largely uncontro-
versial in the philosophy of law. Absolute deterrence occurs when a potential offen-
der has contemplated offensive action at least once and has been deterred completely
in each instance. If an individual, for instance, contemplates murder but refrains
from carrying out the offence for fear of punishment, absolute deterrence has
occurred. Restrictive deterrence, by contrast, occurs when an offender attempts to
minimize the risk or severity of punishment by reducing or restraining the quantity
or quality of offences. Restrictive deterrence can be explicitly defined as the curtail-
ment of a certain type of activity during some period because in whole or in part the
curtailment is perceived by the actor as reducing the risk that someone will be pun-
ished as a response to the activity.

Now one more difference between nuclear deterrence and the deterrence of crime
and political violence comes into relief. During the Cold War, deterrence was absol-
ute and specific. Deterrence was specific in the sense that it was designed for only one
recipient with a relatively clear message of what retaliation would look like. Only two
actors, the United States and the Soviet Union, contemplated the use of nuclear
weapons but decided not to use them. The use of strategic nuclear weapons needed
to be absolutely avoided in order for deterrence to work. A single strike with a
nuclear missile would imply that deterrence has failed as a restraining strategy
between two or more states. When the goal is deterring nuclear war, one single
instance of deterrence failure would equal an existential catastrophe for several
nations; when the goal is deterring political violence, one single instance of deter-
rence failure may equal merely a data point in a larger series of events. In other
words, what was the norm in the Cold War is the exception in the prevention of
crime as well as political violence: absolute specific deterrence is highly unlikely
or even impossible when it comes to political violence and crime prevention. If deter-
rence works successfully, the rate of violence in a certain area or jurisdiction will go
down or level out, but it will rarely go to zero. In short, restrictive general deter-
rence is the rule. A certain number of agents will refrain from offensive action
based on the consequences they expect according to their own past experiences or
to those of others; others will restrict their actions in such a way as to affect potential punishment in their favour; and a small number will not be swayed.\textsuperscript{18}

This consideration sheds new light on the role of punishment. Punishment is the use of force in response to a committed offence. The philosophy of law and criminology commonly distinguishes three characteristics of punishment: severity, certainty and celerity. To have the desired effect, a punishment needs to be severe enough, likely enough and fast enough. One important conclusion might be counter-intuitive for some scholars of strategy: punishment may not be a failure of deterrence, but to the contrary, the actual use of force may be a necessary component of deterrence.\textsuperscript{19} That the periodic use of force is necessary does not imply that all threats of force are ineffective. It merely implies that threats are more effective most of the time when credibly backed by force some of the time. In law enforcement, there can be no restrictive and no general deterrence without any punishment. Only effective punitive action creates precedents and examples that will lead past and potential offenders to re-evaluate their intentions and plans. Deterrence, viewed from this perspective, is effectively a learning experience for both the sender and the recipient of threats and punishments. All three features of punishment – severity, certainty and celerity – are designed to affect an agent’s willingness to avoid, or at least moderate, punishment by restraining their actions. Cesare Beccaria, one of the most influential enlightenment philosophers of punishment, recognized this relation and therefore argued vehemently against draconian and overly severe punishments and torture. If even minor crimes would receive extremely severe punishments, Beccaria reasoned, an actual offender would have no rational interest in moderating the offence itself. Harsh punishments would correlate with harsh crimes.\textsuperscript{20} Some leading thinkers in Israel’s security establishment, as will become evident shortly, have learned these same subtle lessons over the past decades. Before moving on to the historical and empirical demonstration, one more theoretical insight is required.

The philosophy of punishment traditionally distinguishes between utilitarian and retributive approaches. The former are usually identified with the English philosopher Jeremy Bentham, who was inspired by Beccaria; the latter with the German philosopher Immanuel Kant. Both see punishment as an evil that needs to be justified carefully. A utilitarian justification is principally forward-looking and points to the wider social benefits of punishment, such as a reduction of offences and increased social stability. A retributive justification of punishment is principally backward-looking and highlights the proportionality of any infliction of pain. Retributive justice rejects any wider social benefits of punishment, including a possible deterrent effect, as a justification for inflicting evil on an offender.\textsuperscript{21} Pragmatists punish because society benefits; retributivists punish because the offender deserves it.

When a pragmatic approach is taken, the role of norms becomes clearer. The punishment of one individual for a criminal or violent political offence is not an isolated act. It is designed mainly for the future and it is designed mainly for others. The effects of punishment are spread out over time, and they are spread out over a larger number of people. The example of punishment, in short, is of enduring and general character. Over the past 200 years, legal reformers have spelled out the relationship between rules and threats. Every rule is a command, wrote John Austin, one of the 19th century’s most
important philosophers of law. And every command draws its authority from the sovereign’s ‘power and purpose’ to ‘inflict an evil or pain’.\textsuperscript{22} The decisive criterion for what Hans Kelsen, one of the 20th century’s most influential jurists, would later call a ‘coercive order’ is the element of force, understood as a socially organized consequence to a particular act that ought to be executed against the will of an individual and, if that individual resists, by means of physical force.\textsuperscript{23} Such a coercive order, Kelsen argued, ‘is regarded as valid only if it is by and large effective’.\textsuperscript{24} A legal norm without effective enforcement loses its validity. Yet even effective enforcement without a codified law and without a legitimate constitutional form may create \textit{de facto} valid norms.\textsuperscript{25} Such \textit{de facto} norms, in other words, may be perceived as valid even if an individual does not agree that the norm is morally justified.

One distinction is particularly important in order to understand the role of norms for the deterrence of political violence, that in \textit{mala prohibita} and \textit{mala in se}.\textsuperscript{26} Offences are \textit{mala in se} when they are proscribed by a community’s public mores and socially or religiously accepted and practised norms, for instance homicide. Under almost all circumstances and in almost all societies, a murderer faces moral condemnation as well as punishment. Offenses are \textit{mala prohibita} if only the institutional threat of punishment prohibits them, not moral condemnation, such as perhaps parking for longer than two hours in a limited zone.\textsuperscript{27} It should be noted that even within a given peaceful and democratic population, the level of acceptance and moral support for any given legal norm is a matter of degree.\textsuperscript{28} The consequences for deterring political violence are profound: the essence of political violence is that previously neutral observers are turned into militants by an attractive cause, and this cause speaks to moral values and ideals. For hardened supporters, political violence that challenges established legal or \textit{de facto} authority – violence that may include homicide – may be morally justified and even a normative imperative. A \textit{malum in se}, to put it illustratively, may not simply be degraded to a \textit{malum prohibitum}, it can even be turned into a \textit{bonum in se}. This isolates deterrence. Even in criminal justice, as empirical research has demonstrated, \textit{‘mala prohibita’ crimes afford the greatest potential for pure deterrence’}.\textsuperscript{29}

These short theoretical observations raise a number of weighty questions of political philosophy, but they can illuminate Israel’s practice of deterrence beyond the state. Several leading thinkers in Israel’s security establishment understand deterrence in a remarkably similar fashion, although they have not spelled out their doctrine in a terminology inspired by jurisprudence, which is not taught at staff colleges.\textsuperscript{30} Strategy, in theory, is designed at the top and implemented at the bottom. In practice – and not just in Israel\textsuperscript{31} – strategy often evolves through a process of trial and error. Therefore some Israeli political and military thinkers, who tend to put application before study,\textsuperscript{32} came to understand tacitly from experience what scholars of another discipline spelled out in theory: that deterrence is not absolute but merely restrictive; that the actual use of force must not be a failure of deterrence, but is necessary for success; and, most significantly, that lowering retribution may drive up the norm-creating utility of the use of force. The following section will trace the concepts introduced above through Israel’s experience of political violence.
History: More Terrorism, Less Ambition

Depicting Zionism’s and later Israel’s century-long experience with political violence in just a few pages is impossible. This section will therefore limit itself to one observation, that Israel’s so-called Border Wars against infiltrators from Jordan and Egypt during the early 1950s were a key event for the emergence of a pragmatic understanding of deterrence. In hindsight, these raiding operations appear as the first instance of a long-term trend that eventually culminated in the Second Intifada. Unconventional irregular violence, what is known as current security in Israel, rose to the same level as conventional state-on-state confrontations, or basic security. ‘Current’ security stands for what counts as everyday security issues in Israel, such as terrorism, harassment or sabotage that does not threaten the existence of the state. The observation that this terminology has been in use for nearly 60 years is significant and highlights an important yet often neglected reality.

The security challenges of Zionists in the land of Israel began with terrorism in the early 20th century, and returned to terrorism in the 21st century. The threat evolved considerably, and so did Israel’s reactions to it, including deterrence. Violent tensions between Arabs and Jews in Palestine are as old as Zionism. The origins of the first Jewish defence organizations can be traced back to the so-called Shomrim, the watchmen, of the 1880s, when there were only around 25,000 Jews in Palestine, and later to the Hashomer, a still improvised defence group formed in 1907. The situation became more charged after the end of the First World War and the establishment of the British Mandate in 1920. Just three years later, in November 1923, Ze’ev Jabotinsky, a highly influential Zionist thinker, controversial author and hard-nosed politician, published a short essay, ‘The Iron Wall’. Jabotinsky presented the problem of the Yishuv, as Jewish residents in pre-1948 Palestine are known, in honest and matter-of-fact terms. ‘History has decreed that the realization of Zionism will be accompanied by fierce Arab opposition’, he observed, ‘and I see no prospect of any political compromise’. Success or failure of the Zionist enterprise, as Jabotinsky saw it, could not be held hostage to Arab consent. The native population, as he understood it, was not willing to offer such consent at the time. Instead, if the foundation of a sovereign Israeli state was to move forward at all, it would have to do so with strength, ‘behind an iron wall, which the native population cannot breach’. That metaphorical wall stood for an immutable fact. The essence of this fact was not that it was immutable. The essence was that the adversary recognized it as immutable – a goal that was far off, as the Palestinian determination remained to rid the Levant of Jewish settlers aspiring to form their own state. This was made clear by the unison Arab rejection of the Peel Commission’s recommendations for partition in 1937. The idea that only a militarily strong Israel would be accepted as an immutable fact in the region became a staple of political discourse in Israel.

Early on, the problem of political violence shaped Israeli political thought. The riots of 1929 and the significantly more violent three-year Arab Revolt that started in 1936 led David Ben-Gurion, a pragmatist and later the first prime minister of the State of Israel, to endorse a rationale not unlike Jabotinsky’s. Not long after
the revolt gained momentum, the future prime minister of Israel observed, ‘Only with the increase of our strength will the Arabs understand that this destructive and futile war against the forces building this country must be brought to an end’. 39 The violence against the Jewish population seemed to confirm the arguments of those who advocated an approach that included the use of force and strong defences. Different Jewish defence militias – the Haganah, the *Irgun Zva’I Le’umi*, often shortened to Etzel, and the *Lohamei Herut Yisrael*, the ‘Stern Gang’, part of the Jewish underground later integrated into the state’s defence force – responded to Arab terrorism by striking back at the perpetrators. These reprisals and revenge hits were often hot-blooded pursuits, driven more by heated emotions than by cool consideration; they were initially more retributivist than utilitarian, more vengeful than pragmatic. This was partly because the crimes and attacks were small and personal, including rape and violence against children, typical for inter-communal strife, also during the Mandate.

After Israel’s War of Independence – after the Nakba, the catastrophe, for Palestinians40 – political violence against Jews resumed almost immediately. In response, a more systematic policy of retaliation emerged after the armistice agreements in 1949. The policy – a mix of revenge, punishment and deterrence – was ‘anchored in mainstream Yishuv thinking dating back to the 1920s’, according to Benny Morris, one of Israel’s authoritative historians of this period.41 The Israel Defense Force (IDF)’s retaliatory policy in the years after independence, Morris argued, can be seen as a ‘natural successor’ to Haganah retaliations during the time of the Mandate. But there were several differences. Before 1948, the British authorities were the sovereign and most attacks originated from within. Jewish militias took the law into their own hands only in exceptional cases, when British law enforcement failed to punish perpetrators promptly or sufficiently. Usually the perpetrators were known to the authorities or to the Jews and could be singled out for punishment. Independence changed this dynamic. After 1949 Israeli authorities held sovereign power, more and more attacks originated from outside the country and the attackers often could not be singled out. Moreover, all neighbouring countries that served as a staging ground for infiltrations were hostile to the new Jewish state, which they saw as a temporary evil to be removed as soon as possible. Authorities in Jordan, Egypt or Syria, to a certain extent, shared an interest with the individuals and groups staging attacks from their soil. Jewish leaders could not and did not expect that the infiltrators would be apprehended or punished by police or military forces in the neighbouring states. To the contrary, the Fedayeen received active state support from Lebanon, Syria and even Saudi Arabia. What used to be an internal challenge of established authority suddenly became a cross-border challenge of the monopoly of force of the young Israeli state. History had flipped a conceptual switch that turned an internal problem into an external one, but reality resisted such clear-cut categorization.

For the Jewish community, the pressure to act against a permanent barrage of small and sometimes not-so-small terrorist attacks and crimes was immense, both before and after 1948. Arab infiltration began innocently, as refugees and villagers crossed the border for family reunions, smuggling and petty crime. But by 1953–1954, Fedayeen infiltration from Jordan had become predominantly politically
motivated and escalated into a hit-and-run campaign of small units, armed with Sten guns and hand grenades, assassinating Israelis with a recurring pattern of ever more sophisticated tactics. ‘They come in greatest numbers when nights are long and rain-storms lash the land, but every night they come’, The New York Times dramatized in June 1953. By mid 1954, the situation at the Jordanian frontier calmed down, but only to see militant activity from Gaza increase, with the important difference that regular Egyptian army units first supported the Gaza-based marauders and in the fall of 1955 even participated in cross-border raids. The number of Israeli civilian casualties caused by infiltrators in these years was considerable, especially measured against the still small Jewish population of around 1.7 million. The figure steadily rose from 137 in 1951 to almost double, 258, in 1955 (on a per capita basis, this figure equals about 15 times the casualties of 9/11). Between 1951 and 1955, Arab militants operating inside Israel’s 1949 borders killed 967 Israelis. In total, Israel claimed 11,650 individual incidents of infiltration between 1949 and the Sinai Campaign in 1956. The incursions reached a peak in 1955/1956, when Israel experienced about 840 hostile shooting incidents, terror acts and sabotage from all borders, but mostly from Egypt and Jordan. These attacks were a significant problem for a tiny country, only 10 miles wide between the Mediterranean and Jordan at its thinnest strip, with long, unprotected borders. No Jewish settlement was more than 20 miles away from an Arab border, with the exception of the Negev. The attacks therefore determined the ‘rhythm of national life’, in the words of Moshe Dayan, then the famously energetic chief of staff of the Israeli defence forces. The prime minister, Ben-Gurion, in an address to the Knesset in 1956, put the harassments, ‘the “small war” of our neighbors’, into their wider regional context, which he identified as ‘the systematic and unceasing program of violence directed by the Arab rulers, aimed at destroying Israel and undermining her very existence, without having to risk (yet) a frontal attack’. By seeing the infiltrations essentially as an act of war, Israel raised the stakes and made it imperative to dissuade its opponents.

Dayan took action and organized a series of reprisal raids. Army special forces units, specifically the newly formed Paratroop Unit, penetrated deep into enemy territory to hit the bases of the Fedayeen. Dayan explained the controversial policy in a speech to officers in November 1955:

We cannot guard every water pipeline from explosion and every tree from uprooting. We cannot prevent every murder of a worker in an orchard or a family in their beds. But it is in our power to set a high price on our blood, a price too high for the Arab community, the Arab army, or the Arab government to think it worth paying.

For Dayan, the rationale was, remarkably, a blend of deterring crime as well as militant raids through punishment. The IDF was not able to pursue infiltrators across the state’s new borders, nor to ‘investigate and trial them in their own countries, and seize and punish them’. Only the armies and police of those neighbouring countries, Dayan explained, could arrest the perpetrators. But they did not do so. Israel first needed to create an incentive for them. ‘Arab armies will be able to
combat infiltration and justify this to their people only if it can be shown that stealing a cow in Ramat Hakovesh harms Kalkilieh and killing a Jew in Ruhama endangers the residents of Gaza’, said Dayan, referring to two cities then under Jordanian and Egyptian control. The hope was that cross-border punishments would create this incentive. Thus the IDF launched 70 reprisal operations from 1953 to 1956. Initially, the strikes carried the classic marks of punishment, in the sense that the raids’ severity, certainty and celerity were designed to fit the offence. The army’s responses, to use Dayan’s phrase, were ‘hard and real and certain’. Retaliation occurred close to the scene of the crime and even the character of the response was often tied to the enemy’s actions. But raids did not immediately bring the desired effect and needed to be adapted. Occasionally, therefore, the scope and the intensity of the reprisals far exceeded those of the punished offence.

A tragic and significant milestone in Israel’s learning curve was the Qibya raid in 1953. The raid was triggered by the murder of a mother and her two small children in the village of Yahud. Three days later, on 15 October, Unit 101, a newly established paratrooper company under the eager leadership of Ariel ‘Arik’ Sharon, raided the 1,500-resident village of Qibya, located in today’s West Bank just north of the modern Israeli city of Modi’in, but then considered a haven and base for infiltrators. The soldiers were under explicit orders to punish the inhabitants, which they did by shooting about a dozen fleeing Jordanian soldiers and by blowing up about 45 houses. However, during the raid on the village the Israelis also killed likely more than 50 civilians, among them many women and children hiding in the collapsing houses. The raid generated tremendous moral outrage inside Israel and internationally, not to speak of moral and psychological costs for the army itself. After one particularly deadly infiltration in January 1955, Moshe Sharett, Israel’s second prime minister from 1953 to 1955, commented on the public’s and the army’s thirst for retaliatory strikes: ‘The rage must be defused. That alone is the logic. I do not believe that the reprisal will help in any way in terms of security. On the contrary’. Sharett went on to criticize that Israeli society and its leaders had ‘taken off the psychological and ethical brakes’ and that revenge had become a ‘moral principle’.

As a result, the army attempted to adapt its doctrine, playing down retribution and highlighting the utility of its use of force. The doctrine of retaliation changed significantly after the Qibya raid. Even Dayan conceded that the costs and the fall-out from the operation exceeded its benefits. ‘Israel had learned that even when Arabs harm peaceful civilians, we must direct our retaliation against military objectives.’ The new IDF guidelines for reprisals were issued at the end of 1953. They deserve to be quoted in detail:

- Confrontation will be open and there will be no camouflaging...
- Arab villages will not be needlessly attacked, and injury to unarmed civilians, women and children will be avoided.
- The principle of cleaving to the place and method of the crime is revoked. We shall hit the enemy where and how we choose, even if the objective does not exactly match the enemy’s crime.
The speed of the operation is decisive – the reaction must be as quick as possible and as soon as possible after the crime.

The targets chosen will be crucial objectives: military centres, camps, police stations, National Guard concentrations deep behind [enemy lines], the attack upon which will be as painful as possible.\(^59\)

Evaluating the success of the reprisals is difficult. On the Gaza border the raids seem to have had an escalatory effect that ultimately helped pave the way for a conventional confrontation with Egypt in 1956.\(^60\) On the Jordanian border, however, the punishment raids seem to have won a significant albeit temporary success.\(^61\) Infiltrations and sabotage emanating from Jordan did not cease entirely, but the retaliations led to a sharp drop in their intensity. Attacks on Jewish Jerusalem, for instance, stopped almost entirely after the IDF responded with snipers against Jordanian targets in the eastern part of the city on 22 April 1953.\(^62\) Jordan was a weak state and Israel’s actions, including smaller raids such as Nahleen and Beit Liqya, threatened the government’s integrity. The reprisals did not evoke a sense of community, but rather the opposite. They triggered anti-regime sentiment, created internal opposition and pushed King Hussein to work hard to maintain the status quo. This meant avoiding the raids by avoiding what provoked them: the incursions. The Jordanian government began suppressing the infiltrations as best it could, although it maintained a defiant rhetoric for political reasons.\(^63\)

The infiltrations of the early 1950s were not an isolated incident, but an early data point of a long-term trend. Political violence is not an exception in the land that became Israel in 1948; on a low level, it is the historical standard. And it is this neglected reality that has stepped to the fore more and more over the past two decades. In Israel, a widely held tacit assumption, informed by history and confirmed by life experience, is that political violence never stopped entirely, that it never will stop entirely, and that it may occasionally spike (see Figure 1).

Yet it was big conventional war that dominated military thought, not irregular violence. Israel’s short history provides rich material for old-school strategic thinkers: the War of Independence (1948/49); the Suez Crisis (1956); the Six Day War (1967); the War of Attrition (1967–1970); the near-catastrophic Yom Kippur War (1973); and the Lebanon War (1982), which saw the last time the Israeli Air Force engaged in air-to-air combat, then with Syrian aircraft. Israel’s security doctrine vis-à-vis its conventional enemies has remained a remarkable constant since the last major conventional confrontation fought on Israeli soil, the Yom Kippur War of 1973.\(^64\) A comprehensive analysis of articles published between 1987 and 2000 in *Ma’arachot*, the foremost military journal of the Israeli armed forces, showed that 96.75 per cent of all articles covered conventional war, not counter-terrorism.\(^65\)

Yet gradually, over a period of several decades, the non-state threat – what has been called current security in Israeli security jargon – progressively stepped to the fore. This development is highly noteworthy. No terrorist attack, not even the most devastating one, had ever posed an existential threat to the state. A major conventional attack by one or several opposing armies, such as the one in 1973 at the beginning of the Yom Kippur War, although less likely, could incur incomparably
higher costs. Two major political developments changed this balance. In both cases high ambitions and hopes of solving the problem of political violence were blunted and slowly replaced with a more modest approach to managing the problem.

The first key development concerns political violence from outside Israel’s borders: the northern front and the First Lebanon War in 1982. Israel had struggled with a rising level of Palestinian political violence in the years leading up to the first and only Israeli invasion of an Arab capital. Within the more nationalistic Likud government of Menachem Begin, terrorism assumed more significance. The threat emanating from Lebanon was a potent mix of irregular and regular factors: Palestine Liberation Organization (PLO) militants with increased destructive capabilities and a stronger Syrian presence in Lebanon. Ariel Sharon became minister of defence in 1981 and introduced, for the first time, *casi belli* in relation to ‘current’ security threats: that is, terrorism and insurgency in Lebanon. The operation was costly for Israel, traumatic, and highly controversial. The war, designed to be short, turned into an occupation and dragged on for many years. In the context of the argument put forward here one lesson stands out, and became even clearer in hindsight: the ambitious operation did not succeed in ending terrorism, but actually made it worse. The PLO was removed from Beirut, but uncertainty and an even more formidable foe – Hezbollah – eventually took its place.

A second important political development concerns political violence inside Israel and the occupied territories: the two Palestinian uprisings, or intifadas. The first uprising, which started in December 1987 and slowly but progressively became more brutal, kept the threat of political violence high on the political agenda well into the 1990s. To gauge how the first intifada affected the balance between current security and basic security, it is important to remember the political fallout of the Palestinian uprising. Perhaps the main effect was that the Israeli public and the country’s political leadership, by and
large, became more amenable to political dialogue with the Palestinian leadership. In late October 1991, bilateral talks between Israel and the Arab states opened in Madrid. Israel’s strategic situation in the region had improved significantly by then. ‘All Arab leaders’, wrote General Uri Saguy, head of military intelligence from 1991 to 1995, ‘are convinced that Israel’s military might can, now and in the foreseeable future, defeat any regional coalition forged against it’. Yitzhak Rabin, again prime minister from 1992 to 1995, saw the country’s new strategic predicament in even more optimistic terms. ‘States which never stretched their hand to us, states which condemned us, which fought us … regard us today as a worthy and respectable address’, the prime minister told a class of graduates at the National Security College on 12 August 1993. ‘This is a new reality.’ About a week later, the Oslo Accords, negotiated in secret, became public and the parties signed a hopeful ‘Declaration of Principles’ in Washington in September. In May 1994 Yassir Arafat and Rabin signed the Israeli-Palestinian Accords. Later that year, in October, King Hussein of Jordan and the Israeli prime minister signed a peace treaty. Never since the existence of the State of Israel had the region seen such a hopeful outlook for the future. But the First Intifada was also a first indication of a slow but major change in Israel’s security situation and in the political calculus of the Palestinian leadership. Yet that did little to change the IDF’s focus on big state-on-state wars. At the time, the uprising’s positive outcome meant that the non-state threat had been reduced, in Saguy’s assessment, to not more than a ‘serious nuisance’. Rabin took a more political view, noting that this military nuisance was now a strategic threat that could derail the peace process. That, it turned out, happened half a dozen years after a Jewish extremist assassinated one of Israel’s greatest leaders in 1995.

The first years of the new century marked a painful turning point for Israel. The lesson seemed as clear as it was inevitable: terrorism and political violence will not stop completely any time soon. The ambitious attempt to solve the problem of political violence emanating from a neighbouring country had failed in Lebanon. It had even resulted in a humiliating defeat and an increased threat. The consequence could only be to manage that threat, not attempt again to solve the problem once and for all. The domestic conclusion from the Second Intifada and the unilateral withdrawal from Gaza in 2005 was comparable: the ambitious attempt to solve the problem of political violence emanating from the occupied territories through political visions and territorial compromise was blunted. The rise of Hamas after the Gaza withdrawal of 2005 made this abundantly clear. Military planners could not pin their hopes on quixotic political visions while restaurants in Tel Aviv exploded and missiles regularly crashed into homes in Kiryat Shmona and Ashkelon. The problem could only be managed. In the words of one senior planner and former Mossad operative, ‘We had no control of the territory, so we had to create the rules of the game’. For operators, deterrence was the only option left.

**Practice: Utility and Limitations**

The Israeli defence establishment found itself struggling with a learning process. The goal of that learning process was to maximize the utility of retaliation while
minimizing the emotional, retributive element. This development involved several characteristics. Here only the two most central features will be discussed: first, that Israel had learned and applied the lesson that deterrence is general, not specific, which meant the use of force acquired a normative dimension; and second, that the IDF understood and implemented restrictive, not absolute, deterrence, meaning that the use of force should be proportional in order to minimize escalation.

Israeli security jargon often uses the expression ‘rules of the game’. This notion only makes sense when these rules are equipped with a certain authority, when ignoring the rules has a price. But using such terminology also assumes that the ‘game’ will not end, but that it has to be ‘played’ repetitively, again and again. The expression, in short, comes with optimistic assumptions about the normative capacity of punishment and with pessimistic assumptions about the possibility of ending adversity. Such rules are not a codified outcome of a formal or even informal negotiation, neither are they written down or even verbally agreed upon. Even if the Israeli army and, say, Hezbollah, were to have formal communication channels available, they lack trust to agree on explicit rules and adhere to them. But that does not mean that no communication is going on and that no such rules are communicated. One senior air force planner referred to the ‘violent dialogue’ between the IDF and its militant opponents in Gaza and Lebanon, what Thomas Schelling, an intellectual force in deterrence theory, called ‘tacit bargaining’, negotiating under conditions of extraordinary distrust, when one or both parties either cannot or will not negotiate explicitly. A certain code of conduct may simply emerge from experience.

A few examples may be helpful. During the early 1990s, one unwritten rule between Israel and Hezbollah was to focus conflict on the security zone, a 5–25 km wide strip of territory in southern Lebanon that Israel kept occupied from 1985 to 2000. For years, Hezbollah had largely refrained from launching rocket attacks against Israel’s northern towns. When Israel broke this tacit rule by killing Hezbollah’s leader, Sayyid Abbas Musawi, on 16 February 1992, the militants escalated the fight and attacked the Israeli embassy in Argentina and other targets abroad as well as in Israel itself. A spiral of escalation ensued. In June 1993, Hezbollah launched rocket attacks on Kiryat Shmona, Israel responded by shelling targets in Lebanon, and so on. On 25 July 1993, Israel started the week-long Operation Accountability. Its objective was to redefine the rules of the game, or to ‘draw new red lines’, to use one common alternative expression. That line was: no rocket fire into Israel. The informal agreement implicitly legitimized continued low-level war and Hezbollah attacks against Israeli soldiers in the security zone. But the arrangement was instable. Less than three years later, on 11 April 1996, after another escalation, Israel launched the 16-day campaign Grapes of Wrath, again to arrive at new rules with Hezbollah, this time even codified in the so-called ‘April Understanding’ brokered by the United States: no Katyusha attacks into Israel, and no Israeli attacks against civilians. But these rules quickly eroded yet again, as the terms were unfavourable for Israel, leading to an eventual withdrawal from the security zone in 2000, but not to an end of the conflict with Hezbollah.

Sometimes such rules may be difficult to communicate publicly for political reasons. The situation in the Gaza Strip before Cast Lead offers one example.
Since Hamas had risen to power after an Israeli withdrawal in 2005, the IDF assumed, for instance, that Israel would not be able to stop the Qassam rocket fire into Israel entirely. This assumption was made for two reasons: Hamas was seen as the ‘de facto’ sovereign, as senior Israeli officials often say, but it did not have full control of the entire territory and more radical militant groups. Moreover, Hamas, for domestic political reasons, would want to be seen as continuing the resistance against Israel, or at least tolerating if not controlling militant resistance by smaller and more extreme militant groups in the Gaza Strip. That affected the ‘rules of the game’ vis-à-vis Hamas: Israel would tolerate limited rocket fire on Sderot, a smaller city north of Gaza, but as soon as Ashkelon was attacked, punishment by military means would result. These rules were equally unstable and soon eroded.

Both Israel’s withdrawal from Lebanon in 2000 and its withdrawal from Gaza in 2005 resulted in a consolidation of power of militant groups, Hezbollah and Hamas. In both cases the increased self-confidence of these groups led to increasingly brazen attacks against Israel, including infiltrations and successful kidnappings of Israeli soldiers. And in both cases a major military operation followed a few years after the withdrawal, the Second Lebanon War of 2006 and Operation Cast Lead in 2008/2009. In many respects, the two operations cannot be compared. Context, planning, intention, execution and many other features were vastly different. But the two campaigns presented Israel with the same dilemma. Both wars gravely cost too many civilian lives and seriously damaged Israel’s international standing, and both wars successfully redefined the rules of the game, resulting in a markedly lower level of violence on Israel’s northern and southern fronts (see Figures 2 and 3).

As the IDF rethought its use of force against militants in a way not to defeat them but to minimize violent offences, the army’s planners approximated the criminological concept of deterrence articulated above in a second sense. Force was not only designed to create and maintain rules, but it could be restrained to do so more effectively. Some observers assumed that Israel’s disproportionate response in Lebanon in 2006 and in Gaza in 2008/2009 was designed to maximize deterrence and that deterrence, therefore, ‘demands disproportionate responses to any attack’. This view is inadequate. A disproportionate use of force may be demanded if the goal is to redefine the rules of the game. When the goal is maintaining the rules and keeping them from eroding – because erosion would lead to escalation and major confrontation, as seemed inevitable in Lebanon in the late 1990s – then Israeli planners saw a restrained and highly proportionate use of force as the appropriate instrument.

Firstly, the IDF stressed celerity – that responses to attacks be fast. On 1 January 2011, for instance, radicals in Gaza fired a military-grade projectile at the Sha’ar Hanegev Regional Council, home to approximately 6,500 residents. The following night, the Israel Air Force targeted a Hamas facility in the northern Gaza Strip and a weapons manufacturing facility in the central Gaza Strip. ‘Direct hits were confirmed’, the IDF press release said. In times of increased militant activity, such as during the hotter phases of the Arab Spring, such exchanges could be rather frequent. During the entire year of 2010, over 235 Grad missiles, Qassam rockets and mortar shells were fired from the Gaza Strip into Israeli territory. Secondly, the IDF emphasized the certainty of responses. The learning experience in Lebanon leading up to the
FIGURE 2
ATTACKS AGAINST ISRAEL FROM THE GAZA STRIP, YEARLY, 2001–2011

Sources: The Meir Amit Intelligence and Terrorism Information Center, IDF.

FIGURE 3
ATTACKS ON ISRAEL FROM GAZA, MONTHLY, JANUARY 2007–DECEMBER 2011

Sources: The Meir Amit Intelligence and Terrorism Information Center, IDF.
The war of 2006 had been that merely tolerating attacks without any response would quickly erode informal agreements and the rules of the game. After Cast Lead, the IDF maintained the new arrangement with Hamas by responding to every attack and carefully noting so in its press releases, on its blogs and even its Twitter feed, knowing well that the enemy is equally carefully monitoring these public channels in old and new media alike.

The third element of Israel’s deterrent strategy is the most controversial and the most difficult one: the severity of its military retaliations. Striking back with indiscriminate force and ‘without a sophisticated strategy’ would have the opposite of the desired effect, argued Yossi Kuperwasser, a senior government official and a former head of analysis at Aman, Israel’s military intelligence. Indiscriminate retaliation would only confirm the claims of militants that liberal democracies are ruthless and bloodthirsty and unable to subdue the resistance, even with their impressive firepower. ‘Using brute force’, Kuperwasser wrote, is ‘counterproductive’, thus echoing Beccaria’s argument that harsh punishments give incentives for harsh crimes. Striking unnecessarily hard could help escalate the conflict, which is not in Israel’s interest. Striking not hard enough would not extract a high enough price, thus eroding the rules and also escalating the conflict. Israeli planners know that they have to strike a delicate balance between striking too severely and not severely enough. The IDF has to identify and hit the ‘golden range’, as one air force planner said. That balance was attempted by striking in proportion to the attack. The policy was to respond ‘not necessarily on exactly the same scale of the attack, but a bit more’, in Kuperwasser’s words. Oftentimes this meant that the IDF would respond by attacking one or two minor targets in the Gaza Strip from the air, even deliberately trying to avoid any casualties, including among identified combatants. ‘These are the rules of the game.’

The attack statistics before, during and after the Gaza War (Figures 2 and 3) bear out that this concept of deterrence and its maintenance seem to deliver significant effects against Gaza militants. Yet the attacks on Israel did not stop entirely. Some experts in Israel’s security establishment understand well that Hamas and other Gaza militants continue to be under pressure, for political reasons, to attack their enemy and that extremists may have an interest in temporary and modest escalation. Hamas and smaller, more radical militant groups may attempt to demonstrate who their real enemy is, perhaps even provoking an Israeli counter-reaction as a justification to stifle street protests against Hamas’s repressive rule during the Arab Spring in August 2011 (see Figure 3).

The turbulent events in Israel’s direct neighbourhood in the spring and summer of 2011 (the revolution in Egypt and violent uprising in Syria) have not left political dynamics in the Gaza Strip and southern Lebanon untouched. To a degree, Hamas depends on Egyptian support and Hezbollah on Syria. So the partial escalation in the South as well as in the North during this period may be caused by regional political changes rather than by Israeli policies. Another part of the curve in Figure 3 is noteworthy. Attacks against Israel did not immediately cease after the end of Israeli hostilities in January 2009. This at the time raised the question of whether the IDF’s operation was successful or not. Yet a more fine-grained intelligence picture
immediately after the war seemed to have been conclusive. If you see the image in high-resolution, you see the difference between the last breath and an aggressive roar, in the words of one intelligence operative working with Southern Command during and after the war.\(^87\)

One of the most remarkable events during the Gaza War happened not on the southern front, but on the northern front: *nothing*. Despite Israel’s disproportionate use of force against Hamas militants in Gaza, and despite a significant death toll among civilians in the Strip and widespread international outrage, especially in the Arab world, Hezbollah did not come to the help of the Palestinians. There were five rocket attacks against Israel from the northern front from the conclusion of the Second Lebanon War in 2006 until the end of 2010. On 11 September 2009, the so-called Abdallah Azzam Brigades, allegedly affiliated with al-Qaeda, fired three rockets.\(^88\) In an interview in 2009, Hassan Nasrallah admitted to what he then saw as a massive and costly miscalculation of Israeli behaviour:

> We did not think, even one percent, that the capture would lead to a war at this time and of this magnitude. You ask me, if I had known on July 11 . . . that the operation would lead to such a war, would I do it? I say no, absolutely not.\(^89\)

Nasrallah’s statement and his organization’s restraint (by historical standards) gives some credence to the new Israeli strategy. Yet between 2006 and 2008/2009, one major change seems to have taken place in the IDF: ‘We used to plan for military decision, and deterrence was the outcome. Now we’re planning for deterrence. That’s the change’, said Itai Brun, a brigadier general who heads the Dado Center, the IDF’s internal think tank.\(^90\)

**Conclusion**

This article has found that Israel’s use of military force, increasingly, is not just one act of force to compel one actor to fulfil one specific political goal at one given time; deterrence connects a series of acts of force to create and maintain general norms of behaviour for many militant actors over an extended period of time. This observation requires an adaptation of deterrence as a strategic concept. Israel’s conventional view of deterrence can be restated along the following lines: battle victories were the singular events, or dots; deterrence was the line to connect these dots into a larger, grand strategic picture. This line of Israeli strategic thought implicitly rearranges offence and defence under the umbrella of deterrence. Offenses may be swift, limited and strategic, in the sense that such offensives against well-established opponents redefine new (or old) rules of the game in one intensive spike of violence. But such an outburst of force may be embedded in a larger defensive strategy: deterrence, which is designed to maintain these rules and avoid the opponent ‘eroding’ them. Deterrence, in other words, connects rule-setting battle victory and rule-maintaining acts of retaliation, designed to be swift, certain but measured. It is more general than specific. Quotidian deterrence, therefore, is stretched out over time, open-ended and marked by the absence of victory. It is more restrictive than absolute. This understanding of deterrence can give what may appear as tactical tit-for-tat
deeper strategic meaning. It equips a singular military response with exemplary character, in effect keeping intact a norm of behaviour, the so-called ‘rules of the game’. Such rules make future Israeli responses, so the theory goes, more predictable, thus enabling adversaries to make moderating cost-benefit calculations.

Several limiting characteristics of Israel’s approach stand out. The first limiting feature is the strategy’s imperfection. Deterrence would hardly prevent armed confrontation at all times. Aggression and retaliation were seen as necessary evils that should be kept on as low a level as possible, but that could not be pushed down to zero. Error, misunderstanding and probing are hard-wired into this arrangement. Israel’s adversaries are highly ideological and may be driven by religious motivations with a different notion of rational behaviour. Militant groups, depending on their strength, may also have limited control of other groups operating in the same area, and even if one political group is a de facto sovereign, such as Hamas in Gaza after 2007, it may have difficulty dissuading competing extremist groups such as Islamic Jihad from launching attacks. Once norms and rules of the game are effectively established, offenders are also likely to try finding loopholes, to attack in a way that makes a counter-value attack problematic or impossible. An example was a series of cross-border intrusions into southern Israel from Sinai on 18 August 2011, stated by the Gaza-based Popular Resistance Committee, a militant group. And eventually politics may interfere on either side, pushing hard-liners to take action for internal political reasons. For those reasons and more, strategic planners have to assume that violence will never cease entirely. Success does not mean no violence; success means less violence.

Second is the assumption of continuity. Israeli deterrence had long assumed a continuity of adversity, which might never turn into a genuinely friendly relationship. It assumed a continuity of a threat, perhaps even an existential one, which ultimately could not be eliminated. Even the successful establishment of a Palestinian state would not end Israel’s problem with political violence. In this sense the Jewish state’s defensive doctrine reflected thousands of years of Jewish history, an experience too often marred by violence and near-extinction. But the traditional notion of Israeli state-on-state deterrence still assumed decision, that is victory, although those victories against Arab states always assumed a temporary character. The idea of ‘cumulative deterrence’ expresses this perhaps resigned rationale. Decisive battle victory and, in order to assure it, a sophisticated early warning capability as well as self-reliance, were staples of Israel’s security doctrine for a long time. But as the non-state threat came to the fore, the strategic goal of each operation, of each battle, shifted. It was not clear-cut victory any more, but teaching the enemy a lesson: that the use of force would not bring victory and glory, but shame and pain. Paradoxically it is the measured operational success of the IDF’s energetic deterrence posture that enables a persistent political passivity in Jerusalem that may come to cost the democratic Jewish state dearly.

A third challenge is proving that deterrence shows the desired effects. How can one know if deterrence works or not? Deterrence is often credited with successfully avoiding a nuclear exchange during the Cold War. That nothing happened shows that deterrence worked. But such reasoning is highly problematic. In the Israeli case, on
closer inspection, what is known as the ‘evidential problem’ in the philosophy of law is less intricate. Something actually happened and demonstrates that deterrence works – there were fewer attacks than before. But such a measurable change is only masking an epistemological problem which, ultimately, seems insurmountable. When asked for the evidence that deterrence in a particular situation actually works, Itai Brun, a brigadier general and head of the Dado Center, the IDF’s strategic think tank, points to one overarching criterion that in most other trials would stand for the absence of evidence: sheket, he said in Hebrew: Quiet.

A final insight pushes the argument into philosophical territory. The analysis is not free from contradictions, and the Israeli strategy is not free from contradictions, because ultimately reality is not free from contradictions. It may be in the genuine interest of a militant group to strike Israeli territory in a given situation, for instance to show that the Palestinian resistance continues, or to provoke an Israeli counter-strike in order to politically exploit the ‘Zionist aggression’, but at the same time escalation may be against the same group’s interest because it damages international support and because IDF strikes could damage sensitive installations or kill critical personnel. Conversely, for Israel, responding to aggression may bring positive and negative consequences at the same time, even when only the narrow impact on one militant group is considered. Another example is the desired predictability of Israeli retaliation. Strategic thinkers in Tel Aviv assume that it is in their country’s interests to be perceived as both predictable and unreasonable at the same time. A sophisticated strategy, and sophisticated strategic theory, should be able to accommodate such contradictions, not ban them and keep the analysis artificially clean.

This unusual insight leads to an unusual conclusion. The recent Israeli experience with deterrence, as unlikely as it may seem at first glance, appears quintessentially postmodern. Cold War deterrence theory bears modernist traces. The Soviet-American superpower confrontation was characterized by a mutual belief in a general theory, in quantification, in structure, in clear lines between peace and war, in victory followed by an end of enmity. There was a towering belief in universal progress, in short, as illustrated by the widespread euphoria of the early 1990s. Israel’s experience offers the starkest of contrasts. It is diverse, not unified; it is case-specific and particular, not universalistic; the IDF’s approach vis-à-vis its various non-state enemies at various borders is fragmented, not holistic; Israeli strategists assume that reality itself is contradictory and shape-shifting, and that not even the most orderly minds can bring it into neat agreement and steadiness; the IDF now takes into account granular cultural and emotional considerations when assessing potential actions of its adversaries, quite unlike positivists and realists; leaders rely equally on tacit and explicit knowledge, not just on quantitative analysis and formal doctrine; and if necessary, Israeli operators are more pragmatic than principled. Yet this overall inclination seems to extend to the dark side of the postmodern condition. The Jewish state’s political and military strategy is resigned, even cynical, without the genuine optimism and captivating vision that marked the Zionist dream, once an archetypically modernist phenomenon itself. Today Israeli grand strategy seemingly embraces an imperfect and unending state of gridlock, and has parted with the West’s quintessentially modern idea of continuous improvement and progress.
But this probing line of thought runs into one problem. If the Israeli experience with deterrence appears postmodern and disillusioned, the more vital question is whether Israel had ever fully and unequivocally embraced the West’s fanciful modern condition in the first place. Has the future arrived late in Jerusalem, or perhaps early?

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NOTES


9. Political violence and terrorism, the focus of fourth wave scholarship on deterrence, is transcending the state and focusing on small groups of militants, even on single individual offenders. It is therefore surprising that the two debates on deterrence, one in security studies and one in criminology, are almost entirely isolated from each other. Perhaps the only exception is a few pages in Freedman, *Deterrence* (note 4).


11. ‘Although deterrence might be used to nudge [actors] toward internalizing certain norms, that is something that has been, at best, an afterthought, a secondary consideration or an unanticipated outcome’ (Morgan, ‘Taking the Long View of Deterrence’ (note 8), p. 752). A recent review article also
points out that it is ‘rare’ to find attempts to combine deterrence and norms in international relations literature. See Lupovici, ‘The Emerging Fourth Wave’ (note 5), p. 711.

12. This definition is a simplified version of Gibbs’, who defines specific deterrence as ‘the omission or curtailment of some type of criminal activity by an individual throughout a period because in whole or in part he or she has been accused of a crime for which someone was punished, and he or she is therefore unwilling to risk someone being punished again’ (Jack P. Gibbs, *Crime, Punishment, and Deterrence* (New York: Elsevier, 1975), p. 34).


14. Patrick Morgan, a theorist of deterrence in the international arena, has introduced the distinction between ‘general’ and ‘immediate’ deterrence, although without linking it to the criminological literature where the notion of general deterrence has been well established for four decades. See Patrick M. Morgan, *Deterrence Now* (Cambridge: Cambridge University Press, 2003), pp. 80–115.

15. This definition is adapted from Gibbs, who defined absolute deterrence in criminology as cases in which ‘a potential offender has contemplated a crime at least once and has been deterred totally in each instance’ (Jack P. Gibbs, *Deterrence Theory and Research*, in Gary Melton, Laura Nader and Richard A. Dienstbier (eds), *Law as a Behavioral Instrument* (Lincoln, NE: University of Nebraska Press, 1986), p. 89).


18. The Cold War concept of ‘escalation control’ or the notion of ‘damage limiting’, it is true, have parallels to the criminological concept of restrictive deterrence. The key difference, however, is a simple empirical fact: it never happened. Nuclear escalation was never ‘controlled’ and the damage done by atomic weapons was never ‘limited’ because the weapons were never used.

19. Deterrence theory derived from the Cold War situation is therefore of very limited practical relevance on any accumulated and collective level, be it criminal justice or political violence. For Cold War strategists of deterrence it was, for instance, impossible to recognize, let alone to test, that the actual practice of punishment (as opposed to its theoretical or threatened possibility) may strengthen the norm it enforces, an effect known as normative validation in the sociology of law. The actual use of nuclear weapons may have resulted in Armageddon, not reinforced stability.


24. *Ibid.*, p. 46. A major challenge for political theory was how to maintain the coercive order’s institutional and procedural legitimacy.

25. This principle is sometimes described as *ex factis jus oritur* in international law; the competing principle is *ex injuria jus non oritur*. In highly centralized and effective legal systems, the latter principle predominates. However, in international law, the absence of judicial, executive and legislative centralization and a lower degree of effectiveness leads ‘to a corresponding restriction of the principal ex *injuria jus non oritur*’. See Robert W. Tucker, *The Law of War and Neutrality at Sea* (Clark, NJ: Lawbook Exchange, 2006), pp. 7–8.

26. In August 2000, the Supreme Court of the State of Washington discussed the distinction in *State of Washington v. Thaddius X. Anderson* (67826-0): ‘Criminal offenses can be broken down into two general categories—*malum in se* and *malum prohibitum*. The distinction between *malum in se* and *malum prohibitum* offenses is best characterized as follows: a *malum in se* offense is “naturally evil as adjudged by the sense of a civilized community,” whereas a *malum prohibitum* offense is wrong only because a statute makes it so’ (quoting *State v. Horton*, 139 N.C. 588, 51 S.E. 945, 946 (1905)).


30. The author presented an earlier version of this paper at the Dado Center, the IDF’s internal think tank in Ramat Aviv, on 3 August 2010. Several senior officers highlighted the similarity of their thought to the concepts of the theory of law presented in the theoretical first section of this article.
40. A note of caution is in order: this article explores the evolution of Israeli strategic thought on deterring political violence; it is therefore written predominantly from an Israeli perspective. Some readers may find this problematic. But given the article’s conceptual and empirical focus, this limitation is a necessary methodological requirement. It should not be interpreted as a political statement.
49. Ibid., p. 121.
50. Ibid., p. 122.
52. In the philosophy of law, these three classic characteristics of punishment are usually traced back to Beccaria, On Crimes and Punishments (note 1), p. 77, and later Bentham, who also used Beccaria as a source (Bentham, The Rationale of Punishment [note 1]).
56. Quoted in Morris, Israel’s Border Wars (note 41), pp. 185–6.
57. Ibid., p. 196.
58. Dayan, Avnei Derekh, quoted in ibid., p. 196.
60. The infiltrations and counter-raids on the Egyptian border followed an entirely different dynamic than those on the Jordanian border, mainly because Egypt had an interest in escalation. See Mordechai Bar-On, ‘Small Wars, Big Wars: Security Debates During Israel’s First Decade’, Israel Studies, Vol. 5, No. 2 (Fall 2000), pp. 107–27, at p. 121.
63. For an analysis of the deterrent effect of the raid, see Shimshoni, Israel and Conventional Deterrence (note 44), pp. 48–68.


67. The First Intifada was marked by a relatively low level of violence, mostly stone-throwing, rioting and roadblocks. Only a very small percentage of all incidents involved firearms. Suicide terrorism was minimal. See Efraim Inbar, ‘Israel’s Small War: The Military Response to the Intifada’, *Armed Forces & Society*, Vol. 18, No. 1 (1991), pp. 29–50, at p. 30.


70. For a concise historical description and a comparison of the first and second intifadas, see Anat N. Kurz, *The Palestinian Uprisings: War with Israel, War at Home* (Tel Aviv: Institute for National Security Studies, 2009).


73. Author interview with senior official, Jerusalem, 9 August 2010.

74. Author interview with senior air force officer, Tel Aviv, April 2010.


79. Author interviews with several senior Israeli officials, Tel Aviv and Jerusalem, summer 2010. One official said: ‘We have an interest in Hamas being not too strong but not too weak’.

80. Author interview with former chief of staff, Jerusalem, April 2008.


83. See also Doron Almog’s notion that deterrence happens on a macro level, where it seeks to create the image of overwhelming military supremacy, and on a micro level it incorporates responses to specific offences. The image of supremacy, occasionally demonstrated in short intense wars, would ‘produce increasingly moderate behavior on the part of the adversary and a shift in his strategic, operational, and tactical goals until there is a near-absence of direct conflict’ (Doron Almog, ‘Cumulative Deterrence and the War on Terrorism’, *Parameters*, No. 34 (Winter 2004), pp. 4–19, at p. 9).


85. Author interview with senior air force planner, Tel Aviv, 3 August 2010.

86. Author interview with Yosef Kuperwasser, Jerusalem, 19 July 2010.

87. Author interview with senior official, undisclosed location, summer 2010.


89. Hassan Nasrallah, ‘If I Had Known...’, Associated Press, 6 April 2009.

90. Interview with Itai Brun, Ramat Aviv, 24 August 2010.

91. Thanks to Ron Tira for highlighting this point.


95. Interview with Itai Brun, Ramat Aviv, 24 August 2010.

96. Various interviews with senior military and intelligence officials, summer 2010.