Correspondence

Civilians First

To the Editors:

Discussing questions of life and death requires special care. To engage in such a discussion is to see oneself as if one were holding life and death in one's hands, once and for all, with all the responsibility this entails.

"In one's hands": Even if one is merely advocating a certain policy to the government or the IDF, one must act in the spirit of "what one preaches, one manifests," i.e., as if it were within one's power to do it.

"Once and for all": Because a wrong answer to these questions is like a death sentence—it cannot be corrected after the fact. It is a legacy of tears.

"All the responsibility this entails": Because these questions and answers are posited not from a "critical" point of view, which prides itself on exposing the inadequacies of human action, but from a "responsible" point of view, which properly seeks practical advantages from practical actions and the best of all possible outcomes.

Discussing questions of life and death requires that special care be taken regarding assumptions, claims, and conclusions—especially practical conclusions. While Assaf Sagiv's editorial ("Civilians First," Azure 31,

Winter 2008) raises important questions, it does not always abide by this responsibility. Here are some prominent examples:

Sagiv presumes that: "In a law-abiding country, and especially in a functioning liberal democracy, [military] force is recruited in the interests of the general public, or at least the overriding majority of citizens." This is mistaken. In a democratic state, military force is employed solely to defend the lives and well-being of the citizens and the sovereignty of the state itself. "The general public" and even more so "the overriding majority of the citizens" have a great many legitimate interests: for instance, well-functioning and readily available health and educational systems. In a truly democratic state, military power is not employed to achieve such goals. In this respect, Israel is a truly democratic country, even if there is room for improvement.

"As long as a man wears a uniform," writes Sagiv, "he is not a free subject; he is, rather, a servant, and the civilian community—led by the government—is his master." This is a flawed depiction. The citizen in uniform is not a servant to anyone. In a democratic state, there are no masters and no servants, only citizens

who benefit from communal life conducted according to the spirit of "the rule of fairness" (for more on this matter, see "A Jewish and Democratic State," the first part of my book *The Spirit of Man*). It is good to think of these principles in terms of a "social contract" in which all citizens are partners, a "contract" which must meet the standards of fairness, especially with respect to everything touching upon civil liberties. Through their service in both the regular military and the reserves, men and women in uniform fulfill their responsibilities in accordance with this fair "contract." Before being drafted into mandatory service, they benefited from the military protection provided by their predecessors in military service, and, according to the requirements of fairness, they give military protection to those who protected them before and those who will protect them in the future. None of them may be defined as a "servant;" each is considered a partner, fulfilling the role mandated by the fair arrangements that compose a democratic regime.

The differences between these two visions are not merely semantic. They are also evident on the practical level.

"In order to perform its task successfully," Sagiv opines, "the army must often put its soldiers in harm's way, and sometimes knowingly send them to their deaths." It is true that if the soldiers are tools in the hands of their fellows, it is permissible to make use of them, and even to "knowingly send them to their deaths." But in a truly democratic state characterized by the rule of law, one which constantly gives expression to the moral foundations of democracy, soldiers are not "servants," they are not tools, and it is not permissible to make use of them, let alone to "knowingly send them to their deaths." In a truly democratic state characterized by the rule of law, the soldiers fulfill their orders within the framework of a fair contract which demands the successful use of military power. They fulfill their duties in the face of the enemy; that is to say, in dangerous operations; that is to say, in operations in which soldiers are liable to be wounded or even killed. The soldier must act courageously, to the point of mortal danger, but he is under no obligation to march knowingly to his death. In a truly democratic state characterized by the rule of law, soldiers are educated to demonstrate courage and to endanger themselves, but they are not educated to sacrifice themselves or to commit suicide. I have great respect for the heroic behavior of soldiers and commanders who have sacrificed their lives. I do not contend against such heroism, but rather against the claim that it is obligatory.

Now I move from the negative and critical part of this matter to the positive part, which puts forth principles for the defense of all citizens in a democratic state—among them soldiers and other military personnel.

The first principle, upon which there is no dissension between Sagiv and me, is the principle of "*the duty of self-defense*." (I have dealt with this at length in certain articles which I wrote with General Amos Yadlin on military ethics in the war on terrorism.) This is the obligation of the state to protect its citizens and their political organization (i.e., the state itself) by the effective use of the military (and other governmental institutions) with a constant regard for human dignity.

The second principle, based on the moral principles of a democratic state, is "*the obligation to justify military action in terms of necessity*." Unlike the first principle, this is not self-explanatory, and deserves a short introduction. The duty of self-defense means that the state is permitted to endanger the lives of its military personnel only if it has an unassailable justification for doing so, since the state, by its nature, is compelled to provide protection for its citizens, and not expose them to danger. In a truly democratic state characterized by the rule of law, there is only one justification for risking soldiers' lives: "there is no choice." The state is obligated to protect itself and its citizens; there is no way to do so without using the military; military action inevitably endangers the lives of soldiers; and thus, there is no choice but to risk these lives. No weaker reason may justify jeopardizing the lives of soldiers.

The third principle, connected to the values of the IDF (and to the military ethics of every democratic state) is "*the obligation to minimize casualties*." Even in the case of operations in which it is justifiable and necessary to risk soldiers' lives, anyone who makes practical decisions about these actions is required to consider not only policy, planning, and implementation, but also the defense and protection of the lives of the soldiers involved. When considering the constant dilemma regarding the accomplishment of a mission and the safeguarding of human life, the accomplishment of the mission may be more important, and therefore, it may permit the endangering of soldiers' lives; and yet, the value of human life does not disappear in such situations, but takes second place, and demands a persistent effort to prevent casualties.

The fourth principle, also expressed in the values of the IDF, is the principle of "*full responsibility for the well-being of the soldier*." The essence of the value of "comradeship" is that if the condition of the soldier is so harsh that he is not able to deal with it

himself, his comrades and commanders are supposed to help him. And if the commander cannot do so, then his superior officer is supposed to, and so on. In the end, the IDF is responsible for the well-being of its soldiers and so is the state. This responsibility is at the heart of "comradeship" in different military codes of ethics, including that of the IDF.

To conclude, we will see how these values lead to practical conclusions regarding the Second Lebanon War, Sderot and its environs, and the kidnapped soldiers.

On the matter of the Second Lebanon War: First of all, it is the responsibility of the state to protect the lives of its citizens through military action, especially when the citizens are attacked and a meaningful and constant threat is posed to their lives and safety (the first and second principles).

Second, the state has a responsibility to protect the lives of its citizens through military action while remaining obligated to minimize the number of casualties (the third principle). If it is possible to eliminate a threat through air operations that do not risk the lives of soldiers, this must be preferred over a land operation. If the air operations are ineffective, then it is necessary to undertake other actions, namely, land operations.

Under these circumstances, the moral priorities are clear: Preference is given to protecting the lives of citizens under attack. From among the various options for effective military action to protect citizens under attack, the one that ensures the fewest casualties among soldiers is preferable.

Third, the state has a responsibility to make appropriate preparations for the protection of its citizens by various means—including military action—when the danger of an attack exists. As long as citizens are not attacked, it stands to reason that extramilitary ways to diminish the danger exist. Therefore, it also stands to reason that it is inappropriate to undertake military action before citizens are attacked or, at any rate, are about to be attacked (the second principle).

Fourth, as long as there was a constant and serious threat to the lives of the citizens in the northern part of Israel, there was a justification for undertaking military action to protect them, even if it endangered the lives of soldiers (the first principle)—so long as the action was crucial for the protection of the citizens (the second principle). Abdication of responsibility for undertaking this sort of action, under these conditions, is intolerable from both a moral and an ethical perspective.

If a commander justifies his failure to take such actions by invoking his responsibility to protect the lives of

his soldiers, he has erred in employing these principles. And yet, it would be an even greater mistake to claim that such a commander "exaggerates the value of human life" (an assertion that I heard not infrequently in connection to the Second Lebanon War). In a democratic state, the value of human life does not change and cannot be exaggerated—it perseveres in all circumstances. What can change along with circumstances is the importance of the mission assigned to the soldiers and the extent to which jeopardizing them is justified.

With respect to the crisis in Sderot and its environs: First, Gaza-based terrorism endangers those residing in Sderot and its environs and is therefore within the definition of an attack against the state. Yet the truth must be spoken: The danger to the well-being of the residents of Sderot and its environs is extreme, but the danger to their lives is not as serious as that faced by the citizens of northern Israel during the Second Lebanon War.

Second, the state has a responsibility to protect citizens of Sderot and its environs—their lives and their well-being (the first principle). According to the moral principles of a democratic state, it would be outrageous for the state to claim—as it did in its response to the Supreme Court on the matter—that it must fortify the inhabitants without explicitly

recognizing the state's responsibility to protect their lives.

Third, the state has a responsibility to protect its citizens effectively, according to its capabilities and in accordance with the entirety of the obligations mandated by the principles we have seen. What does "effectively" mean? These is a complex professional question, and it is unthinkable that those bearing responsibility for defending the citizenry will be asked to act on the basis of popular opinion.

What is a "capability" is also a complicated professional question. Today, there is a consensus that no "capability" is available that can entirely stop the firing of rockets at Israel, since the means required for firing them are extremely basic. Even the occupation of Gaza cannot ensure an end to the rockets, once and for all.

"The entirety of the obligations" also includes the obligations imposed by the second and third principles. If potential military operations cannot significantly improve the defense of the citizens and their safety, but will certainly cause military casualties, then they do not meet the demands of the state's obligations.

On the matter of the kidnapped soldiers: First, regarding Assaf Sagiv's comments on the return of the kidnapped soldiers in which he quoted my own words, I want to say explicitly "the obligations with respect to

each endangered citizen are heavy and profound": I said this with respect to the argument about the state's involvement in winning the release of an Israeli citizen who, as a result of his own actions, was imprisoned in an enemy state. I said that it was incumbent upon the state to secure his release from a dangerous prison, even if it meant engaging in a prisoner swap. (An important aspect of such prisoner exchanges is the degree of danger posed to the lives of Israeli citizens by those who have been freed. Although the danger to the released Israeli person is present and certain, while the danger to the rest of the citizens is only potential and in the future, it is best not to create a serious future threat. It stands to reason that over the past years, the state has learned to take this delicate balance into consideration.)

Second, the obligation of full responsibility for the well-being of the soldier (the fourth principle) demands that the state endeavor to bring home every soldier, whether kidnapped, missing, captive, or even deceased. This special obligation does not exist with respect to civilians, since, after all, the suffering of a soldier is attributable mainly or entirely to the state (or its military representatives), while the private citizen's suffering is not. And even then, the special responsibility with respect to the kidnapped soldier does not reduce the state's obligation to return every citizen of the state from enemy captivity.

And I will add, without further elaboration, that an understanding of the obligation to respect human dignity, and in this, life itself—even when speaking of the lives of soldiers—is based in Israel's existence as a democratic state and as the state of the Jewish people.

Asa Kasher
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Assaf Sagiv Responds:

There are many points of agreement between Professor Asa Kasher and myself: I too believe that the discussion of life-and-death questions requires "special care;" I am also interested in living in a truly democratic state characterized by the rule of law and governed by principles of decency and justice; we agree that it is incumbent upon the IDF to conduct itself in a humane and principled manner—not as a senseless war machine indifferent to human life and dignity. And yet, while Professor Kasher's arguments deserve praise for their moral probity, in my view they are riddled with weaknesses, and

I would like to offer my opinion on some of them.

The main thrust of Professor Kasher's criticism is leveled against my claim that soldiers are "servants" of the state. "This is a flawed depiction," he writes. "The citizen in uniform is not a servant to anyone. In a democratic state, there are no masters and no servants, only citizens who benefit from communal life conducted according to the spirit of 'the rule of fairness.'" This serves as the basis of Professor Kasher's view that military service and its implicit obligations derive from an assumed "social contract" between citizens, soldiers, and the state. According to him, "Through their service in both the regular military and the reserves, men and women in uniform fulfill their responsibilities in accordance with this fair 'contract,'" and therefore, "soldiers are not 'servants,' they are not tools, and it is not permissible to make use of them, let alone to 'knowingly send them to their deaths.'" Professor Kasher emphasizes that soldiers are called upon to act courageously "to the point of mortal danger," and yet, under no circumstances may they be compelled to sacrifice themselves.

All this is well and good: Soldiers should see themselves as active members of the democratic community and not as mindless automatons; the sense of solidarity might imbue them with a fighting spirit lacking in soldiers who act out of fear or material need. In principle, I even accept the distinction between obligating a soldier to display courage and asking him to *knowingly* march to his death. But Professor Kasher's contract theory of military service cannot explain how a truly democratic state justifies placing its soldiers in situations of extraordinary danger, situations which blur the line between endangerment and sacrifice.

Alas, war is replete with these situations. In the fury of battle, commanders are not infrequently compelled to command their soldiers to fight "to the last man." Sometimes they must order their men to storm enemy lines even if many will certainly die. A commander's orders may appear to turn the soldier into, "cannon fodder," but his directives, purpose is to save the greater whole. In certain situations, commanders realize they are sending troops to their deaths, and indeed, sometimes soldiers know they are unlikely to survive an engagement. And yet, in the extreme circumstances of war, the state is compelled to ask its soldiers to die in its service—or at least to act as if they were unafraid to do so.

The long and bloody history of organized state violence demonstrates this stubborn and ever-present necessity. The Allied landing at Omaha

Beach, June 6, 1944, is one example. Knowing the strategic significance of that six-mile strip of waterfront in northern France, the Germans fortified it heavily. The bluffs rising from the English Channel were embedded with pillboxes and bunkers; the beachhead was studded with tank traps and barbed wire, and every inch covered by artillery fire: "Everything the Germans had learned in World War I about how to stop a frontal assault by infantry Rommel put to work at Omaha," writes Stephen Ambrose in *D-Day, June 6, 1944: The Climactic Battle of World War II*. "There was not one inch of the beach that had not been pre-sighted for both grazing and plunging fire."

The Allied high command more or less anticipated what awaited its soldiers on Omaha Beach and was reluctant to force a landing there. But the objective had to be taken: Were the Allies to avoid Omaha, their invasion force would be split and vulnerable to Nazi counterattack. The beach was stormed and the butcher's bill was steep, reaching proportions that even the Germans doubted the Allies would pay. Ambrose quotes the astounded reaction of one of the defenders: "'They must be crazy,' Sergeant Krone declared. 'Are they going to swim ashore? Right under our muzzles?'" And indeed, the American soldiers were torn to shreds by unceasing machine gun and artillery fire as they emptied out of their landing craft. Mangled corpses floated in the surf and littered the dunes. Still, the landing continued in force, wave after wave. Robert Walker, an American commander at Omaha Beach, recalls that the scenes of carnage elicited the words of Lord Alfred Tennyson's "The Charge of the Light Brigade": "Cannon to right of them/ Cannon to left of them/ Cannon in front of them/ Volley'd and thunder'd.... Theirs not to make reply/ Theirs not to reason why/ Theirs but to do and die."

Nearly 2,400 American soldiers gave their lives at Omaha Beach, and their sacrifice was not in vain: At day's end, more than 30,000 Allied soldiers occupied the beachhead. Would the landing have succeeded if the American commanders had heeded Professor Kasher's "special care" in matters of life and death and avoided knowingly sending men to their deaths? The final answer lies with God—but I can hazard an educated guess.

The brutal logic of sacrifice not only sealed the fates of the young men on Omaha Beach; it left its indelible mark on the IDF as well. Indeed, some nations owe their very existence to sacrifices on the battlefield. But political theory of the sort employed by Professor Kasher cannot recognize or accept this hard fact. While social contract

theory might produce enlightened legal constructs and progressive ethical stances, it cannot give a reasonable account of what Michael Walzer calls "the obligation to die for your country." If the political community rests on the foundation of a "fair contract" between rational partners, and if one of its main purposes is the protection of the rights of the individuals who live in it, how can the state deny its citizens the very thing for which it was established in the first place—their safety and well-being? This difficulty, which caused not inconsiderable problems for Hobbes and Locke, is one of the most glaring weaknesses in liberal theory in general and social contract theory in particular.

Soldiers "are not tools," writes Professor Kasher, and he is entirely correct: Soldiers are human beings, and their lives are just as valuable as the lives of civilians. And yet, one should not forget the deep, fundamental, and resounding difference between the military and civilian spheres: The civilian is a free man; he benefits from basic rights that the state cannot appropriate; he may—if he so desires—devote his entire life to just one purpose: himself. The soldier, on the other hand, dedicates his life to a goal much larger than his own existence, and in pursuing this a substantial part of his freedom is taken

from him. His being—physical and spiritual—is conscripted to protect the state from its enemies.

There are those who claim that conscription is a moral scandal, that there is something despicable in the very idea of harnessing human beings to the oppressive mechanism of the military. But armed service does not necessarily strip men of their humanity. One could, and indeed should, view military service as an opportunity to build character, exceed one's implicit bounds, and maybe even participate in an important and worthwhile struggle. The soldiers who gave their lives in the storming of Omaha Beach, just like those who fought against fascism, communism, racism, and religious extremism were not masters of their own fates—but does this make their sacrifices any less noble?

Israel's Electoral Complex

To the Editors:

The article "Israel's Electoral Complex" by Amotz Asa-El (Azure 31, Winter 2008) has two great virtues. It is theoretically correct insofar as any political theories about the political consequences of particular institutions can be correct, and it is a first-class analysis of what might be called

the effects of a proportional representation (PR) system on a society whose social composition is both divided and dividing. And, while there is of course no last word in such matters (and one might criticize the author for being a little unfair to the issues and principles of PR), if there is not a consensus there is at least considerable agreement among political scientists about the negative consequences of PR's practice.

The question, however, is whether the author's prescription for a cure is likely to have the desired effects. In my own view, in the unlikely event that Israel adopts a "first past the post" system, it would not be as beneficial in practice as Asa-El suggests in theory. There are several reasons why I say this. In order for even the most straightforward and simple plurality systems to promote coalitional politics and positive pluralism, there are sub-institutional and social prerequisites that must be met, but which are unlikely to be found in Israel today. While the author has argued very convincingly that PR is responsible for the political mess in which Israel finds itself, I would question whether Israel would be able to appreciably improve conditions by changing to a "first past the post" system. The accomplishment of the changes sought by institutional means would require a number of prevailing conditions,

the prospects of which are not very propitious at the moment.

First there is the general problem of whether democratic political institutions can reasonably be expected to cope where society is so socially and culturally divided, especially when social and cultural differences are only intensified under conditions that generate a garrison state. Whatever the reforms proposed, the most likely result will be the continuation of what might best be called a politics of negative pluralism, by which I mean a democratic process that reinforces rather than ameliorates localism, parochialism, demonization of the opposition, and extremism. Whatever the constitutional form, under such extreme social conditions, democracy provides opportunities for the mobilization of support by political leaders adept at raising interests to the level of principles, the latter infinitely more difficult to negotiate by parliamentary bargaining, no matter the structural form.

Second, if my assumptions about the social composition of Israeli society are correct, fiddling with institutions is more likely to cause bizarre institutional combinations in practice if not in theory. While I agree that PR magnifies rather than ameliorates differences—and for the reasons that the author gives—it seems to me wishful thinking to assume that once

these differences exist, shifting to a "first past the post" solution can be made to work.

My doubts are magnified by the absence of what I referred to above as sub-institutional instruments. "First past the post" systems do not work well unless there are two large coalitional parties whose membership differs mainly at the fringes, so that the pull of party competition never gets too far from the center. For that to happen, there needs to be a mobilization of the electorate into effective constituency parties able to deliver big battalions of the vote and isolate fringe parties. In turn, this requires strong party discipline within parliament and without, something which is notably absent in Israel, at least to my mind.

Finally, among the problems facing those who would reform the present system in Israel, one also might mention the decline of socialist and secular alternatives that once served to balance the kinds of social inequities which attend virtually all liberal market economies—a decline which creates a vacuum which in no small measure religious groups have been quick to fill. Although this phenomenon is by no means restricted to Israel, the monopolistic tendencies of religious authorities are perhaps more entrenched there than anywhere outside of the Muslim

world. This is not exactly a condition for an effective and well-functioning "first past the post" system. For, above all, what is required is fairly broad agreement or consensus around "Enlightenment" principles that give concrete substance to "rationality" within a framework of "democracy" or "freedom," and which take the visible form of proximate choices which define with reasonable transparency acceptable and clear policy alternatives and their likely consequences. The fact is that parliaments work best where the bulk of business is mundane if not trivial, in the sense of being non-threatening to various groups that effectively convert interests to non-negotiable principles which they then proceed to negotiate, but on their own terms.

In my view, Israel has so few possibilities for putting in place the sub-institutional requirements for making a "first past the post" system work that even the effort to do so is likely to provide a field day for religious extremists who know how to manipulate history and exploit deviance in the name of rights. Add to the mix the rights of Israeli Arabs, and one wonders how on earth institutional reforms could even begin to resolve some of these political difficulties. Indeed, I wish I could believe that by changing from a PR to a "first past the post" system Israel could effect

the changes the author would like; however, given not only the depths of parochial commitments, but also the complicated strategies of the players, for whom little is as it seems, combined with the consideration that the more successful politicians are adept at playing several chess games simultaneously, I remain both skeptical and sad. Moreover, I am concerned that attempts to resolve the difficulties involved in Israel's populist democracy would, instead of producing an elective elite (another requirement of "first past the post" systems), provide opportunities for those who in an age of mass mobilization and media manipulation are the most cynical in playing to the lowest common denominators in the electorate.

So, while I think the author is correct in theory, it would seem that in practice PR in Israel has already done its dirty work and accomplished it effectively, which raises the interesting question of whether or not institutional reversibility of the kind that Amotz Asa-El has in mind is even possible. (Experience in France, where successive governments have tinkered with various forms of PR, has shown that the results are not encouraging.)

In sum, as a fact of political life, PR has fed differences, generated fringe extremist piety, and turned enough people off from politics altogether that the institutional change favored by the author is not in my view likely to have the desired effects—not until it is preceded by a more fundamental and realistic re-assessment of political values and practices. This would perhaps argue for something Israel has never to my knowledge really had—a constitutional review in a constituent assembly whose outcome would define the kind of state Israel wishes to become rather than what it is, and the content of which would be embodied in a written constitution. Only in this way can the issues of representation be articulated so their meanings become clear. But is such a constituent assembly even possible given present political differences and as well the pressure of outside enemies? Can a garrison state like Israel (which is so not by design but by force of circumstances) do much more than limp along from big crises to small ones and back again? Can it escape from a crisis politics that has become a thing in itself and which promotes opportunities for corruption and manipulation afforded by a politics of brinkmanship? So far, Israeli politics has succeeded in pulling rabbits out of the parliamentary hat. So far, no one has quite had the power to take Israel over the brink. So far, there has been a crucial pullback factor in Israeli political life—a form of Russian roulette in which one is

never sure whether the bullet is blank or real. But this may also result in a politics of the last instance. How then to resolve the difficulties of such a political system? I wish I knew. And I also wish I knew enough about Israeli politics and society to even begin to offer constructive criticism.

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To the Editors:

The electoral reform proposed by Amotz Asa-El is necessary but unlikely to happen until Israel is blessed with a leader willing to risk his political life for the good of the country. Even if such a leader were to emerge, he would be well advised to follow the example of Charles de Gaulle.

The electoral system of the Third French Republic contributed to the country's political instability and decline, which culminated in the humiliating collapse of June 1940. De Gaulle is said to have recalled with horror that president Roosevelt had told him in a meeting: "How can I take your country seriously when the name of its prime minister changes too often for me to keep track?" After the war, de Gaulle was determined to make France governable, but the political parties made his life impossible. He eventually slammed the door,

mistakenly assuming that "the people" would beg him to come back. It took the Algerian War for de Gaulle's wish to come true, after twelve years of exile in Colombey-les-Deux-Églises. De Gaulle was able to establish a new political regime because he bypassed the corrupt and ineffective political establishment of the Fourth Republic (which was a mere continuation of the Third) with two referendums, one in 1958 for the adoption of a new constitution, and one in 1962 for the direct election of the president and the de facto establishment of a presidential regime. For an Israeli de Gaulle to bypass the Knesset, he would have to submit his electoral reforms directly to the people through referendums. But the Knesset will not pass a law allowing the use of referendum if it knows that the purpose of this law is to reform the electoral system (let alone establish a strong and stable executive branch). This is why the Knesset did not pass a referendum law in 2005: It feared that the Israeli electorate might reject Ariel Sharon's plan to unilaterally withdraw from the Gaza Strip and northern Samaria. Now that the "disengagement" of 2005 is behind us and no major or dramatic decisions are in sight, submitting a referendum bill would not raise the Knesset's suspicion and might therefore have a chance of being adopted. It is not

enough to hope for a great leader to emerge. One has to lay the ground-work for such a leader to be able to bypass the Knesset and thoroughly reform Israel's political system. Israeli lawmakers who understand the urgency of reforming our electoral system and who have the courage to take a political risk need to work toward the adoption of a referendum law while no major reforms or fateful decisions are on the table.

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The Future of Kurdistan

To the Editors:

Michael J. Totten has written a heuristically thoughtful article on the future of the Kurdistan Regional Government ("No Friends But the Mountains," Azure 30, Autumn 2007). As a longtime student of the Kurdish struggle for self-determination in the four main states the Kurds inhabit (Iraq, Turkey, Iran, and Syria), and author of, among other books, *The Kurds Ascending: The Evolving Solution to the Kurdish Problem in Iraq and Turkey*, I agree with most of his assessments. However, I would like to take issue with a few points he has raised.

Totten repeatedly stresses how much the Iraqi Kurds love the Americans. Yes, but. Although the United States indeed remains widely popular in the Kurdish Autonomous Region, it is with a background caveat, reminding all that the Kurds were betrayed twice before by the United States, in 1975 and 1991, and might be betrayed again. Indeed some Kurds began to fear the worst when *The Iraq Study Group Report*, released in December 2006, also suggested that the hard-won Kurdish federal state might have to be sacrificed to the perceived need for a re-established, centralized Iraqi state. Fortunately for the Kurds, the Baker-Hamilton recommendations failed to be adopted by the Bush administration. However, their mere consideration illustrated how tenuous future American support might be.

The Kurds have offered the United States a large, permanent military base in their territory because it would guarantee them protection from their hateful neighbors. Totten writes that such a base would offer the United States what it needs "without walking into the minefield of regional politics." But would it really be in the long-term interest of the United States to have a colonial-type outpost surrounded by a huge, hostile majority in the Middle East? The United States should not let facile arguments about its supposed national interests

and moral duties concerning the Kurdistan Regional Government deceive it into taking on a debilitating long-term commitment. It would be far better for the Kurdistan Regional Government to come to a permanent agreement with its neighbors Turkey and Iran through astute diplomacy and patience. The United States can play a useful role in helping to effect such an outcome by being patient and by understanding the needs and fears of all the involved parties.

As I write, there is much speculation about possible Turkish intervention in northern Iraq designed to root out the supposedly terrorist Kurdistan Workers' party (PKK). The PKK continues periodically to strike Turkey from safehouses in the rugged mountains of Iraqi Kurdistan. Turkey, however, would be likely to accomplish little by intervening in northern Iraq (or in Kurdistan) for several reasons: (1) interventions in the 1990s accomplished little; (2) Turkey would be likely to simply get bogged down, like the United States has, in Iraq; (3) intervention would largely reverse Turkey's historic and domestically very popular decision of March 2003 not to intervene in northern Iraq; (4) PKK raids on Turkish targets are also emanating from the PKK's bases in Turkey, such as in Tunceli (Dersim); (5) the Kurdistan Regional Government has made it clear that it would militarily resist any large-scale Turkish intervention; (6) intervention might also lead to an unwanted clash with the United States; (7) given Turkey's strong criticism of Israel for intervening in Lebanon in August 2006, Turkish intervention in northern Iraq would look hypocritical, especially since Hezbollah's explicitly announced goal was the destruction of Israel, while the PKK has never claimed that it wishes to destroy Turkey, and indeed, in recent years, the PKK's stated goal has been to secure true democracy for the ethnic Kurds within Turkish territory; and (8) Turkey's intervention would probably hurt its European Union membership chances very badly. Based on all these factors, it would seem that only small border incursions, cross-border shelling, and air attacks would be considered. (*Editor's note: Turkey undertook limited action in northern Iraq this past fall.*)

Furthermore, the legal and political condition of the Turkish Kurds is changing dramatically. Long gone are the days when they were dismissed as mere "mountain Turks" and the very term "Kurd" was treated as a kind of four-letter word. The Turkish Kurds no longer scare so easily and feel freer to express themselves. What has given rise to this new awakening? Despite Totten's assertion about "the moral corruption from the

likes of the PKK," a recent trip to Diyarbakir, the unofficial capital of Turkish Kurdistan, found no Kurd wanting to criticize the rebel PKK and its imprisoned leader, Abdullah Ocalan. Rather, there is pride that the PKK was a formidable force that came close to successfully challenging the Turkish state. In more recent years, the belief is that since the PKK has repeatedly shown a willingness to engage peacefully in the political process, the onus is now on the Turkish state to respond positively. Effectively barred from entry into the Turkish parliament by the 10 percent threshold, the legal Kurdish party called the Democratic Society party (DTP) still managed to gain seats in the recent national elections of July 22, 2007, by having twenty of its candidates elected as independents.

More importantly perhaps, the ruling Justice and Development party (AK) of Prime Minister Recep Tayyip Erdogan—with its roots in Islamic politics—garnered even more votes from Turkey's ethnic Kurds by stressing its economic reforms and conservative values. The AK party has come to represent a convergence of moderate, popular Islam with liberal economics, secularism, and moderate nationalism—in other words, a modern democratic Turkey comfortable with its Islamic heritage and seriously working to become fit to join the European Union. The DTP, on the other hand, seemingly erred by focusing more on political and ideological demands but ignoring more immediately important bread-and-butter socio-economic issues.

The continuing European Union process is the other major factor behind the new Kurdish boldness. The great visionary founder of the modern Republic of Turkey, Kemal Ataturk, set the achievement of contemporary progress as his ultimate goal. Today, this means European Union membership. To qualify for European Union membership, Turkey must accept the Copenhagen Criteria of democracy: "stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities." By a tortuous process, Turkish legal and political harmonization with European Union norms is having the beneficial side effect of satisfying Kurdish demands for political, social, and cultural recognition as Kurds, within the confines of guaranteed Turkish territorial integrity, a win-win situation both for progressive Turks and Turkish Kurds.

Finally, Totten perhaps dismisses too lightly the long-running Kurdish relationship with the State of Israel. Because of its precarious position in the Arab world, and in particular

because of the threat formerly posed by Iraq—and now an Iran reputedly attempting to build nuclear weapons—Israel has long taken an interest in Iraqi Kurdistan. Even before the creation of the State of Israel, the Jewish Agency planted an operative in Baghdad. From there, under journalistic cover, Reuven Shiloah, who later became the founder of the Israeli intelligence community, trekked through the mountains of Kurdistan and, as early as 1931, worked with the Kurds to promote Jewish and later Israeli security. Finally, in 1994, accompanied by several Muslim Kurds from Iraq, I visited a Jewish-Kurdish *moshav* (cooperative community) near Jerusalem. The two Kurdish groups greeted each other like long-lost brothers.

During the 1960s, Israeli military advisers trained Kurdish guerillas as a way to reduce the potential military threat Iraq presented to the Jewish state and also to help Iraqi Jews to escape to Israel. This training operation was code-named *Marvad* (Carpet). The important defection of an Iraqi air force MiG pilot with his plane to Israel in August 1966 was effected with Kurdish help, while Israeli officers apparently assisted Mullah Mustafa Barzani in his major victory over the government in Baghdad at Mount Hindarin in May 1966. In September 1967, Barzani visited Israel and met

with Moshe Dayan, the famous Israeli defense minister. Both the Israeli *Mossad* and the Iranian *Savak* of the Shah helped Barzani establish a Kurdish intelligence apparatus called *Parastin* (Security). These intelligence contacts between Israel and the Iraqi Kurds continued into the 1990s. In 1996, however, Israel and Turkey began to develop a significant alliance that partially reversed the pro-Kurdish sympathies of Israel. Many Kurds believe, for example, that Israeli intelligence agents helped Turkey capture Abdullah Ocalan, the leader of the PKK, in February 1999.

The 2003 war in Iraq has apparently helped create a new era of Israeli interest in Iraqi Kurdistan while causing problems to arise between Israel and Turkey. Although Turkey feared the emergence of an independent Kurdish state in northern Iraq, Israel looked favorably upon such a possibility, given the potential nuclear threat posed by Iran and the uncertainty of continued cooperation on the matter from Islamic Turkey. Israel came to see the Kurdistan Regional Government as offering a golden opportunity to monitor events in Iran and preempt them if necessary. Reports indicated that Israeli agents were operating in northern Iraq much to the displeasure of Turkey. The famous American journalist Seymour Hersh has written

about this relationship in considerable detail in his 2004 book *Chain of Command: The Road from 9/11 to Abu Ghraib* and in his article "Plan B," published in the June 28, 2004 issue of the *New Yorker*.

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Michael J. Totten Responds:

I'd like to thank Professor Gunter for his thoughtful and well-informed letter. I frankly see little to disagree with here and I learned something from reading it, especially in regard to Israel's historical relationship with the Kurds in Iraq. This is something conspiracy theorists love to bang on about, and it's refreshing to see a brief and calmly stated summary of what actually happened from someone who isn't paranoid and knows what he's talking about.

There are two points I would like to address, however.

Referring to my proposed American military base in Iraqi Kurdistan, he writes, "But would it really be in the long-term interest of the United States to have a colonial-type outpost surrounded by a huge, hostile majority in the Middle East?"

If an American military base on friendly Kurdish soil can be fairly referred to as "a colonial-type outpost," all American bases in the Middle East are colonial-type outposts. A base in Kurdistan would be no more surrounded by "a huge, hostile majority in the Middle East" than the American bases in Turkey, Kuwait, and Qatar. I don't see why building another base at the invitation of the friendliest government in the region would create any more of a problem than the others do. Iraqi Kurdistan is friendlier than any of the others, so it seems to me a smarter place to decamp.

I agree with Professor Gunter when he writes, "It would be far better for the Kurdistan Regional Government to come to a permanent agreement with its neighbors Turkey and Iran through astute diplomacy and patience." The problem is how to get there. Turkey is an especially difficult case, because its government and most of its people refuse to recognize even the existence of Kurdistan (Iraqi or otherwise) or the Kurdish Regional Government. Many Turks I've met still become apoplectic at the very utterance of the word "Kurdistan." Their denial of the existence of Kurdistan is, in my anecdotal experience, more hysterical and total than the widespread Arab denial of the permanence of Israel. To be sure, the Turkish government is better than it used to be when

it comes to individual Kurdish rights in Turkey, but it's hardly less bellicose toward the Kurds in Iraq.

A negotiated diplomatic solution is impossible while Turkey remains so intransigent, but it might become much more likely if the United States was seen by Turkey as a semi-permanent guarantor of Iraqi Kurdistan. The existence of Iraqi Kurdistan is inconvenient for Turkey, but so is the existence of Greece and Armenia. Turkey will one day have to soften up and accept reality for the same reasons the Arab states need to get over their hostility toward the existence of Israel. Far better if the Turks get their reality check from non-aggressive American action than from another ramp-up in terrorism and war by the PKK or like-minded Kurdish absolutists in Turkey.