Israel Has a Terrible Choice to Make

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Full text:

The war in Gaza has reached a predictable and deadly impasse.

In response to the Hamas terrorist attack on Oct. 7, 2023, the Israeli government has publicly pursued two primary war aims. First, Israel wanted to secure the return of every hostage Hamas seized. Second, Israel wanted to destroy Hamas.

At the same time, however, Israel also indicated that it did not want to reoccupy Gaza. There are good reasons for this. The international community is opposed to occupation, Israeli society is deeply divided by the idea, and the previous occupation ended poorly — with Hamas coming to power after Israel withdrew from the strip in 2005.

But the brutal military fact is that rejecting occupation not only rendered Israel's vow to destroy Hamas incalculably more difficult, it made the war far more inhumane and deadly.

I want to emphasize that this newsletter primarily offers a military analysis. It is not focused on politics. That's not because the politics of the situation are unimportant, but rather because we often pay too little attention to military realities, and the success or failure of military operations can completely transform the politics of an international crisis.

As a military matter, if you do not seize and control territory, then your war is likely to devolve into an endless exercise in killing terrorists. And if terrorists illegally embed themselves in the civilian population (as Hamas has always done), then killing terrorists also means that civilians will be caught in the crossfire.

Yes, the military can do enormous damage to terrorist forces and temporarily diminish their ability to carry out attacks, but if you do not replace terrorist control with a competing force, then jihadists have the time and space to eventually recover their strength.

This was the lesson the United States learned in the first four years of the Iraq war. We tried a version of the Israeli strategy — maintaining bases from which to launch devastating attacks, but otherwise maintaining the lightest footprint in cities and towns.

It was an approach that was derisively called "commuting to war," and it had the same effect that we see in Gaza today. American soldiers won battle after battle — and inflicted immense devastation when we fought — but the insurgents returned. We found ourselves fighting again and again to "liberate" the same towns and the same cities.

But there was no liberation — only continual warfare.

And continual warfare breeds war crimes. So does placing an emphasis on killing terrorists over holding territory. Even if a military follows the law of war (and that is a matter of debate in Gaza), emphasizing destruction can lead to a mentality that treats body counts as an independent objective. The strain of constant, repetitive combat fosters cynicism and rage in the attacking force.

The frustration of failure leads to calls for ever-greater uses of force — including placing greater pressure on the population — but it's not the lack of force that causes the stalemate. It's the strategy.

This is the reality in Gaza today. Israel has [inflicted significant losses on Hamas](#) and destroyed its offensive capacity for years to come, but Hamas still maintains its hold over the civilian population. And of course it still holds hostages.

Thousands of innocent Palestinian civilians have died — including an enormous number of women and children — and the survivors face an impossible existence and threats from every direction. They risk death from Israel Defense Forces attacks and starvation from an Israeli blockade, even as they continue to live under Hamas's brutal rule.

But now Israel is considering changing course, to adopt a strategy much more like America's successful strategy in [the Iraq war surge](#).

Instead of striking and leaving, the Israeli security cabinet [has approved a plan](#) to enter Gaza and stay — at least temporarily — to end Hamas's control. According to public accounts of the plan, it includes moving civilians from zones of conflict, taking control of aid distribution and staying in areas cleared of Hamas to maintain security and control so that Hamas doesn't simply return and reassert its authority.

So long as any occupation is temporary, with a return to civilian Palestinian control as soon as conditions permit, then a path to ending the war (or, at the very least, ending major combat operations) and destroying Hamas might finally exist.

If, however, the occupation is intended to be permanent — including a permanent displacement of all or part of Gaza's civilian population — then the plan would represent a crime against humanity. This is the approach [President Trump floated in February](#) (though it's unclear what his policy is today). This is the approach of the [worst](#) hard-liners in the Israeli government, and it's not just illegal. It's a recipe for endless war.

There is a misconception about the laws of armed conflict. People who sneer at the rules — Pete Hegseth, the secretary of defense, is fond of calling military lawyers "[jagoffs](#)" — see the obligations of the laws of war as inhibiting war fighters and diminishing their effectiveness.

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This is the opposite of the truth. Yes, when they are followed the laws of war do restrain militaries from inflicting indiscriminate death and destruction on their foes, but centuries of history have demonstrated that restraint can bear strategic fruit and that following the law is one way of creating an enduring victory.

Embedded in the law of war is the basic framework for responding to an aggressive military attack by a hostile force. The defending nation can, obviously, protect itself during the attack, but the laws of war also permit the defending nation to counterattack, to defeat the aggressor even in its home country, and to replace the aggressor government.

Think of World War II, in which we absorbed the attack on Pearl Harbor and then prosecuted the war until unconditional surrender, occupation and ultimately a transfer of control back to Allied civilian authorities in Japan and Germany.

Or consider the model of the [multinational response to ISIS](#) after it seized territory in Syria and Iraq and initiated or inspired terror attacks across the globe. An allied force took ISIS territory and held it, eradicating ISIS's caliphate and replacing it with allied leaders in both Syria and Iraq.

In this scenario, it is compliance with the law of war that is indispensable to victory. The [obligations placed on an occupying power](#) require it to protect the civilian population, feed it and maintain order. That means no

starvation. That means no chaos. It means creating safe havens where civilians don't face daily bombing raids or risk braving firefights when they walk to markets or take their children to school.

Complying with the law of war gives civil society a chance to revive.

I saw this with my own eyes during my deployment in eastern Diyala Province, Iraq, in 2007. We arrived in a region that was almost entirely in enemy hands. There was an atmosphere of pervasive hostility and fear. Some villages were nearly deserted. Even the large towns could feel empty, and regular suicide bombings terrorized the population.

Rather than engaging in raid after raid and returning home, we did something substantially different. We entered villages, took them from Al Qaeda, and then stayed until we could stand up local allies to maintain peace and security. Only then did we move to the next town.

This is known as "clear, hold and build" or the "ink blot" strategy. Think of the zone of security and safety as an ink blot that slowly spreads over a map until it is covered. In Army language, we referred to the strategy as COIN, short for counterinsurgency, and some of my peers had a saying, "COIN sucks, but it works."

In other words, it's hard. It takes time. It takes patience. It puts soldiers in the middle of seemingly hostile populations for weeks, months and sometimes years at a time.

Yet, properly executed, it can work wonders. When we established security in our area of operations, we watched civil society revive. Markets opened. Restaurants opened. People returned to their homes.

And there was a concrete marker of our success. When we arrived at our forward operating base in November 2007, we had to fly in because the enemy controlled the roads. When my unit left in September 2008, it drove out.

There are multiple caveats to this approach. First, to comply with the law of war, the Israeli occupation has to be temporary. The end result of occupation should not be annexation. Israeli radicals, however, want conquest. They want new settlements in Gaza.

That's a danger of the clear, hold and build strategy. In the first phase, it can look a lot like conquest. But the strategy also requires a near-immediate pivot to finding and bolstering local allies and civilian alternatives to military rule.

Israel must state clearly and unequivocally that it is not seeking permanent rule, and it should (if at all possible) seek allied partners to help govern Gaza. A multinational force would be preferable to long-term I.D.F. control.

Second, while displacement of civilians is sometimes mandatory to preserve their lives, that displacement also cannot be permanent. It's one thing to move civilians out of the zone of battle. It's quite another thing to bar their return when the fight is over. Otherwise, temporary displacement becomes forcible population transfer, another term for ethnic cleansing — a crime against humanity under international law.

This means that when Trump mused about displacing Palestinians to turn Gaza into a resort, he daydreamed about committing international war crimes. This means that any hard-right Israeli dreams of permanent Palestinian displacement or permanent Israeli rule of Gaza contradict international law.

It's also hard to see how any occupation of Gaza will guarantee the release of more hostages. The I.D.F. may be able to find and rescue additional hostages if it occupies the Gaza Strip, but there is no guarantee that Israel will find them all. Nor is there any guarantee that Hamas would leave them alive if Israel refuses to relent.

The only way to ensure the safety of the remaining hostages is through an agreement with Hamas. But a cease-fire in exchange for a hostage release would almost certainly leave Hamas in control of Gaza and allow it to recruit, refit and rearm for another attack.

Also, it's important to remember that the long and deadly history of conflict between Israelis and Palestinians has rendered the Gazan population far more hostile to the I.D.F. than most Iraqis were to American forces.

Israel has a more difficult challenge than we faced in Gaza — though the emergence of (unimaginably courageous) [demonstrators against Hamas in Gaza](#) indicates that there is an appetite for change.

Israel is facing a terrible choice. If it wants to remove Hamas from power, it almost certainly has to pursue an occupation that would divide the nation and further enrage the international community. If it wants to secure the release of the hostages, it will almost certainly have to agree to a cease-fire that leaves Hamas in place and sets the stage for future conflicts.

It remains to be seen whether Israel's new approach is anything more than bluster. Perhaps Israel's threats are little more than negotiation tactics. Perhaps Israel will ultimately prioritize releasing the remaining hostages over ending Hamas's despotic rule. But one thing is crystal clear.

There are no shortcuts in war.