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A POVERTY OF RESPECT: HUMAN RIGHTS, HONOR, DIGNITY AND RESPECT IN THE ISRAELI-PALESTINIAN CONFLICT

Cecil J. Hunt, II*

I. INTRODUCTION

I am honored to be among the distinguished company gathered at this conference sponsored by the Albany Law Review and the Albany Law School to discuss the work and scholarship of Professor Alan Dershowitz, the Felix Frankfurter Professor of Law at Harvard Law School. Professor Dershowitz's distinguished career as a trailblazing and courageous Law Professor, appellate advocate. and public intellectual qualifies him to be one of the most illustrative members of what Jeffrey Friedman characterizes as the "group of creative ideological synthesizers who generate the ideas"1 that stimulate others to think more deeply about contentious social and political issues. Friedman calls these creative synthesizers "ideologists" and sharply distinguishes them from "ideologues" by noting that "ideologues are the ones with predictably constrained political 'attitudes.' The ideologists are the ones who have established that these attitudes flow from 'premises about the nature of social justice, social change, "natural law," and the like."² For example, as Professor Dershowitz has written himself, the Palestinian-Israeli conflict "is no longer so much between the Israelis and the Palestinians as it is between those moderate pragmatists who favor peace and those extremist ideologues who favor a continuation of the conflict, with its resulting bloodshed."³

Throughout his career, Professor Dershowitz has been one of the most passionate supporters and ardent defenders of the embattled state of Israel in what has been variously referred to as the Israeli-

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¹ Jeffrey Friedman, Public Competence in Normative and Positive Theory: Neglected Implications of "The Nature of Belief Systems in Mass Publics", 18 CRITICAL REV. i, viii (2006).

² Id. (citation omitted).

³ Alan Dershowitz, The Case for Peace: How the Arab-Israeli Conflict Can be Resolved 4 (2005).

Palestinian conflict.⁴ He has long been a strident voice arguing that "defending Israel against a double standard is a human rights issue of the greatest significance."⁵ This is why Professor Dershowitz has always encouraged "reasoned, nuanced, constructive, and comparative discussion—including criticism—of Israeli policies and actions."⁶

Since the creation of Israel in 1948, the entire region has been engulfed in a cycle of violence and turmoil that has appeared to be a "seemingly intractable dispute."⁷ The political tensions in this area of the world have given birth to one of the most agonizing, but not hopeless,⁸ political and human rights struggles on the planet. As both a practical and pragmatic matter, the prospects for peace and reconciliation between Israel and her Arab neighbors seem as remote today as they did at the beginning of the conflict. In light of this political reality, I do not pretend to have any magic answers that could miraculously resolve the conflict and achieve peace in the Middle East in a single stroke.

However, this elusive peace is made all the more unattainable by varying degrees of political and financial corruption on both sides of the conflict. For many of the principal players in this production, the conflict between Israelis and Palestinians is a wellspring of considerable political power and economic wealth. For these constituencies, by any metric, peace would be enormously bad for business. But for those true believers on the Israeli side that hold fast to the attainability of a meaningful and sustainable peace, their rhetoric of peace would be well served by a leavening dose of a measurable grammar of respect, honor, and dignity.

This perspective is vitally important because in this conflict, "respect is the number-one target... and the first casualty."⁹ This riddling of respect is readily evidenced in the Israeli political rhetoric demeaning Palestinian humanity. For example, in a tone distressingly representative of the political mainstream of Israeli views of Palestinian humanity, there has been "a long [political] tradition of Israeli leaders implying that Palestinians are devoid of

⁶ Id.

⁴ See, e.g., Alan Dershowitz, Introduction to WHAT ISRAEL MEANS TO ME 1, 2 (Alan Dershowitz ed., 2006).

⁵ Id. at 5.

⁷ DERSHOWITZ, *supra* note 3, at 7.

⁸ JIMMY CARTER, PALESTINE: PEACE NOT APARTHEID 14 (2006).

⁹ RICHARD BEN CRAMER, HOW ISRAEL LOST: THE FOUR QUESTIONS 257 (2004).

values, or not exactly human."10

In this tradition, in his public pronouncements, Manachem Begin often referred to Palestinians as "beasts walking on two legs."¹¹ Raful Eitan, who served as Begin's chief of staff similarly described Palestinians as "drugged cockroaches in a bottle."¹² Former Prime Minister Yitzhak Shamir characterized Palestinians as "a plague of locusts" who should be "crushed like grasshoppers... heads smashed against the boulders."¹³ Prime Minister Ehud Barak referred to Palestinians as "crocodiles—the more you feed them, the more they want."¹⁴ In fact, many Israelis have expressed the view that, to the Palestinians, "human life means nothing" and that "[i]f the Palestinians were not less than human," they were, "at least, less human than Jews."¹⁵

The political facts on the ground in this conflict over the central contentious issues of "borders, settlements, refugees, and Jerusalem"¹⁶ are like tectonic plates that are not likely to shift forward in any measurable way anytime soon. However, like Bernard Wasserstein has correctly observed, my "optimism is founded neither on an unduly rose-coloured view of the harsh facts of Middle Eastern politics nor on innocent faith in the likelihood of a sudden outbreak of sweet reasonableness."¹⁷ Instead, my purpose is to bring "into the foreground some relatively neglected aspects of Israeli-Palestinian relations,"¹⁸ not in terms of the substantive historical and political debate itself, but rather the context in which it is framed and conducted.

Toward this end, I want to suggest a new and potentially helpful perspective on the conflict that consists of looking more closely at the human rights implications of the cultural, social, and political values of dignity, honor, and respect on both sides of the ideological divide. Such an analysis may offer an enhanced perspective on the central importance of, and the subtle differences between, the cultural and political interplay of these values, not only to Israelis, but also to the Arab culture generally and the Palestinian culture

¹² Id.

¹⁴ Id.

¹⁶ BERNARD WASSERSTEIN, ISRAELIS AND PALESTINIANS: WHY DO THEY FIGHT? CAN THEY STOP? 140 (2003).

- ¹⁷ Id. at 3.
- ¹⁸ Id. at 2–3.

¹⁰ Id. at 236.

¹¹ Id.

¹³ Id. (alteration in original).

¹⁵ Id. at 237 (emphasis omitted).

specifically. This enhancement may also yield a more nuanced appreciation of the role that respect plays as a necessary prerequisite to a recognition of human rights, dignity, and honor in each of these cultures. A great deal can be learned about the consciousness and motivations of Palestinians to engage in violent political resistance and acts of terrorism through the lens of the relative cultural and political values of human rights, dignity, and respect from the perspective of the Palestinians as a traditional and still meaningful honor culture.

Perhaps viewing the Palestinian-Israeli conflict from the perspective of their respective cultural values regarding honor, dignity, and respect could be accurately characterized as excessively naïve and simplistic. However, even if that is true, and I don't believe it is, that should not be a barrier to its serious consideration because the same could be said about the prospects of the creation of a non-secular Jewish state just a little over fifty years ago. And that, too, was more achievable than it first appeared.

As Professor Dershowitz has accurately perceived, a lasting peace in the Arab-Israeli conflict can only come about by the "intervention . . . [and] participation of many people. with different . . . worldviews."¹⁹ Generally speaking, when the preamble of the Universal Declaration of Human Rights declares that its signatories mean to "reaffirm [] their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women,"²⁰ the term "dignity" is properly understood to be a property interest. It is a right between people with respect to an intangible thing. It consists of an expectation of recognition and respect by others, and protection by the sovereignty of individual conscious and the various recognized central, collective, and coercive political authorities of both domestic and international communities.

Analytically, the concept of human dignity is particularly slippery and elusive, and frustratingly resists a comprehensive or precise definition. In trying to define this term, Orit Kamir observed that "[1]ike honor in honor cultures, dignity relates to the core of a person's worth as a human being. It is viewed as an axiomatic human quality."²¹ Mindful of this definitional difficulty and

¹⁹ DERSHOWITZ, *supra* note 3, at 1.

²⁰ Universal Declaration of Human Rights, G.A. Res. 217A (III), at 71, U.N. GAOR, 3d Sess., 1st plen. mtg., U.N. Doc. A/810 (Dec. 10, 1948).

²¹ Orit Kamir, Honor and Dignity Cultures: The Case of Kavod and Kvod Ha-Adam in

limitation, perhaps in a fashion similar to the concept of justice, dignity is best understood in relief against its binary opposite-Socrates famously once observed that honor, which he honor. characterized as "thymos," was a quality that all humans desired to attain in the esteem of others.²² As Socrates described it, the quality of honor is a natural object of the human soul and the source of a sense of meaning in life.²³ Michael Lerner expressed a similar sentiment when he described an aspect of "real oppression" to be a "deprivation of meaning... [which] leads people to despair, to violence, and to living lives of pain every bit as experientially real as pain generated by poverty."²⁴ Thus, honor consists of the opinions of others and a person's view of their esteem in the eyes of their fellows. From this view of themselves, as supplied by others, honor can be given or withheld on the basis of the largess of the community to which one belongs. This sense of honor is the basis for a social sense of being able to control one's life and thus to have a sense of one's own meaning within the community. Honor is thus, at its heart, community-based and others-focused.

In stark contrast, dignity is distinct from both respect and honor because it is best understood as a quality that all humans already possess as an inherent function of their humanity, and thus exists independently from the opinion of others. It is a quality that is internally experienced and recognized, not one that is externally bestowed or withheld. Thus, honor must be earned, defended and maintained. As such it can also be lost, taken, or damaged, either by one's own actions or the actions of others, and is thus subject to redemption and restoration. However, dignity is not and, in fact, cannot, by its very nature, be earned because it is inherent in the fact of human existence. Thus dignity is inalienable, invariable, and inviolate. While dignity cannot be lost, taken, or damaged, it can be disrespected and assaulted and is therefore subject to being both defended and protected. In short, dignity can be besieged, but it cannot be conquered.

In a highly controversial New York Times editorial reflecting the

Israeli Society and Law, in THE CONCEPT OF HUMAN DIGNITY IN HUMAN RIGHTS DISCOURSE 231, 241 (David Kretzmer & Eckart Klein eds., 2002).

²² See Paul A. Lee, The Long Lost Last Dialogues of Socrates by Plato 2–3 (1981), available at http://www.ecotopia.org/paul/lost.html.

²³ See Plato, Republic IX, in PLATO: COMPLETE WORKS 1180, 1188–90 (John M. Cooper ed., 1997).

²⁴ MICHAEL LERNER & CORNEL WEST, JEWS AND BLACKS: LET THE HEALING BEGIN 231 (1995).

views of many Middle East watchers, author Thomas Friedman wrote that the essential problem with "Sunni Muslim males, from London to Rivadh and Bali to Baghdad . . . is not about the poverty of money. [It] is about the poverty of dignity and the rage it can trigger."²⁵ Whether he appreciated it or not, in using these terms to describe Arab men throughout the Islamosphere, Friedman's words constituted a profound affront to Arab honor and dignity. With specific reference to Palestinian men, the phrase "poverty of dignity" can reasonably be taken in two ways. First is the assertion that Palestinians have lost their claim to human dignity or had it so deprived that they have little or no dignity remaining. As such, since the United States and Israel are perceived as the cause of this loss of dignity, they must also be the source of its restoration. Or second, in a somewhat different context, this description can be reasonably interpreted as meaning that Palestinian dignity is under tremendous assault and that, like hope itself, it cannot be abandoned without grave consequences for those who will then live with neither hope nor dignity.

Both of these interpretations demonstrate а profound misunderstanding of the nature of human dignity. This most fundamental of human qualities is not subject to being either taken or diminished by suffering. In fact, not only is dignity not impoverished by suffering, it can often be ennobled and personified by suffering. This is true because the suffering endured by those who resist overwhelming power and domination without a loss or diminishment of human dignity is a source of respect and triumph both for those who witness it and those who suffer it. History is filled with countless examples of the truth of this observation: the Spanish Inquisition, the French attack and virtual annihilation of the Knights Templar in the Middle Ages, the eighteenth century American and French Revolutions, the African slaves who endured three hundred years of slavery, the World War II underground resistance to Nazi occupation throughout Europe and the survivors of Nazi concentration camps and the holocaust, and the prisoner of war survivors of North Viet Nam's infamous Hanoi Hilton prison camps.

Those who seek to dominate and suppress others well understand the power and centrality of human dignity because all of their many

²⁵ Thomas L. Friedman, A Poverty of Dignity and a Wealth of Rage, N.Y. TIMES, July 15, 2005, at A19.

acts of what may be accurately characterized as torture, are designed to elicit information and cooperation by assaulting and stripping their prisoners of their sense of personal dignity. The wills of some are broken by these techniques and those of others are not. But no matter how determined the assault on the citadel of human dignity, its walls simply cannot be breached.

A simple story may well serve to illuminate this point. In describing the agonies of survival in the German concentration camp of Auschwitz, Primo Levi described a man: "Steinlauf, who continued to wash his hands in [Auschwitz's] dirty water, who sewed the buttons on his tattered shirt, who stood upright."²⁶ Levi went on to describe the power of the quality of dignity when he wrote that such men said to one another,

So we must certainly wash our faces without soap in dirty water and dry ourselves on our jackets. We must polish our shoes, not because the regulation states it, but for dignity and propriety. We must walk erect, without dragging our feet, not in homage to Prussian discipline but to remain alive, not to begin to die.²⁷

Glenn W. Most summed up the timeless truth of Levi's description when he wrote, "Every represented torment of the human body implies a reflection on what it means to be a human being: and the more radical the former, the more urgent the latter."²⁸ In writing about honor in the ancient Roman Republic, Carlin A. Barton made a similar observation when she described the Roman reaction to their greatest military defeat at the battle of Cannae in 216 BCE, where Hannibal's army annihilated the Roman army leaving "[f]ifty thousand dead on the field."29 Barton described the Roman's stoic reaction to such a crushing defeat by observing that "[t]hen, as on no other occasion, true Roman virtus was revealed.' What you were, finally, was what you could live without. It was the honed, stripped-down soul that shone with the greatest splendor."³⁰ As Barton observed, from ancient times, in honor cultures like Rome, "[n]othing is more formidable than

²⁹ BARTON, *supra* note 26, at 49.

²⁶ CARLIN A. BARTON, ROMAN HONOR: THE FIRE IN THE BONES 6 (2001) (citing PRIMO LEVI, SURVIVAL IN AUSCHWITZ: THE NAZI ASSAULT ON HUMANITY 41 (Stuart Woolf trans., Touchstone 1996) (1958)).

²⁷ LEVI, *supra* note 26, at 41.

²⁸ Glenn W. Most, *The Rhetoric of Dismemberment in Neronian Poetry, in* INNOVATIONS OF ANTIQUITY 391, 409–10 (Ralph Hexter & Daniel Selden eds., 1992).

³⁰ Id. (quoting the imperial historian Florus).

despair.... [I]n all the perils of human existence, it was not victory that mattered so much as that the struggle be 'from the marrow."³¹

Therefore, in terms of Friedman's charge, there can no more be a poverty of dignity from suffering, than there can be a poverty of life itself. It is an old saying that "[w]hile there's life, there's hope."³² In a similar vein it can also be said that, as a matter of human rights, wherever there is life there is human dignity. Thus, in the context of the Palestinian-Israeli conflict, all the talk from the Palestinians regarding land and a one state solution can reasonably be regarded as a type of proxy for a public recognition of honor and respect, and the cessation of their perception of continuing assaults on Palestinian dignity and honor by Israel and the United States. Thus the mantra of "no state-no peace" might just as well be understood as "no respect and honor-no peace." Therefore, the concept of a "poverty of dignity" is by definition an oxymoron both in concept and articulation.

The worldview of the Arab world generally and the Palestinian view specifically is a function of the fact that these societies are based on the traditional values and perspectives of an honor culture. As an honor culture, the Arab view is motivated less by commonly accepted notions of their hatred of Israel's very existence³³ than by "the demands of a traditional honor culture to strike at those whom they see, often for reasons invisible to those outside that culture, as having humiliated them."³⁴

As Bowman correctly observes, "The disappearance of the Western honor culture... has left us ill prepared to understand those different 'value systems' we tend to attribute to poverty, ignorance, colonial oppression or some combination of the three."³⁵ Further, he argues that it is "wrong thus to patronize these honor cultures. We may—we do—powerfully disapprove of them, but they

³¹ Id. at 53 (quoting Roman general Vespasian and the author Apuleius).

³² See MotivationalQuotes.com, Quotations about Hope,

http://www.motivationalquotes.com/pages/hope-quotes.html (last visited Sept. 1, 2008).

 $^{^{33}}$ See CARTER, supra note 8, at 15–16, 18. "Most Arab regimes have accepted the permanent existence of Israel as an indisputable fact and are no longer calling for an end to the State of Israel, having contrived a common statement at an Arab summit in 2002 that offers peace and normal relations with Israel" for its withdrawal from all Arab territories occupied since 1967, its acceptance of an independent Palestinian state with East Jerusalem as its capital, and its agreement to a just solution of the Palestinian refugee problem. *Id.* at 5–6, 14, 52, 207.

³⁴ JAMES BOWMAN, HONOR: A HISTORY 21 (2006).

³⁵ Id.

exist because many people of cultural traditions different from our own continue to want to keep them alive, not because they don't know any better."³⁶ Professor Dershowitz has also failed to grasp this cultural distinction, as he writes that as a "root cause," "there is no such link as a matter of fact or history" "between oppression, occupation, poverty, and *humiliation*, on the one hand, and a willingness to blow oneself up for 'the cause,' on the other hand."³⁷

The concept of Islamic honor being a sufficiently powerful force to motivate and sustain Arab and Palestinian resistance is a difficult one for the Western mind to fully grasp or appreciate. As posthonor cultures, the United States and Israel understandably regard values of honor as relics of a long forgotten and quaint past. However, as Bowman correctly observes, "Yet we are, in global terms, the odd ones out. Our disdain or disregard of the honorable imperatives cited by others as a reason for action is at least as bizarre to most of the world as honor seems to us."³⁸ With great perception, Bowman also notes in this regard, "At some primitive level, the noncommissioned officers at the Abu Ghraib prison in Baghdad understood the importance of honor to the Iraqis better than their superiors, for they understood how to humiliate Arab men and affront their honor."³⁹

This is a critically important distinction that the West generally, and Israel particularly, fails to adequately appreciate because the poverty that drives the Palestinian resistance is not caused, as Thomas Friedman has mistakenly concluded, by either the "poverty of money" or "the poverty of dignity,"⁴⁰ but rather by a poverty of respect. It is, therefore, a mistake of great significance to take too lightly the claims of Arab extremists justifying their acts of terror as a vindication of their respect, honor, and dignity. This is evidenced by the fact that, as Bowman correctly observes,

[I]f you look very closely into what the *jihadists*, or the various radical groups who support them, have to say about what they do, you will rarely see any reference to poverty. Even religion as such seems of less interest to them than the idea of Arab or Islamic "honor" and "manhood," with which

³⁶ Id. at 21-22.

³⁷ DERSHOWITZ, *supra* note 3, at 79 (emphasis added).

³⁸ BOWMAN, supra note 34, at 23.

³⁹ Id.

⁴⁰ Friedman, *supra* note 25, at A19.

honor is always intimately related.⁴¹

Bowman goes on to conclude that

[h]onor may seek a religious validation, whether Islamic or Christian... but its exaggerated demands for respect and a strict code of vengeance for the slightest insults or injuries remain its own and are not founded in the scriptures or the customs and practices of either religion.

That is why the most belligerent statements of the terrorists mention "honor" or "manhood" much more often than they do any distinctively religious concept.⁴²

Distressingly, anecdotally, strikingly, and illustratively, evidence of the fact that Professor Dershowitz, the State of Israel, and the West all fail to adequately appreciate the Arab perspective on the imperatives of honor and respect is illustrated by the fact that the words "dignity," "respect," and "honor" appear nowhere in either the table of contents or the index of Professor Dershowitz's book, *The Case for Peace: How the Arab-Israeli Conflict Can Be Resolved*,⁴³ or of any of the many other Western books on this enduring conflict, including former President Jimmy Carter's new book, *Palestine: Peace Not Apartheid*.⁴⁴ This omission is striking and suggests a degree of insensitivity, even by those most knowledgeable about the problem, to the imperatives of honor, respect, and dignity in Arab culture.

II. HONOR CULTURES

In order to more fully understand the significance and implications of the honor-based Arab and Palestinian cultural worldview and values, it may be helpful to briefly examine in more detail the nature of honor, and honor cultures more generally. William Ian Miller describes honor cultures in the following way:

Honor is above all the keen sensitivity to the experience of humiliation and shame, a sensitivity manifested by the desire to be envied by others and the propensity to envy the successes of others. To simplify greatly, honor is that disposition which makes one act to shame others who have

⁴¹ BOWMAN, *supra* note 34, at 22.

⁴² Id. (describing how Osama bin Laden once said in defense of his acts of terrorism, "We believe that we are men, Muslim men who must have the honor of defending Mecca").

⁴³ DERSHOWITZ, supra note 3, at vii-viii, 239-46.

⁴⁴ CARTER, *supra* note 8, at ix-x, 251-64.

shamed oneself, to humiliate others who have humiliated oneself. The honorable person is one whose self-esteem and social standing is intimately dependent on the esteem or the envy he or she actually elicits in others. At root honor means "don't tread on me." But to show someone you were not to be trod upon often meant that you had to hold yourself out as one who was willing to tread on others....

In the culture of honor, the prospect of violence inhered in virtually every social interaction between free men For shame and envy are quickly reprocessed as anger, and anger often is a prelude to aggression.⁴⁵

James Bowman accurately defines honor as, "[a]t its simplest, ... the good opinion of the people who matter to us, and who matter because we regard them as a society of equals who have the power to judge our behavior."⁴⁶ Bowman goes on to describe this "society of equals" as a particular person's "honor group"⁴⁷ whose opinions matter most to them. Bowman defines an honor group as a natural consequence of a common enterprise where members share common goals and values, and where an individual's personal physical strength is an important measure of public esteem, "especially those like the armed services, police forces, fire brigades and sports teams,"48 and other like groups. Honor groups are also highly patriarchal and thus are "male-dominated."49 The masculine nature of honor cultures results in a strong emphasis on the traditional qualities of loyalty, bravery, and physical and psychological strength.⁵⁰ As Orit Kamir has accurately observed, "In honor cultures, honor serves as an effective disciplining tool, and the honor-code is, therefore, a structure of social power. In order to achieve and maintain honor, an honor culture offers its members specific behavior codes, demanding complete obedience."51

In an honor culture, the members of an honor group see and value themselves through the eyes of one another, at least as much as, and perhaps even more than, they see and value themselves by their own internal lights. Since one's sense of honor is so dependent

⁴⁵ WILLIAM IAN MILLER, HUMILIATION: AND OTHER ESSAYS ON HONOR, SOCIAL DISCOMFORT, AND VIOLENCE 84–85 (1993).

⁴⁶ BOWMAN, *supra* note 34, at 4.

⁴⁷ Id.

⁴⁸ *Id.* (some internal punctuation omitted).

⁴⁹ Id.

⁵⁰ Id. at 4–5.

⁵¹ Kamir, *supra* note 21, at 240.

on how one is viewed by others, the primary underlying value in honor cultures relates to one's public appearance.⁵² Implicit in this view is that "unlike morality, [honor] is by its very nature relative to a particular social context"⁵³ among those that one considers to be his social peers at any given time.

The value of honor in honor cultures cannot reasonably be bifurcated into types: one primitive and the other acculturated.⁵⁴ Instead, it is more precisely understood as a unitary concept whose variations are simply manifestations mediated by social context, but informed by an instinctual "foundational social reflex."55 Bertram Wyatt-Brown has described honor as an "ancient ethic [that] was the cement that held regional culture together."⁵⁶ Thus honor in an honor culture "acts as a kind of 'social glue" where "[t]he key to motivation... is the acquisition of honor that brings high status ..., and conversely the avoidance of shame."⁵⁷ Although a single thing, from this perspective honor consists of a "cluster of ethical rules, most readily found in societies of small communities, by which judgments of behavior are ratified by community consensus."⁵⁸ However, as Wyatt-Brown is quick to point out, in an honor culture, "honor is not confined to any rank of society; it is the moral property of all who belong within the community."⁵⁹ In fact, in these cultures, honor is such a galvanizing and insular concept that it "determines the community's own membership."60

It cannot be overemphasized that honor cultures are fundamentally based not simply on the acquisition of honor alone but on an "avoidance of shame."⁶¹ To this extent, honor cultures

60 Id.

⁵² But see BERTRAM WYATT-BROWN, THE SHAPING OF THE SOUTHERN CULTURE: HONOR, GRACE, AND WAR, 1760S-1890S, at xiii (2001) (describing a type of personal honor that "striv[es] for a higher goal" and is not limited to the esteem of others). As an illustration, the author cites the example of Judge Frank Johnson who, during the civil rights era, was a southern judge who frequently ruled in favor of black civil rights and suffered a storm of criticism from his fellow whites in the community as a result. *Id*.

⁵³ BOWMAN, supra note 34, at 5.

⁵⁴ But see id. at 6 (dividing the concept into two distinct varieties: "reflexive honor," which is instinctual, and "cultural honor," which is learned behavior).

⁵⁵ Id. at 2.

⁵⁶ BERTRAM WYATT-BROWN, SOUTHERN HONOR: ETHICS AND BEHAVIOR IN THE OLD SOUTH, at xv (1982) [hereinafter WYATT-BROWN, SOUTHERN HONOR].

⁵⁷ BOWMAN, supra note 34, at 27 (quoting David Pryce-Jones, Shame and Honor, Terribly Twisted: A Central Truth of Arab Culture is on Full Display in Iraq, NAT'L REV., Apr. 21, 2003, at 36, 37).

⁵⁸ WYATT-BROWN, SOUTHERN HONOR, *supra* note 56, at xv.

⁵⁹ Id.

⁶¹ BOWMAN, supra note 34, at 27 (quoting Pryce-Jones, supra note 57, at 37); see also supra

are also accurately characterized as shame cultures. In cultures so constituted, shame leads to the type of low social and community status that is to be avoided at all costs. There is a certain type of internal irrationality to honor in shame cultures when one's dignity as an honorable person is perceived to be under assault. This characteristic is exemplified by the fact that in an honor culture, when such dignity is at stake, "[w]hoever feels dishonored cannot be talked out of it, or reasoned with"⁶² by any rational or logical argument that does not appreciate the enormous importance of the imperative of shame avoidance and the defense of assaults on personal and community dignity as a fundamental matter of human rights. This is true because, from the perspective of honor cultures, public displays of humiliation and "[s]hame sear[] the soul," and have "to be wiped out and avenged in a public way that all can witness and appreciate. No cost is too great for this end.""63

In an honor culture, honor should thus be understood as an enormously powerful social, political, and economic force that defines, binds, and motivates. This power is clear and manifest both to those who are within "the circle of honor"⁶⁴ and those who are outside of it. The power of honor so understood can supply a sense of meaning, strength, and comfort to those within the circle and thus "serve[s] all members of society in a world of chronic mistrust, particularly so at times of crises, great or small."⁶⁵

Beyond the choice of labels, the fundamental concepts of human rights, honor, and respect are deeply bred in the human psyche and have had a greater or lesser degree of resonance in every culture, but especially so in honor cultures. It is important to note that, as Richard Nisbett and Dov Cohen point out, "almost all societies value honor defined as precedence or status. The culture of honor differs from other cultures in that violence will be used to attain and protect this kind of honor."⁶⁶ At some level, the drive to achieve public honor and respect is not a social extravagance or personal indulgence, but rather can be accurately characterized as a fundamental human need and therefore a basic human right in every culture. However, this sense of its human rights authority is

note 57 and accompanying text.

⁶² BOWMAN, supra note 34, at 27 (quoting Pryce-Jones, supra note 57, at 38).

⁶³ Id. (quoting Pryce-Jones, supra note 57, at 38).

⁶⁴ WYATT-BROWN, SOUTHERN HONOR, supra note 56, at xv.

⁶⁵ Id.

⁶⁶ RICHARD E. NISBETT & DOV COHEN, CULTURE OF HONOR: THE PSYCHOLOGY OF VIOLENCE IN THE SOUTH 4–5 (1996).

most strongly expressed and exaggerated in honor cultures. Thus, everything that is true about a sense of dignity, honor, and respect generally is significantly amplified in the social and political contexts of honor cultures.

As Sharon Krause has persuasively observed, far from being "an artifact of particular cultures and eras," honor is "a lens through which to view fundamental features of human nature and politics."⁶⁷ A sense of personal honor and respect has historically been and continues to be a critical source of human and political agency and therefore exerts a powerful influence on the motives to enter into political life, as well as both the form and substance of law and society.⁶⁸ Plato recognized the human need for honor and respect, or recognition, in his tripartite organization of the soul. As David Brooks accurately observed in a recent article in the *New York Times*:

Plato famously divided the soul into three parts: reason, eros (desire) and thymos (the hunger for recognition). Thymos is what motivates the best and worst things men do. It drives them to seek glory and assert themselves aggressively for noble causes. It drives them to rage if others don't recognize their worth. Sometimes it even causes them to kill over a trifle if they feel disrespected.

... [T]hymos is the psychological origin of political action. 69

In this way, honor can be seen as a reflection of a natural instinct to bond and protect. As it is natural, it is also a universal yearning that speaks to every individual at a very deep level. Wyatt-Brown captures this sense of the universality of the longing for honor by calling it a "prehistoric code,"⁷⁰ which was, in effect, baked in the primal genes. He colorfully describes this primal code in the following terms: "Ever since man first picked up a stone to fling at an enemy, he has justified his thirst for revenge and for popular approval on the grounds of honor."⁷¹

⁶⁷ SHARON R. KRAUSE, LIBERALISM WITH HONOR 21 (2002).

⁶⁸ Id. at 20–21.

⁶⁹ David Brooks, Op-Ed., *All Politics is Thymotic*, N.Y. TIMES, Mar. 19, 2006, §4, at 12. In a correction printed in the *New York Times* four days later, Brooks asserted that "epithymia," not "eros," was the word Plato used "to signify the appetitive part of the soul." David Brooks, Op-Ed., *All Politics is Thymotic*, N.Y. TIMES, Mar. 23, 2006, at A25.

⁷⁰ WYATT-BROWN, SOUTHERN HONOR, *supra* note 56, at xviii.

⁷¹ Id.

III. RESPECT

The value of respect is similar to, but distinct from, both honor and dignity. While honor consists of the esteem that one enjoys in the eyes of their fellows, respect reflects the degree to which one is considered by them to be worthy or deserving of honor.⁷² Therefore, respect is a prerequisite to the earning of honor. Thus, it is possible to have respect without having honor, but it is not possible to have honor without having respect.

The laws and imperatives of honor are well known, revered and practiced by the male members of an honor culture, and form the basis for the verbal weapons of political and social combat, short of physical violence, among them. However, the imperatives of honor can and do often justify the use of physical violence in order to defend or restore honor in the face of insults.⁷³ This defense is often carried out in the form of blood duels in which death is a frequent result of affronts to the respect that one feels deserving of. However, it is not necessarily dying in the defense of respect that reflects the essence of the honor society's value system, but rather the willingness to die to defend or redeem honor. Such demonstrations of the willingness to redeem affronts to one's respect, and thus to one's honor, at the risk of death demonstrated to the community that an individual so valued the respect of others that he was willing to sacrifice his most precious possession-his life-in order to defend and redeem it.

IV. THE ARAB AND PALESTINIAN HONOR CULTURE

The dictates of honor can so exhaust the social landscape that they have the power to go beyond mere elements of a culture, and instead dominate and constitute the essential building blocks of an entire culture. When this happens, the analysis shifts from a consideration of the behavior of individuals within a culture who seek simply honor, to what are generally described as entirely "honor-based cultures."⁷⁴ In an honor culture, "there [is] no higher goal than honor and glory and its corollary of shame avoidance."⁷⁵

⁷² Kamir, *supra* note 21, at 239, 245.

⁷³ See supra Part II.

⁷⁴ WILLIAM IAN MILLER, THE MYSTERY OF COURAGE 179 (2000) [hereinafter MILLER, THE MYSTERY OF COURAGE].

⁷⁵ Id.; see also ROLAND MULLER, HONOR AND SHAME: UNLOCKING THE DOOR 98 (2000) (discussing honor and shame as opposite values in Arab cultures); JEROME H. NEYREY, HONOR

Because of the cultural norms that honor cultures develop, as it has been accurately observed, the natural dynamic of an "[h]onor culture erases any meaningful distinction between service to some noble principle and the avoidance of shame or the acquisition of honor. The entire moral order is subsumed under the larger goal of honor."⁷⁶ Although it may be foreign to many contemporary sensibilities, quite literally in an honor culture, there is "no higher principle"⁷⁷ than personal and thus publicly acknowledged honor.

In Arab honor cultures, honor is at once both individualistic and collectivist in nature. In its individualistic aspect, each person is responsible for his own honor and must constantly be on guard against his own acts and the offenses of others that threaten to damage his public persona by dishonor.⁷⁸ At the same time, they are also deeply collectivist in the sense that "[a]t every level the interests of individuals [are] subordinated to the interests of the group."⁷⁹ In this way, "[h]onour was not a measure of individual moral qualities; it pertained to families, not individuals, and was a relationship between a family and the community."80 In this collectivist sense, the essential quality of honor "was what the community saw when it looked at the family, what it said about it and how it behaved towards it."⁸¹ To the extent that honor in Arab cultures is regarded as a family value rather than an individualistic value, it was also associated with "Arab or Islamic . . . 'manhood.""82 Therefore, from the Arab perspective, honor is also "a male value because it was through its men that a family related with the wider world."83 This masculine foundation of honor is at the heart of what Bowman describes as "tyranny of the face."⁸⁴ From the perspective of Arab masculinity, "it [is] an affront to [male] honor to suffer loss of face" which "leads an Arab to do everything possible not to show

⁷⁶ MILLER, THE MYSTERY OF COURAGE, *supra* note 74, at 179.

AND SHAME IN THE GOSPEL OF MATTHEW 8-9, 83, 89 (1998) (describing the values of honor and shame in Mediterranean communities of antiquity); WYATT-BROWN, SOUTHERN HONOR, *supra* note 56, at xiv (describing honor and shame as opposite concepts).

⁷⁷ Id.

⁷⁸ See BOWMAN, supra note 34, at 27.

⁷⁹ KITTY WARNOCK, LAND BEFORE HONOUR: PALESTINIAN WOMEN IN THE OCCUPIED TERRITORIES 20 (1990).

⁸⁰ Id. at 22.

⁸¹ Id.

⁸² BOWMAN, supra note 34, at 22.

⁸³ WARNOCK, *supra* note 79, at 23.

⁸⁴ BOWMAN, supra note 34, at 27 (quoting Mansour Khalid, The Sociocultural Determinants of Arab Diplomacy, in ARAB AND AMERICAN CULTURES 123, 128 (George N. Atiyeh ed., 1977)).

his troubles to those close to him, let alone his enemies.³⁷⁸⁵ From the traditional Arab perspective,

[h]onour also related to land and to qualities associated with land: stability and long history, plentiful sons, good husbandry. "*Ma illu ard, fish 'indu 'ard*"—"He who has no land has no honour"—is a saying that has gained poignancy since the Palestinian people lost most of their land to Israel.⁸⁶

Traditionally, Palestinian men also had such a strong imperative to protect their women from sexual dishonor that "many of the Palestinian families who fled their homes [in 1948] did so . . . out of fear that their women would be raped by Zionist soldiers."⁸⁷ Thus, the desire to protect their women, however irrational it may have been, "was more important than defending their homes or showing personal bravery and defiance."⁸⁸ However, contemporaneously, "[t]his Achilles' heel of national resistance was subsequently acknowledged and condemned in a reversal of the old saying: '*Al-ard qabil al-' ard'*—'Land before Honour."⁸⁹

At the core of the Palestinian resistance and frustration is a profound sense of being dishonored and disrespected by Israel and the United States, which Palestinians experience as a direct and immediate assault on their dignity. The connection between honor and dignity for the Palestinians is that when they perceive that their honor is lost or taken by the actions of Israelis, it is also perceived as an assault on their dignity-which demands protection and defense. Palestinians generally perceive that these assaults come from the treatment of Palestinians by Israeli soldiers, the Israeli Supreme Court's responses to Palestinian petitions for judicial relief, and the actions of the Israeli government and individual Israeli citizens in the occupied lands. As Steven Erlanger observed, it is important to appreciate the significance of "the patriarchal nature of Palestinian society, and the deep humiliation suffered by [the men] who cannot protect [their] familfies] from invasion, incursion, poverty, unemployment and fear. 'The fathers feel shame, but so do the sons' 'The sons

- ⁸⁷ Id. at 23.
- ⁸⁸ Id.
- ⁸⁹ Id.

⁸⁵ Id. (quoting Khalid, supra note 84, at 128).

⁸⁶ WARNOCK, supra note 79, at 22.

become martyrs, not the fathers."⁹⁰ Erlanger goes on to note that in the eyes of many Palestinian leaders, "the spilling of blood for the cause of Palestinian independence and dignity... is an inevitable, even necessary sacrifice."⁹¹

The victory that these sacrifices seek is a convergence of "[t]wo phenomena . . . : 'personal revenge and the national project.""⁹² This victory. many Palestinians believe. "will come when Israel...come[s] to terms with Palestinian nationalism and negotiate[s] a future with an enemy it has been forced to respect."93 This kind of respect can, in fact, be forged between enemies by the acknowledgement of resistance by a worthy adversary, and, thereby, even in defeat, honor is redeemed and restored and the assault on dignity is repelled.

The views that Professor Dershowitz describes as emanating from the "radical naysayers"⁹⁴ of peace among the Palestinians, in my view, involve more elements of the restoration of Palestinian honor, and the cessation of what they perceive as the Israeli assault on Palestinian dignity, than a total physical destruction of the Israeli state. In their minds, it is the value of Palestinian honor and an Israeli state that are fundamentally incompatible, not a physical Palestine and the mere existence of the Israeli state. However, this incompatibility on both grounds is ill-founded. This is true because from one perspective it can be argued that the core of the problem in this conflict is the overemphasis, on both sides, on a mutually exclusive rhetoric of peace instead of an emphasis on a dialogue framed in the grammar of honor and dignity. In this way the debate can be aimed not at an indefinable and unattainable "peace," that neither side in the conflict can agree on, but rather on the perhaps more achievable goal of the mutual restoration of honor and a demonstrable respect for human dignity.

V. ISRAELI HONOR AND DIGNITY

While the Arab culture is correctly characterized as an honor

⁹⁰ Steven Erlanger, A Life of Unrest: Khaled Abu Hilal's Journey is Gaza's Journey: Bleak, Violent and Headed Nowhere Hopeful, N.Y. TIMES, July 15, 2007, § 6 (Magazine), at 42, 47 (quoting Palestinian poet Ahmed Dahbour), available at http://www.nytimes.com/2007/07/15/magazine/15HAMAS-t.html.

⁹¹ Id. at 44.

⁹² Id. at 47 (quoting his interviewee, Khaled Abu Hilal).

⁹³ Id. (internal punctuation omitted).

 $^{^{94}}$ DERSHOWITZ, supra note 3, at 4 (describing "[e]xtremism" on both sides of the conflict as the "enem[ies] of peace").

culture, the United States and the Western powers are post-honor cultures. However, modern Israel can be more accurately described as a transitionary honor culture. This is true because, throughout most of its history, the Jewish people living in small insular groups bore all the marks of a traditional honor culture. However, after the founding of the Israeli state, technological modernization, and loss of a sense of group insularity, many of these values have faded and been replaced by Western post-honor values. This transition in Israel has been described by Orit Kamir as an important but often unexpressed "issue within . . . the Israeli culture war."⁹⁵

Moreover, in her view, this culture war within Israel is "sufficiently fundamental to be viewed as an ideological revolution."⁹⁶ The core of this ideological revolution represents a "dramatic shift" away from Israel's militaristic "honor mentality and in the direction of embracing the universalistic value of human dignity, [which] is no less than a new conceptualization of the premises underlying the self-definition of the state of Israel."⁹⁷ Against this historic and political background of honor, it would seem that Israel would be the one Western power that should most understand and appreciate the honor culture imperatives of both the Palestinian people specifically, and their Arab neighbors more generally.

Perhaps one of the underlying reasons for modern Israel's disassociation from its roots as an honor culture lies in the fact that, for a variety of historical reasons associated with its creation, Israel does not have a formal constitution that expresses its fundamental cultural and traditional founding principles. However, it does have what might be described as fragments of a constitution in the form of "Basic Laws" that have from time to time been enacted by the Israeli parliament or Knesset.⁹⁸ In 1992, the Knesset passed what Orit Kamir has described in an incisive essay on the subject of Israeli honor as "a basic law that has some features of a charter of human rights, and which is often considered to be the country's bill of rights: *hok yesod kvod ha-adam ve-heruto*, officially translated to 'Basic Law: Human Dignity and Liberty."⁹⁹

By enacting this basic law, the Knesset gave constitutional status

97 Id.

99 Id.

⁹⁵ Kamir, *supra* note 21, at 235.

⁹⁶ Id.

⁹⁸ Id. at 233.

to what it suggested were the pre-existing fundamental Israeli socio-cultural values of human dignity and liberty. However, there are more than a few problems with this linguistic and cultural formulation of Israel's basic societal values. As Kamir points out in her essay, at the core of the problems with this articulation is that "[i]n contemporary, Israeli Hebrew, the root k-v-d, the word kavod and the phrase kvod ha-adam are fraught with meanings and connotations, assimilated together beyond clear distinction."¹⁰⁰ Kamir's analysis leads her to conclude that "while the Hebrew herut is easily translated to 'liberty,' the translation of kvod ha-adam to 'dignity' is substantially inaccurate" because it masks and conceals "the Hebrew term's full range of meanings."¹⁰¹

There are both historical and cultural distinctions that are masked by the Knesset's use of these terms in the Basic Law. This masking effect is captured in Kamir's argument that "[t]he translation of kvod ha-adam to 'human dignity' conveniently associates the Basic Law with the 1948 Universal Declaration of Human Rights. But in fact, although the combined phrase kvod haadam does connote 'human dignity,' the word kavod is also the only Hebrew term for 'honor,' 'glory' and 'respect.""102 She therefore concludes that "[i]n Israeli culture and society, as well as in Israeli law, human dignity (kvod ha-adam) is, therefore, inseparable from-while sometimes at variance with-these other values, representing distinct sentiments and value systems."103 This distinction is both subtle and important since, as Kamir argues, because of "the unique multi-layered concept [of] kvod ha-adam," "[t]he Basic Law's 'dignity-honor-glory-respect' is not exactly the Universal Declaration's 'dignity."¹⁰⁴

As reflected in Kamir's essay, there are three related but distinct meanings of the word *kavod* in Israeli culture, which correspond to three separate and warring factions in the Israeli culture war. The first is one that she describes as "*kavod*-honor,"¹⁰⁵ which consists of the traditionalists "who remain devoted to Israel's Zionist *kavod*honor culture."¹⁰⁶ This traditionalist view is based on the "stain of

¹⁰⁵ Kamir, *supra* note 21, at 234.

¹⁰⁰ Id. at 236.

¹⁰¹ Id. at 233.

¹⁰² Id. (emphasis added).

¹⁰³ Id.

¹⁰⁴ Id. See supra text accompanying note 20 for the precise relevant language of the Universal Declaration of Human Rights.

¹⁰⁶ Id.

shame and humiliation on collective Jewish identity" from the Holocaust.¹⁰⁷ The most striking characteristic of this traditional sense of *kavod*-honor is the Zionist insistence on "overcoming this acute national degradation . . . mainly through the military power of the Jewish state."¹⁰⁸

The second of these "feuding camps"¹⁰⁹ is what Kamir calls "kavod-dignity."¹¹⁰ The unifying and distinguishing characteristic of this group consists of the "shift [in] emphasis from the Zionist honor mentality towards a more universalistic human dignity (kvod ha-adam) oriented culture" where "Israel should reformulate its 'Jewishness' and become 'a state of all its citizens,' Jews and Arabs alike, . . . as a secular political entity, where state and church are separate."¹¹¹ The third and final of these warring camps "is composed of Israeli Jews for whom kavod is above all glory" which "implies a rabbinical, religious, ('pre-Zionist') Jewish ideology, which attributes Man's glory to his heavenly creation in the divine image of God."¹¹²

However, with very little public debate among these warring cultural camps, "in enacting the Basic Law kvod ha-adam ve-heruto, the Knesset . . . signaled a socio-cultural shift of emphasis from the logic of kavod-honor to the logic of (kvod ha-adam) human dignity."¹¹³ Kamir argues that this shift in emphasis "is sufficiently fundamental to be viewed as an ideological revolution" and "no less than a new conceptualization of the premises underlying the selfdefinition of the state of Israel," which "was not explicitly declared, publicly acknowledged nor widely embraced."114 This almost back door shift through changes manifested in the Basic Law, is all the because. more noteworthy as Jane Falk points out. "[a]rgumentativeness, even when accompanied by raised voices, is a way of life for Israelis. It is a sociable enterprise, perpetuated perhaps by the culture of Talmudic study halls where students partner to argue the finest points of Jewish law."115 Similarly, Professor Dershowitz also observed this characteristic of Jewish life

¹⁰⁷ Id.

¹⁰⁸ Id.

- 109 Id.
- ¹¹⁰ Id.
- 111 Id.

- ¹¹³ Id. at 235.
- ¹¹⁴ Id.

¹¹² Id. at 234–35.

¹¹⁵ Jane Falk, Taking Liberties, in WHAT ISRAEL MEANS TO ME, supra note 4, at 112, 116.

in Israel when he said that "[t]he great writer Amos Oz was once asked what commodity is most prevalent in Israel, and he answered, 'Good Argument."¹¹⁶

Therefore it is reasonable to conclude that, had this fundamental shift in Israeli culture represented by the Basic Law been aired for public debate before it was passed, it would have engendered a good deal of national "Good Argument."¹¹⁷ However, since it was not subject to such public debate, Kamir poses a poignant question when she asks "whether fundamental ideological shifts, such as the one from honor to dignity, can and should be led or executed by the legal system, when significant portions of the population are either unaware or unaccepting of the new premises."¹¹⁸

One of the implications from this publicly unacknowledged shift in legal emphasis is manifested in the extent to which the Israeli Supreme Court has accepted and favorably ruled on Palestinian claims against ill treatment by the Israeli state. For example, in response to a direct petition from a number of human rights groups, "Israel's Supreme Court [recently] ordered the government to justify its decision to impose economic sanctions on the Gaza Strip" on the violation of international law basis of against а mass punishments.¹¹⁹ Similarly, an Israeli human rights group recently petitioned the Supreme Court, challenging the military's policy of not allowing 670 Palestinian youths to leave the Gaza strip to attend colleges and universities outside of the country.¹²⁰ In short, the "Basic Law kvod ha-adam ve-heruto seems to have encouraged the legal system's tendency to withdraw from its honor mentality and to develop a dignity discourse."¹²¹ As a result of this shift from an honor discourse to one grounded in dignity, Israeli society and its legal system seem poised to be much more sensitive to Palestinian claims of being disrespected, dishonored, and having their dignity assaulted by actions of the Israeli military and State actions. This is the sense in which Israeli society can be accurately described as an honor culture in transition—from a militaristic sense of honor to

¹¹⁶ Dershowitz, *supra* note 4, at 5.

¹¹⁷ Id.

¹¹⁸ Kamir, *supra* note 21, at 236.

¹¹⁹ Court Orders Israel to Justify Gaza Sanctions, AFX NEWS LIMITED, Oct. 29, 2007, http://www.forbes.com/afxnewslimited/feeds/afx/2007/10/29/afx4272414.html.

¹²⁰ Gaza Students Petition Court to Stop "Collective Punishment", MIDDLE E. TIMES, Oct. 10, 2007,

 $http://www.metimes.com/International/2007/10/22/gaza_students_petition_court_to_stop_collective_punishment/9257.$

¹²¹ Kamir, *supra* note 21, at 257.

VI. CONCLUSION

There is a real and growing social and political constituency within Israel for the recognition and extension to the Palestinians of a universalist conception of human rights. As Rabbi Shmulev Boteach has persuasively observed, "Israel remains for me the embodiment and personification not just of Jewish, but humanity's hopes.... It might sound strange that a rabbi would view Israel as the apogee of human, rather than just Jewish, striving, but I have long believed in Israel's universalism."122 Like Rabbi Boteach. regardless of how small and fragile a voice Jewish universalism may be, like many true believers, I remain sincerely convinced that although frustratingly elusive, it will ultimately be the key to peace in the Middle East. However, it will never be achieved within the current Israeli rhetorical failure to frame the debate, at least to some extent, in terms of the recognition of Palestinian dignity and a restoration of Palestinian respect and honor. These goals are simultaneously glaringly simple and enormously complex. However, in my view they are essential threshold requirements to a lasting and sustainable peace, because a peace which does not recognize the inherent dignity of the enemy and does not afford them respect and honor is no peace at all, and is not worth having on any other terms.

¹²² Shmuley Boteach, in WHAT ISRAEL MEANS TO ME, supra note 4, at 65, 66–67.

HeinOnline -- 71 Alb. L. Rev. 884 2008