

# Is Israel Fighting a 'Just War' in Gaza — and What About Hamas?

JULY 30, 2014

Israel's current war with Hamas has claimed yet another casualty: As the violence between the Israeli army and Hamas militants has increased, the quality of discourse surrounding the conflict has suffered precipitously.

While the conflict has generated unprecedented media attention both in print and online, commentary ranges from largely the vitriolic to the confused and confusing. Most online observers made up their minds long ago and now simply talk past one another. As of this writing, the hashtags #GazaUnderAttack and #IsraelUnderFire have generated millions of parochial tweets, which tend to lay the blame squarely on the other side, and for whom little sympathy is granted.

Though more sober than their counterparts in the social media, the traditional media has fared little better. Most analysis simply remains too narrowly focused or too muddled to make sense of the troubling and complex events unfolding before us.

Now more than ever, thoughtful observers require a systematic framework with which to think about and discuss the ethics of war, a framework that balances competing rights rather than one that neglects one right for the other. Thankfully, such a framework exists.

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The “just war” tradition is a body of political thought that draws on the theory and practice of international law, as well as on thousands of years of religious and philosophical writing. From St. Thomas Aquinas to Princeton’s Michael Walzer, just war theorists contend that a war cannot be considered “just” unless both the reason for going to war and the manner in which the war is fought are themselves just.

We must, therefore, separate the justification from the conduct of war. It is possible to have justice on your side at the beginning but quickly lose it over time, though the inverse is not true. If the motivation for war is illegitimate, good conduct cannot redeem a bad cause. The just war theory explores justification and motivations rather than outcomes and is not conditioned on the conduct of the other side. Justice is something of a moving target, which must be explored from multiple viewpoints and at various times during the life of a conflict.

What, then, are the just reasons — referred to in Latin as *jus ad bellum* — to go to war? These have varied historically, but the following are generally accepted:

First, war must be the last resort. Other avenues, such as diplomacy and sanctions, must be exhausted before the choice to use deadly force is made.

Second, a war must be fought with the right intentions, such as self-defense or the defense of others. Wars of aggression or revenge are not just.

Third, the use of violence must be proportional to the offense suffered. Wars are just only if they are fought in the most limited way so as to correct the wrong done. In other words, a just war is fought to resolve the underlying grievance and bring about peace.

Fourth, war must be fought only if it has a high probability of success. Adventurism does not justify the loss of life associated with war. If victory is unlikely, the status quo ante is preferable. For a war to be just, force must be used judiciously and there must be a balance between a modest and peaceful outcome and the human costs it implies.

If we apply the principles of jus ad bellum to the conflict in Gaza, what do we find? First, Israel and Hamas have used violence not as a last resort, but as a replacement for dialogue.

Second, both sides claim good intentions. Israel asserts the right to self-defense against Hamas rocket fire, while Hamas claims the use of violence to end the Israeli blockade on Gaza and win Palestinian self-determination.

Third, neither side can reasonably claim proportionality or a high probability of success in that neither can expect to achieve its stated war aims through widespread aerial bombardment and ground incursions or through the indiscriminate use of rocket fire. Israeli policymakers have referred repeatedly to the recent campaign as “mowing the grass,” actions of little permanent benefit that will have to be repeated in the future, while Hamas continues to refuse to acknowledge Israel’s right to exist and remains committed to its destruction.

Once the choice to use force has been made, the just war tradition explores the conduct of the parties in order to assess *jus in bello*, justice in war. *Jus in bello* includes two provisions: proportionality and discrimination. The first asks how much force is reasonable, and the second asks against whom that force can be used.

The principle of proportionality suggests that only the minimum amount of force may be used to achieve the desired aims, which, according to the principles of *jus ad bellum*, are to right wrongs and usher in peace. Any additional force would only cause unnecessary suffering. A response need not be proportional to the offense suffered, but must be calibrated judiciously in order to bring about a quick resolution of conflict while minimizing loss of life and property. Both of the principles of *jus in bello* aim to minimize the destructive effects of war: the former through the limited use of force, and the latter through the avoidance of civilian casualties.

The principle of discrimination holds that only military targets can be legitimately attacked during the prosecution of war. The deliberate targeting of civilians can serve no just purpose. Justice demands that efforts be made to effectively distinguish combatants from civilians when using deadly force.

Though both parties can argue justification in going to war, they fare much worse on the principles of *jus in bello*. Throughout the conflict, force has been used indiscriminately and at times excessively. Hamas deliberately targets Israeli civilians with its rockets, while Israel has done too little to

minimize Palestinian civilian casualties, a troubling number of whom are children. And though neither side can reasonably expect to achieve more than the status quo ante, both sides have rejected calls to end the violence. At first Hamas rejected a cease-fire, now Israel drags its feet.

If the just war tradition told us only that wars are hell, it would be of little utility. But that is not all it does. By providing us with an objective standard of morality, the just war theory gives us a framework not only to judge behavior in war but also to demand change. In this and other conflicts belligerents often blame their descent into inhumanity on the actions of the other side. By providing an objective standard not conditional on what the other side does, the just war theory provides us with a framework to demand change. Both sides can and should do better regardless of the enemy they fight.

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