

A Critique of Ethics of War in the Israeli Defense Forces (IDF)

Mohammad Pakdaman*

PhD Student of Political Sociology, Imam Sadiq University, Pakdamanmohammad1@gmail.com

Omid Shafie 

Assistant Professor of Faculty of Islamic Studies and Political Science, Imam Sadiq University,
shafiei@isu.ac.ir

Rouhollah Farhadi

Faculty Member of Secretariat of the Supreme Council of the Cultural Revolution,
Farhadirouhollah@gmail.com

Abstract

Objective: The authors try to evaluate Israeli army self-claim as “the most moral army in the world” based on Michael Walzer’s “Just War” theory. This claim is the main justification used by Israeli officials to justify IDF activities. Walzer is chosen since he is known as the reviver of “Just War” as well as the main patron of IDF ethical code.

Method: This research uses critical analysis method. In this respect, the conformity of IDF activities and Walzer’s Just War is analyzed from internal and external points of view. To come up with the above-mentioned goal, Walzer’s theory is evaluated in terms of solidarity between Walzer’s communitarian approach and “Just War” factors, as internal criticism. As the external one, IDF activities are analyzed in practice based on Just War theory (without considering its internal problems).

Results: This paper shows that IDF has widely violated Just War theory which is the cornerstone of its ethical code. This violation has occurred in *jus ad bellum* as well as *jus in Bello*. Given the intentions of getting into the war, “Self-Defense” cannot be entitled to the regime, esp. in the West Bank, due to lack of collective life for Israeli settlers, legal authority etc.

Conclusion: The conclusion obtained from examining IDF activities with the glasses of Just War theory is that the major IDF justification (IDF as the most moral army in the world) is nonsense. This immorality undermines IDF self-image as well as antagonism against resistance movements as “unethical actors” from academic approach.

Keywords: Just War, Michael Walzer, Israel, IDF, *Jus ad Bellum*, *Jus in Bello*.

Cite this article: Pakdaman, Shafie & Farhadi (2022), A Critique of Ethics of War in the Israeli Defense Forces (IDF), The Quarterly Journal of Political Studies of Islamic World, Vol.10, NO.40, Winter 2022, 1-16

DOI: 10.30479/psiw.2022.14675.2926

Received on 4 December, 2020 **Accepted on** 10 August, 2021

Copyright© 2022, the Author(s).

Publisher: Imam Khomeini International University



Corresponding Author: Mohammad Pakdaman

E-mail: Pakdamanmohammad1@gmail.com

1. Introduction

The most intense conflicts take place in wars, and the parties to the war seek to achieve their “right” and, consequently, a kind of “justice” in battle. But the legitimacy of war and its limits and borders is also a matter named “just war” and is examined by the standard of justice. In the realist school that dominated military thought until the nineteenth century, there was no such thing as a morality in war, and peace had no definition other than the absence of violence. But in the post-World War II era, with the dominance of the liberal school, concepts such as freedom, citizenship, the critique of the use of force, legitimacy, and the confrontation of morality and purpose became more than ever prominent in Western political literature (Kober, 2015: 30). Hence, theories about defining the limits of the actions of the conflicting parties in war, which are called just war theories, were gradually introduced.

IDF has always described itself as “the most moral army in the world” and uses this as a pretext to put pressure on Palestinian resistance groups and acquit itself of responsibility for the wars (Kedar, 2019). This regime is trying to display itself as a moral army by preparing an ethical code for soldiers and through military academies. Concepts such as the “purity of arm” are examples that are considered in trying to achieve this goal. Although this seems like a propaganda aspect at first glance, the entry of someone like Michael Walzer into the arena of defending the Zionist regime based on the theory of just war makes the issue more serious; Walzer's responses, however, drew much critique of him. Walzer defends Israeli militarism and its quality when world academic movements object to and boycott Israeli actions.¹ Thus, Walzer represents a new phase in the defense of Israeli militarism and its entry into the realm of political philosophy. Of course, Walzer has had some turns in his supportive thoughts and approaches towards IDF and he has made minor critiques of its unjustifiable military behavior; but in a macro view, he is still the philosophical and moral defender of this army.

According to what was said, the slogan “the most moral army” needs to be critiqued based on the theories of just war and the theories of Walzer. The choice of Walzer, in addition to his importance as one of the greatest thinkers in this field, is due to the fact that part of the ethical code of IDF has been written based on his theories; as the authors of this ethical code explicitly respond to critiques of the lack of discrimination between military and civilian, based on Walzer's theories (Kasher & Yadlin, 2009). In this paper, using an analytical method and a critical approach, after an overview of the theoretical adequacy of Walzer's theory, the principle of the claim that “IDF is moral” is discussed in the context of theory of just war.

Walzer's view of the war ethics and the right to fight has been designed under three main titles of “self – defense”, “*jus ad bellum*”² and “*jus in Bello*”³. These

1. Boycott, Divestment and Sanction (BDS)

2. *Jus ad bellum* refers to the conditions under which States may resort to war or to the use of armed force in general (The International Committee of the Red Cross (ICRC), 2015)

3. *Jus in bello* regulates the conduct of parties engaged in an armed conflict (The International Committee of the Red Cross (ICRC), 2015)

three concepts, which will be explained later, constitute three major sections of the present article. However, the review of the theory of just war as a universal theory by a communitarian philosopher is another matter that has been discussed separately before matching the components of the Walzer's theory on IDF.

Regarding the approach of this paper towards the IDF, some notes should be explained:

First, the actions of the Israeli military community- including military and intelligence units - are considered as an integrated whole. This approach is taken to keep the article concise and in order, though not making the critiques naïve; since there is not much difference between multiple approaches in these organizations. In addition, many major decisions are made in the Joint Chiefs of Staff and in the Office of the Prime Minister, in coordination with all these institutions.

Second, these institutions are supported by militias such as Irgon, Lehi, and Haganah and many of the approaches in the Israeli military community are derived from the same groups. Of course, this is officially acknowledged by Israeli military and political officials; as many militant leaders later became commander of the army, such as Yitzhak Shamir, Menachem Begin, and Ariel Sharon (Knesset, 2018; Knesset, 2018; Averbach, 2018).

Third, many of the military and intelligence units of these groups –esp. Haganah- were integrated into IDF. As on the 70th anniversary of the establishment of the Israeli [self-claimed] state, the official magazine of IDF introduces these groups as part of its history (Israel Defense Forces, 2018: 10). Therefore, in this paper, in order to make the study more comprehensive, the Israeli military community has been studied.

2. Literature Review

Militarism is an integral part of Israel's identity, from the early Kibbutz Movement to the current apartheid situation in the West Bank (Oz A. , 2000: 1-6). Thus, one of the main parts of Israeli studies is the issue of the army and militarism in Israel. Researches on IDF militarism and the issue of morality can be divided into the following categories:

2-1. Historical approach: These studies examine militarism in Kibbutz communities using historical and ethnographic methods (Bizar, et al. 2016; Edoni, 2017). These studies trace the origins of Kibbutz militarism to the early “ghettos” in the Ottoman Empire and these have explained the existence of a kind of cognitive militarism in the current Zionists that has been inherited from their ancestors as the inhabitants of “Moshav” defined their identity in militarism and called themselves guards (Oz A. , 2000: 1-6).

2-2. Feminist approach: This approach links the roots of militarism to masculinity. Researchers like Katriel, trace roots of militarism to reckless public discourse of Israeli Sabras¹ which is called Dugri in Hebrew (Katriel, 1986).

1. An ideal type of Israelis with a special outfit who work hard in communal agricultural fields. This ideal type has been engraved in Israeli communal memory as an identity meme, even now in neo-liberal era.

These researchers describe the tendency toward militarism as a feeling of male satisfaction in subjugating “others.” In this respect, the “others” acts as a feminine identity that includes compassion and empathy, which must be subjugated them by masculine courage. These reckless behaviors are reflected in the lives and personal behaviors of individuals and extend cognitive militarism (Kahan-Frid, 2019; Kamir 2016).

2-3. Pragmatic approach: In this approach, the army is viewed as an institution in which efficiency and professionalism are paramount. Therefore, the efficiency of the army institution and achieving its goals in the face of the enemy is considered in the center of attention (Kober, 2015). It is clear that when the goal is to achieve victory, then issues such as rights and legal actions in war do not have much room for discussion. In this view, if it refers to the morality of war and issues like a just war, it means paving the way for the army to achieve its goals. The following actions address this issue (Negri and Hardt, 1387; Kober, 2015):

- Legitimization of army actions;
- Making military service attractive for youth by illustrating soldiers as moral heroes;
- Creating social mobilization in an antagonistic way so that Israeli society is a moral society and the Palestinians are immoral enemies against whom any action to protect the boundaries of morality is legitimate.

However, there is a lack of research on the philosophical foundations of the Israeli army and its ethical code. Michael Walzer is an academic figure, as the “reviver of the just war in the contemporary century”, legitimizes many of the Israeli military actions. In the present paper, the compatibility of his theory with internal and external critiques is examined. It is worth noting that a significant part of this is achieved in terms of conformity with “The Real”. It is worth noting that a significant part of this is achieved in terms of conformity with reality; as one of the components of theory evaluation.

3. Research Method

This research uses critical analysis method. In philosophical analysis, firstly, the claim under consideration is clarified and secondly, through analysis, the presuppositions and their accessories have been considered (Vaughn 2006, 9-13). In this paper, Walzer's claim and its components are first explained. But since the authors are not merely seeking to clarify Walzer's theory, Walzer's claim was criticized using philosophical analysis. In the critique of a proposition, either the internal compatibility of the theory is examined (internal critique) or its claim is evaluated by other theories or by external facts (external critique). In this respect, for the internal critique and compatibility of Walzer's claim, his accessories of communitarianism are considered (communitarian or universal view?); in the external critique, his theory is also compared to existing reports and facts about the performance of the Israeli army (laws of war).

4. Conceptual Framework

In this section, the general components and criteria of communitarianism and just war are presented to provide some clarification and analysis of Walzer's theory and the basics for its critique. Thus, the purpose of this section is to explain the principles and concepts of Walzer theory, which are criticized below.

4-1. Communitarianism

The central idea of the theories of Communitarianism is the concept of community and the value of “fraternity” in it. They identify the community in terms of “cultural traditions, common social processes, and common social understandings” and believe that in liberal theories, the value of the community is not recognized as it should be (Kymlicka, 1996: 292). The most prominent issues that have been criticized in this regard by people like Alasdair MacIntyre, Charles Taylor, Michael Sandel and Michael Walzer are: 1. The relationship between the individual and society: Communitarianism is opposed to liberal atomic thinking and the primacy of the autonomous individual over cultural and social values, institutions, and affiliations. According to them, individuals are formed in the context of culture and values; in other words, “I” is formed among “us”. 2. The relationship between “Right” and “Good”: Communitarianism is critical of the primacy and emphasis on individual rights over the public good. 3. A Claim of universality of liberal values: Communitarianism questions the universality and possibility of its application to different societies and cultures by resorting to the role of the cultural context in the formation and understanding of values. 4. A claim of neutrality: Communitarianism criticizes liberal neutrality about lifestyles and goals of life by questioning the possibility of neutrality as well as the conflict of neutrality with liberal and other values (Multiple Authors, 1986, pp. 13-23). Walzer's views focuses more on the methodology of liberal theories, and his critique focuses mainly on the claim to the universality of liberalism (Multiple Authors, 1986: 25).

4-2. Just War; Walzer as the Reviver

In Western political literature, theories of just war originate from Christianity and the works of the likes of Augustine and later Aquinas. The rules of just war were first established by the Roman Catholic Church, which was used to limit wars and to determine the limits of battles with infidels; As the Crusades and the Evangelical Wars were called just wars¹, and on the other hand, there were wars that were called illegal wars² (Griffiths, 2001, 162).

According to theories of just war, the “*jus ad bellum*” arises only for a just cause. According to this, war is only “Proportionality” and “Necessity” when it prevents casualties. In classical literature, the types of just reason are divided into two general categories: 1. National defense, which includes defending oneself or an ally; 2. Humanitarian intervention.

1. ipso jure
2. ipso facto

Walzer who is known for the revival of a just war literature, offers a new division in this regard. Walzer sees the reason of self-defense in the independence and territorial integrity of the inhabitants of a land that also derives from the human rights of its citizens. He defines these rights in three forms:

1. In order to provide security of people within the borders
2. In order to preserve collective life created by the coexistence of those people for centuries
3. Maintaining political organization and organized social communication resulting from informal collective life (Lazar, 2017b).

Criticizing Rawls' universal of justice, Walzer argues that it is limited to property and argues that: "identifying the principles of justice is more an inquiry into cultural reading than philosophical argument" (Kymlicka, 1996: 294).

In the book "Just and Unjust Wars", Walzer explains the two concepts of "*jus ad bellum*" and "*jus in bello*" the concept of "*jus post bello*"¹ has also been considered, which is a separate issue and does not interfere in the discussion of this article. The "*jus ad bellum*" has conditions:

1. War must be a way to prevent injury: war must be a way to prevent harm: "given the burden of responsibility only serious threats can authorize war."
2. The order to fight must be issued by a legitimate authority.
3. Right intention: "having the right intention is not a positive reason for war, but not having it cannot be a reason to fight."
4. Proportionality: in such a way that the positive points of the war outweigh the negative points.
5. Necessity: in such a way that there is no other way but war.
6. Both the elements of "Proportionality" and "Necessity" must be realized together, otherwise war is not allowed; therefore, all alternative routes should be considered and the least harm should be selected.
7. Reasonable Prospect of Success: Some thinkers introduce this element along with other rules, but of course, if the two elements of proportionality and necessity are realized, this element will have no place.

After that the legitimacy of "*jus ad bellum*" has been realized from the perspective of "Just War", the laws of war must be determined and this is where the "*jus in bello*" comes in, which includes the following terms and conditions:

1. Discrimination between civilians and the military
2. The purpose of the war must be worth the anticipated and unintended casualties.
3. To resort to any act of coercion, the element of necessity should be considered, so that there is no other peaceful method. In this principle, scaling must be observed: if the goal can be achieved in a way other than killing, the same method must be adopted (Lazar, 2017b).

"Self-defense" as the creator of the right to war is related to the "*jus ad bellum*", but the two are expressed in different literature and the two arguments are different. Hence, the "*jus ad bellum*" is explained in another part of the article,

1. **Jus post bellum** is the body of laws, norms, and principles that apply during the transition from war to peace. (Easterday, 2012)

and then the *"jus in bello"* has been explained. But, as mentioned, before applying Walzer's theory of just war to IDF, it is appropriate to consider the scope of this theory, as a general and universal view, in view of the conditions and possibilities of Communitarianism.

Walzer mentions a concept called "complex equality" and states that there must be a system of distribution that not only seeks to equalize all good but also seeks to guarantee all good and basically similarity does not mean equality, but the same complex system creates a kind of equality according to the existing differences. Therefore, equality should not be considered from a universal point of view, because nothing is formed outside the community; everything starts with the community and history and culture also are defined within it. The point is that if everything is defined in terms of community, so, the state of good is also defined in that context. In this respect, since good and culture within each society are determined for the individuals of that society (the common good), the good of one society cannot be imposed on other societies. In the book "Spheres of Justice", Walzer states that creating an image of what is good and what is bad destroys the universality of justice. Although this statement is somewhat in line with his Communitarian view that everything is formed within the community and that no good can be imposed on other communities, he can in no way speak of the universality of the concept of justice; because basically as a "Communitarian" one should not believe in universal concepts (Bellamy 2005; 161-165). Walzer explains this contradiction in his book "Thick and Thin: Moral Argument at Home and Abroad", and by accepting the influence of universal views, states that the morality of individuals is largely influenced by the stronger and thicker factor (the influence of the community), but however, the influence of the thin factor of being influenced by worldview views cannot be ignored (Walzer, 2006).

4-3. Walzer and His Critics

Walzer's theory always has inconsistency in terms of universalistic or communitarian approach, and this has caused some problems in presenting a picture of the conflict between the "Palestinians" and the "Israelis" and makes it difficult to apply his theory to IDF: Defending which "self", which "Collective life" and which "organic connection". Moreover, Walzer's theory is widely criticized in terms of "humanitarian soul", "imperialistic interests" etc, which are explained below;

Another group of scholars sees just war as a way for the dominant actor to dominate the subordinate groups. Antonio Negri and Michael Hardt see just war as a reflection of ancient religious wars and reminiscent of the seventeenth-century slogan that "one who commands also determines the religious faith"¹ and see it as the destroyer of tolerance. They see the tendency towards these theories as a way to gain more or less complete social control and move from a welfare state to a war state. This reduces the war to a police action and normalizes and legitimizes it. Negri and Hardt believe that today we are witnessing a kind of

1 . Cujus regio, ejus religio

military police that by creating rights for the dominant actors, allows them to punish dissidents and interfere in their internal affairs; In other words, the two basic tenets of just war, the "*jus ad bellum*" and the "*jus in bello*" are a way to turn war into a legal tool for exercising power rather than limiting war; as Clausius rightly saw war as a continuation of politics in other ways (Negri and Hardt, 1387, 44).

Just war arises from this Christian belief that all individuals and organizations in the world are connected that ruled by God and along that nature. This view implies an emphasis on the role of individuals and governments, and consequently a universal view of the tasks of each of these elements. However, as a communitarian, Walzer focuses on the interests of the community rather than universal and international interests (Griffiths 2001: 166). Basically, since in Walzer's view nothing is formed outside the community, the concept of just war, which is a universal concept, should not be formed in his intellectual system. So, in the first step, the debate is whether or not such a theory is acceptable in Walzer's system of thought and in the next step, assuming that this view is accepted, its application to IDF must be considered.

According to Walzer, the philosopher should be atomistic position and interpret the common world of meanings for citizens instead of dealing with holistic and universal view. His consideration, of course, is to keep the democratic atmosphere safe from the intervention of philosophy and elite judgment (Multiple Authors, 1386: 172-183), but this view implies a kind of relativism that is inconsistent with the universal claims of just war. In addition, although this view is concerned with common sense, it is also inconsistent with societies' common sense of justice and moral argument; For example, our common sense and belief in the evil of killing innocent people arise from the unjust killing of innocent people, not the unjust killing of the innocent arises from our common sense (Kymlicka, 1396: 295).

Meanwhile, such a view that justify getting into the war to serve collective life has been criticized; including that in diverse political societies, valorizing collective freedom leads to the oppression of the majority against the minority; while the individual and his interests are significant in modern societies and states (Caney, 2006; 470-471).

All in all, some theories about war dismiss the very idea of just war theory. Of those, some deny that morality applies in war. They are called realists. But for pacifists, morality always applies, everywhere, and it could never license the horrors of war. Just War theory seeks a middle path (to justify war, but also to limit it), and is under attack by the two other approaches.

The most important criticisms go back to Walzer's view of equality and its implications for the ethics of war. Primoratz argues that Walzer is "much too lenient on both soldiers and civilians. Soldiers fighting for a just cause and those fighting for an unjust one are not morally equal. A substantial proportion of civilians in a democracy are responsible, to a significant degree, for their country's unjust war" (Primoratz, 2002).

Also Lazar says that as unintended noncombatant deaths are permissible only if proportionate to the military objective sought, that means that the objective is

worth some amount of innocent suffering. But what is a military objective worth? None. The military success of unjust combatants does not avert evil; it is itself evil. The revisionists developed further arguments against combatant equality, which also undermine noncombatant immunity. Moreover, many philosophers think that the purported moral distinction between intended and unintended killing is illusory. If ethics were like business, then we would maximize value like profits, and treat people like machines (Lazar, 2017a).

5. Shedding Light on IDF Based on Walzer's "Just War"

First of all, the slogan of the Israeli government is "Israel as a Jewish and Democratic State"¹ (Knesset, 1958). This means imposing a good (the good considered by the Zionist Jews) in order to dominate the good of other communities (like Muslim or Christian Arabs), which is immoral in Walzer's communitarian view.

Imposing the good of "being Jewish" which belongs to the Jewish community in the Occupied Territories, is fundamentally unfair according to Walzer, and defending it is also unjust. Therefore, according to Walzer, the intention of this war, which is to subjugate other communities and impose the good of one community on others, is unjust and incorrect.

5-1. Self-defense: Agent of "Jus ad Bellum"

Assuming that Walzer's views on just war are correct and compatibly fit into his communitarianism system of thought, the extent to which the IDF's actions conform to this theory is another matter to be considered, and Walzer's defense of this army also should be considered from this perspective. Walzer considers the root of self-defense -which is one of the reasons for fighting- in the independence and territorial integrity of the inhabitants of a land. This is a defense for the preservation of social life, the political organization and the social communication developed over the centuries of coexistence. Briefly, in further explanation of "self-defense", Walzer explains the following three reasons:

- Providing security of people within the borders
- Preserving collective life of political community
- Organic Social Communication

Historically, Palestine has had its own collective life and political organization during the pre-occupation period and during the Ottoman Empire. From Walzer's point of view, then, the destruction of such community is contrary to the rules of just war. Thus, cities possessed by Jewish militias such as Irgon, Lehi, and Haganah in the 1948 war have been immorally occupied. Meanwhile, the Arab communities living in the cities were expelled; 418 Palestinian towns and villages were completely destroyed and Israeli neighborhoods were built in their place (Al-Khaleedi, 2001: 26)

Thus, given the above, the logical consequence of Walzer's arguments about the right to self-defense is to guarantee the right to self-defense and, consequently,

1 . ישראל כמדינת יהודית ודמוקרטית .

the right to fight for the Palestinians, not the Jewish settlers before the establishment of the state of Israel. The following three factors are briefly discussed.

5-1-1. Providing security of people within the borders

This argument has two parts: first, security; and second, being limited within borders. Historical study reveals that in the beginning, most of the ghettos were scattered for religious reasons and with the aim of being close to the Holy Land. Gradually, as ghettos became more cohesive, those were given the title of settlement¹. Thus, at first, Jewish immigrant groups settled in Arab lands, consolidating its position, then, as those became wider and more cohesive, those established a settlement and then, with the completion of cohesion, under the communist ideology, those created the kibbutzim². However, the creation of large and populous Jewish settlements was opposed by Sultan Abdul Hamid II and the Muslims, but the Jews eventually did it by force and occupation (Bizar, et al. 2016).

After the establishment of kibbutzim, these centers became military bases to occupy other areas; because the residents of Kibbutz considered the war their religious duty, despite their small population, they made up more than 60 percent of IDF in the 1948 war (Edoni, 2017: 11-16). Thus, first, the security of the people was not threatened by the Arab inhabitants of the region in order to fight for providing it, but it was a threat from the Jews. Second, basically, there were no formal Jewish settlements for which we could accept the rule of defense within the borders.

Walzer specifically justifies the actions of the IDF, according to the principle of “self-defense.” In this regard, he mentions three conditions for legalizing the start of the war in order to “self-defense”:

- Existence of a specific intention in a part of the enemy body to harm.
- Existence of active readiness among the enemy to turn the above intention into effective harm.
- There is a situation that in the absence of an attack, the possibility of failure is high.

Nevertheless, the Israeli government has pursued to cooperate with allies to launch a war in cases where there is no readiness and determination on the part of the other side and there is also no possibility of a serious defeat of Israel; as Israel began cooperating with France and Britain in 1956 to veto anti-Israel resolutions to prevent international protests and actions. But this cooperation was seriously challenged after the Israeli invasion of Iraq's nuclear reactors in June 1981 and Syria in 2007; because it did not have any of the above conditions (Kober, 2015: 109). These two cases are the most obvious examples of violations of just war in the field of “*Jus ad Bellum*”, but in the field of the law of war, it includes many of the actions of IDF, one of the latest examples of which is the tragedy of Hebron. In this tragedy, Alvar Azaria fired from a distance of less than

1. מושב

2. קיבוץ

two meters towards Abdul Fattah Al-Sharif, who was severely wounded. This action, however, provoked much criticism around the world, but the court sentenced him to only nine months in prison (Carlstrom, 2017; xi-xiii).

5-1-2. Preserving Collective Life and Organic Social Communication

Walzer attaches great importance to the lives of people who have formed within a community over the centuries and believes that if the people of a community value a common life in a political community, then they can defend that community and the current life in it. He continues that individuals, after centuries of living, give up part of their freedom to political institutions to ensure the sustainability of freedom for all and they also ignore parts of freedom for organic social communication (Walzer, 2006; 87-91).

Both of these cases have been violated by the Zionists from scouting militias in the years before the founding of Israel until now; the collective life created by centuries of coexistence of religions in the Palestinian region, was destroyed by new Jewish immigrants and its militias groups. Thus, these new Zionist immigrants, who later formed the state of Israel, as well as Haganah, which formally formed IDF after the establishment of the state, were themselves destroyers of the organic social communication and social organization. It is clear that the destruction of this structure was made possible by the destruction of the ruling political order during the Ottoman Empire, which itself was the result of organic communication.

Nevertheless, Walzer, like other pro-Israel activists, refers to the 1948 war as the War of Independence in his book "Arguing about War" (Walzer, 2005: 121). While a large city such as Haifa, which was completely occupied during the war, previously had no Jewish settlement that could be considered the 1948 war in rule of self-defense (Zochrot, 2018). Consequently, the 1948 war cannot be called a war of independence and argued that the preservation of sovereignty and territorial integrity was among the reasons behind the Zionists' right to fight in 1948. So this kind of war is against the principles of just war.

5-2. Jus ad bellum

The factors that create the right to fight can be summarized in the following three cases:

1. The first thing that gives rise to the right to fight is "Just Cause." The just cause is that war is a way to prevent harm. IDF declares its stated goal to be the protection of the Jews. But in this case the same critique of Walzer's classical approach to overemphasizing collective freedom and oppressing the majority to the minority has occurred in practice. One of the most important areas where human rights have been violated by Israeli soldiers and settlers is the city of Hebron and Walzer is criticized from this perspective. The situation is such that one of these soldiers in his confession to the Institute of "Breaking the Silence" said: "Sometimes I am wondering if it was really my duty to defend these extremist Jewish settlers against the Arabs while it is the Arabs who need protection against the Jews" (Eastwood, 2017: 154-192).

2. The second aspect is that the agent of war must have legitimate authority. This legitimate authority is important because the action power of legitimate actors is greater than that of actors who do not have this legitimacy. Walzer does not explicitly elaborate on the importance of legitimate sovereignty in his works, and he suffices to state that legitimate governments have more freedom of action than non-state actors (Lazar, 2017b). Some thinkers believe that such legitimacy is not necessary; Rather, what matters is that the agent of the war has been had the legitimacy to do so, based on his policies. From this aspect, according to UN Security Council resolutions, the occupation of the West Bank by Israel is illegal and its rule is by no means legal (Security Council, 2016). Thus, a large part of the IDF's central unit¹ operating on the West Bank does not have the necessary authority and legitimacy.

3. Another principle expressed in the analysis of a just war is proportionality and necessity. In this regard, we can refer to a concept called the “Doctrine of Double Effect” which was proposed by Augustine and later Aquinas. This doctrine states that harm can be done to achieve a noble goal; even if it was the harm of killing a human. In practice, however, the result is in favor of the military rather than the civilians; in such a way as to endanger civilians under the pretext of saving the lives of selves (Kinsella, 2011: 36). Walzer adds to this doctrine a concept called “Double Intention.” That is, in order to act according to the Catholic tradition of dual effect, two points must be considered: A. the act taken is justifiable according to the rule of the just war; B. Redouble effort must be happened to increase proportionality in order to prevent civilians from falling into danger. (Eastwood, 2017: 69-70). This is tied to another important concept in just war called the “jus in bello”, which we will discuss below.

Finally, the “*Jus ad bellum*” rule is associated with authorization to kill humans. Walzer allows killing humans in only two positions:

1. When a person loses the right to life.
2. Or the goal achieved is very valuable.

The legitimacy of IDF's decision to ignore the life of a Palestinian or to prefer the security of an Israeli citizen living in Hebron to that of its Palestinian neighbor is a question that has never been clearly answered by Israel's military-political elite.

5-3. Jus in Bello

After the legitimacy of “*Jus ad bellum*” has been achieved from the perspective of just war, the rules of “*jus in bello*” must be determined. Therefore, three basic principles will be explained to determine the limits of permissible actions in war:

1. Discrimination between civilians and the military
2. Proportionality
3. Necessity

This claim that IDF is the most moral army is rooted in the identification of the Palestinians as terrorists. This regime calls itself a “moral army” under the title of counter-terrorism. Whereas, according to Walzer, the first thing to be

¹ פיקוד מרכז

considered in the war is the discrimination between military and civilians. It should be noted that the reports of human rights organizations have also shown several cases of violations of this issue by IDF¹. The Israeli army creates "Othering" in order to do its mission as an agent in promoting and imposing Jewish identity and by calling the resistance groups terrorists, IDF introduces itself as the most moral army. Here, the issue of ethics has become a mechanism to justify the actions of IDF. In fact, calling the Palestinians terrorists has caused the first principle to be ignored.

Another issue to be noted in Walzer's arguments is what he states in the book "Arguing about War"; in his view, the initial occupation of the West Bank and Gaza is justified; because: a) it was used as a negotiable privilege; and b) this action came as the government of Egypt claimed the throwing the Jews into the sea. Thus, Israeli leaders gained the supremacy in negotiation to achieve future peace by force (Walzer, 2005: 115). Walzer states that terrorists basically have no right to self-determination, and so the terrorist acts of Islamic resistance organizations -especially Hamas- are illegal. This is while Walzer states the legitimacy of states to enter the war due to the right to defend its citizens. Thus, he cannot make such a claim in a simplistic way without examining the acceptability of Islamic Resistance Movement among the Palestinians; Hamas is currently represented a legitimate government based on democratic principles, which gives it the right to act to ensure the security of its citizens. Walzer, however, is openly criticizes his previous remarks about the occupation of the West Bank and also criticizes the notion that "fighting in Ariel and Keriyat Arba is to defend Tel Aviv and Haifa" and mentions no result other than not achieving peace for it.

6. Conclusion

IDF which has always identified itself as the most moral army in the world and uses the term "Purity of Arm" has sought to gain strong moral and philosophical support for this claim. One of the most important people who have tried to do this is Michael Walzer. His views, known as the revival of the Just War theory and an attempt to systematize it have been used by the Israeli regime.

In the present article, the ethics of war in IDF is criticized from Walzer's point of view. In the first step, it was argued that his views were internally inconsistent and did not conform to Walzer Communitarian thought system (Critique No. 1). Furthermore, even while we acknowledge that Walzer's views are not internally inconsistent, but IDF's attempt to go to war with the Arabs, firstly, cannot be considered self-defense (Critique No. 2) and, secondly, is not a legitimate reason to start a war (Critique No. 3). Also, if one can ignore the immoral and unjust entry of IDF into the war, but the actions of IDF has violated the rule of "*jus in bello*" (Critique No. 4). In this respect, after presenting the moral criteria for entering the war (*jus ad bellum*) and the moral rules during the war (*jus in bello*) from the perspective of the classical thinkers of just war in general, and Michael

1 . See confessions of soldiers on the Websites of Institutions Breaking the Silence (שבריים) (שתיקה), There Is Law (יש דין) and Bet'selem (בצלם)

Walzer in particular, the situation of the Israeli army were examined. And the unjust actions of IDF were demonstrated by providing concrete examples. The unjust actions of IDF also were demonstrated by providing concrete examples.

In short, despite Walzer's efforts, the claim that IDF is moral is facing many obstacles. This regime by identifying itself as a “Jewish state” not only violates one of the most important principles of communitarianism under the name of the prohibition of imposing a common good on other communities, but also basically, by introducing itself as the moral side and the Palestinians as the immoral terrorists, it allows their killing. Another point that the IDF excuses as a permission to start a war is the rule of self-defense; In this regard, after examining the criteria presented by Walzer, it became clear that the excuses of this regime for self-defense are contrary to the rules of just war.

Since presenting a moral picture of the war is of great importance for Israel and its public diplomacy, providing scientific research on this issue is of great sensitivity. What is actually happening inside the occupied territories has activated also cleavages in IDF. The actions of groups such as “Breaking the Silence” are a manifestation of the Israeli military protesters against the militancy policies of Israeli leaders. This issue has put the Israeli army General Staff in a difficult position; hence, it has faced critics with two strategies:

- 1) Revising the Army's Code of Ethics based on Walzer's views; and
- 2) Extensive monitoring of critical groups and the teaching of ethical principles in the military academy.

The second strategy has failed miserably because the Israeli army has not acted more moral and is operating in an atmosphere of “Othering” and also in a so-called “Shoot and Cry” situation. Scientific and critical activities have shown that the Israeli army is immoral. This leads to the discrediting of Israel's political-military leaders and the reluctance of soldiers to follow orders or join the army.

Finally, what Antonio Negri and Michael Hardt warned about in their book “Multitude: War and Democracy in the Age of Empire” is happening; these left-wing sociologists criticize theory of Just War as a means of dominating weaker actors. Negri and Hardt introduce the idea of a just war as the basis for “Military Police” and legitimizing war with anyone who does not agree with the hegemons. Such a situation reinforces the notion that the application of the idea of just war seems to be an echo of ancient religious wars and its political sphere seeks complete social control.

References

- Al-Khaleedi, V. (2001). *Not to Forget: Palestinian Vilages Destroyed By Israel in 1948 and the Names of the Fallen* (2nd Ed. (2nd Pub. 1998; 1st Pub. 1997)). Beirut, Lebanon: Institute for Palestinian Studies (in Arabic)
- Averon, I, (August 18, 2018). *Expulsion in Hotel David – Lies and Distortions*, Retrived from Arutz 7 – Jewish News and Programs: [HYPERLINK "https://www.inn.co.il/News/News.aspx/223213"](https://www.inn.co.il/News/News.aspx/223213)
<https://www.inn.co.il/News/News.aspx/223213> (in Hebrew)

- Bellamy, R.(2005) .Justice in the community: Walzer on pluralism, equality and democracy . D. Boucher & ,P. Kelly ,*Social Justice From Hume to Walzer* . New York: Routledge.
- Bizar, A. Marcus, N. Gerus, Y. (Writers), Bizar, A. Marcus, N. Gerus, Y. (Directors). (2016). *Jews Are Coming Season 2* [Movie]. Israel. (in Hebrew)
- Caney, S(2006) .Environmental Degradation, Reparations, and the Moral Significance of History .*Journal of Social Philosophy*, 464-482.
- Carlstrom, G .(2017) .*How Long Will Israel Survive?: The Threat From Within* . New York: Oxford University Press.
- Eastwood, J. (2017). *Ethics as a Weapon of War Militarism and Morality in Israel*. Cambridge: Cambridge University Press.
- Edoni, B. (2017). *Kibutz in Contemporary Jewish Thoughts*. Beirut: Palestinian and Strategic Studies Center (in Arabic)
- Gregory, D .(2004) .*The Colonial Present* .Massachusetts: Blackwell Publishing Ltd.
- Griffiths, M .(2001) .*Fifty Key Thinkers in International Relations* . London and New York: Routledge.
- Israel Defense Forces. (April, 2018). War of Independence: Founding Drills. *BaMehane* (4), pp. 10-17. (in Hebrew)
- Kahan - Frid, E. (2019). *And Who Will Remember Fathers and Mothers of the Fallen in the War*. Tel-Aviv: Resling (in Hebrew)
- Kamir, O. (2016). The Schizophrenic Reality of Israeli Women: A Cinematic Perspective, 2014. In E. Ben-Rafael, J. H. Schoeps, Y. Sternberg, & O. Glöckner, *Handbook of Israel: Major Dabates* (pp. 437-452). Berlin: Walter de Gruyter GmbH.
- Kasher, A & ,Yadlin, A .(2009)June 11 ‘ .(*Israel & the Rules of War’: An Exchange* .The New York Review of Books: <https://www.nybooks.com/articles/2009/06/11/israel-the-rules-of-war-an-exchange/>
- Katriel, T. (1986). *Talking Straight: Dugri Speech in Israeli Sabra Culture*. New York: Cambridge University Press.
- Kedar, N. (March 2, 2019). "IDF is the Most Moral Army in the World", *Arutz 7 - Jewish News and Programs*: <https://www.inn.co.il/News/News.aspx/300631> (in Hebrew)
- Kinsella, H. M .(2011) .*The Image before the Weapon: A Critical History of the Distinction between Combatant and Civilian* .NY: Cornell University Press.
- Knesset. (1958). *Primary Regulations: Knesset (Revision No. 7a)*. Jerusalem: Knesset
- Knesset. (August 18, 2018). *Knesset Lexicon - Sharon Ariel*. Retrived from Official Knesset Website: [HYPERLINK "http://main.knesset.gov.il/About/Lexicon/Pages/sharon.aspx"](http://main.knesset.gov.il/About/Lexicon/Pages/sharon.aspx)
- <http://main.knesset.gov.il/About/Lexicon/Pages/sharon.aspx> (in Hebrew)
- Knesset. (August 18, 2018). *Yitzhak Shamir*. Retrived from Official Knesset Website: [HYPERLINK "http://main.knesset.gov.il/mk/pages/MkPersonalDetails.aspx?MKID=175"](http://main.knesset.gov.il/mk/pages/MkPersonalDetails.aspx?MKID=175)

<http://main.knesset.gov.il/mk/pages/MkPersonalDetails.aspx?MKID=175>
(Hebrew)

- Kober, A. (2015). *Practical Soldiers: Israel's Military Thought and Its Formative Factors (History of Warfare)*. (Leiden, Netherlands: Brill Academic Pub.
- Kober, A. (2016). *Practical Soldiers: Israel's Military Thought and Its Formative Factors History of Warfare (Volume 107)*. (K. DeVries, J. France, M. S. Neiberg & F. Schneid, Leiden) The Netherlands: Brill.
- Kymlicka, W. (1996). *Contemporary Political Philosophy: An Introduction*. (Badamchi, M. Mobasher, M. (Trans.)) Tehran: Negah-e Mo'aser (in Persian)
- Lazar, S. (2017). Evaluating the Revisionist Critique of Just War Theory. *Daedalus*, 146(1), 113-124.
- Lazar, S. (2017, March 21). *War*. (N. E. Zalta, Editor) Retrieved from Stanford Encyclopedia of Philosophy: <https://plato.stanford.edu/entries/war/>
- Multiple Authors. (1386). *Communitarians and Liberalism Critics (Selective Thoughts of Sandel, MacIntyre, Taylor, Walzer)*. Qom: Islamic Sciences and Culture Academy (in Persian).
- Negri, A. Hardt, M. (1387). *Multitude: War and Democracy in the Age of Empire*. (Najaf Zadeh, N. (Trans.)) Tehran: Nashr-e Ney (in Persian).
- Oz, A. (2000). *The Sabra: The Creation of the New Jew*. Los Angeles: University of California.
- Primoratz, I. (2002). Michael Walzer's Just War Theory: Some Issues of Responsibility. *Ethical Theory and Moral Practice*, 5(2), 221-243.
- Security Council. (2016). *Resolution 2334 (2016)*. (United Nations.
- Vaughn, L. (2006). *Concise Guide to Critical Thinking*. Oxford, United Kingdom: Oxford University Press.
- Walzer, M. (2005). *Arguing about War*. London, New Haven: Yale University Press.
- Walzer, M. (2006). *Just and Unjust Wars: A Moral Argument with Historical Illustrations* 4th. (New York: Basic Books.
- Walzer, M. (2006). *Thick and Thin Moral: Argument at Home and Abroad*. Indiana: University of Notre Dame Press.
- Zochrot. (August 18, 2018). *Haifa*. Retrieved from Zochrot Website: HYPERLINK "https://zochrot.org/he/village/49192" <https://zochrot.org/he/village/49192> (in Hebrew)