

Michael Walzer, perhaps the leading international scholar on just war theory and a long-time supporter of Peace Now, argues that Israel's counter-attacks in Lebanon and Gaza are proportional and just, with some caveats.

THE NEWREPUBLIC ONLINE

HOW AGGRESSIVE SHOULD ISRAEL BE?

War Fair

by Michael Walzer

Post date: 07.19.06

Issue date: 07.31.06

<http://www.tnr.com/doc.mhtml?i=20060731&s=walzer073106>

Israel is now at war with an enemy whose hostility is extreme, explicit, unrestrained, and driven by an ideology of religious hatred. But this is an enemy that does not field an army; that has no institutional structure and no visible chain of command; that does not recognize the legal and moral principle of noncombatant immunity; and that does not, indeed, acknowledge any rules of engagement. How do you--how does anyone--fight an enemy like that? I cannot deal with the strategy and tactics of such a fight. How to strike effectively, how to avoid a dangerous escalation--those are important topics, but not mine. The question I want to address is about morality and politics.

The easy part of the answer is to say what cannot rightly be done. There cannot be any direct attacks on civilian targets (even if the enemy doesn't believe in the existence of civilians), and this principle is a major constraint also on attacks on the economic infrastructure. Writing about the first Iraq war, in 1991, I argued that the U.S. decision to attack "communication and transportation systems, electric power grids, government buildings of every sort, water pumping stations and purification plants" was wrong. "Selected infrastructural targets are easy enough to justify: bridges over which supplies are carried to the army in the field provide an obvious example. But power and water ... are very much like food: they are necessary to the survival and everyday activity of soldiers, but they are equally necessary to everyone else. An attack here is an attack on civilian society. ... [I]t is the military effects, if any, that are 'collateral.'" That was and is a general argument; it clearly applies to the Israeli attacks on power stations in Gaza and Lebanon.

The argument, in this case, is prudential as well as moral. Reducing the quality of life in Gaza, where it is already low, is intended to put pressure on whoever is politically responsible for the inhabitants of Gaza--and then these responsible people, it is hoped, will take action against the shadowy forces attacking Israel. The same logic has been applied in Lebanon, where the forces are not so shadowy. But no one is responsible in either of these cases, or, better, those people who might take responsibility long ago chose not to. The leaders of the sovereign state of Lebanon insist that they have no control over the southern part of their country--and, more amazingly, no obligation to take control. Still, Palestinian civilians are not likely to hold anyone responsible for their fate except the Israelis, and, while the Lebanese will be more

discriminating, Israel will still bear the larger burden of blame. Hamas and Hezbollah feed on the suffering their own activity brings about, and an Israeli response that increases the suffering only intensifies the feeding.

So, what can Israel do? It is an important principle of just war theory that justice, though it rules out many ways of fighting, cannot rule out fighting itself--since fighting is sometimes morally and politically necessary. A military response to the capture of the three Israeli soldiers wasn't, literally, necessary; in the past, Israel has negotiated instead of fighting and then exchanged prisoners. But, since Hamas and Hezbollah describe the captures as legitimate military operations--acts of war--they can hardly claim that further acts of war, in response, are illegitimate. The further acts have to be proportional, but Israel's goal is to prevent future raids, as well as to rescue the soldiers, so proportionality must be measured not only against what Hamas and Hezbollah have already done, but also against what they are (and what they say they are) trying to do.

The most important Israeli goal in both the north and the south is to prevent rocket attacks on its civilian population, and, here, its response clearly meets the requirements of necessity. The first purpose of any state is to defend the lives of its citizens; no state can tolerate random rocket attacks on its cities and towns. Some 700 rockets have been fired from northern Gaza since the Israeli withdrawal a year ago--imagine the U.S. response if a similar number were fired at Buffalo and Detroit from some Canadian no-man's-land. It doesn't matter that, so far, the Gazan rockets have done minimal damage; the intention every time one is fired is to hit a home or a school, and, sooner or later, that intention will be realized. Israel has waited a long time for the Palestinian Authority and the Lebanese government to deal with the rocket fire from Gaza and the rocket build-up on the Lebanese border. In the latter case, it has also waited for the United Nations, which has a force in southern Lebanon that is mandated to "restore international peace and security" but has nonetheless watched the positioning of thousands of rockets and has done nothing. A couple of years ago, the Security Council passed a resolution calling for the disarming of Hezbollah; its troops, presumably, have noticed that this didn't happen. Now Israel has rightly decided that it has no choice except to take out the rockets itself. But, again, how can it do that?

The crucial argument is about the Palestinian use of civilians as shields. Academic philosophers have written at great length about "innocent shields," since these radically exploited (but sometimes, perhaps, compliant) men and women pose a dilemma that tests the philosophers' dialectical skills. Israeli soldiers are not required to have dialectical skills, but, on the one hand, they are expected to do everything they can to prevent civilian deaths, and, on the other hand, they are expected to fight against an enemy that hides behind civilians. So (to quote a famous line from Trotsky), they may not be interested in the dialectic, but the dialectic is interested in them.

There is no neat solution to their dilemma. When Palestinian militants launch rocket attacks from civilian areas, they are themselves responsible--and no one else is--for the civilian deaths caused by Israeli counterfire. But (the dialectical argument continues) Israeli soldiers are required to aim as precisely as they can at the militants, to take risks in order to do that, and to call off counterattacks that would kill large numbers of civilians. That last requirement means that,

sometimes, the Palestinian use of civilian shields, though it is a cruel and immoral way of fighting, is also an effective way of fighting. It works, because it is both morally right and politically intelligent for the Israelis to minimize--and to be seen trying to minimize--civilian casualties. Still, minimizing does not mean avoiding entirely: Civilians will suffer so long as no one on the Palestinian side (or the Lebanese side) takes action to stop rocket attacks. From that side, though not from the Israeli side, what needs to be done could probably be done without harm to civilians.

was recently asked to sign a condemnation of the Israeli operation in Gaza--a statement claiming that the rocket attacks and the military raid that led to the capture of Gilad Shalit are simply the inevitable consequences of the Israeli occupation: There "never will be peace or security until the occupation ends." In the past, I am sure, some Palestinian attacks were motivated by the experience of occupation. But that isn't true today. Hamas is attacking *after* the Israelis departed Gaza and *after* the formation of a government that is (or was until the attacks) committed to a large withdrawal from the West Bank. Similarly, Hezbollah's attacks came *after* the Israeli withdrawal from southern Lebanon. The aim of these militants is not to create a Palestinian state alongside Israel; it is to destroy Israel. Admittedly, that is a long-term aim that derives from a religious view of history. Secularists and pragmatists have a lot of trouble acknowledging such a view, let alone understanding it.

By contrast, the Israeli response has only a short-term aim: to stop the attacks across its borders. Until that is achieved, no Israeli government is going to move forward with another withdrawal. In fact, it is probably true that the Hamas and Hezbollah attacks have made any future unilateral withdrawals impossible. Israel needs a partner on the other side who is, first of all, capable of maintaining security on the new border and who is, second, actually willing to do that. I can't pretend that the Israeli military operations now in progress are going to produce a partner like that. At best, the army and air force will weaken the capacity of Hamas and Hezbollah to attack Israel; they won't alter their resolve. It will probably take the international community--the United States, Europe, the United Nations, some Arab states--to bring the Lebanese army into the south of the country and make it an effective force once it is there. And it will take a similar coalition to sponsor and support a Palestinian government that is committed to two states with one permanent and peaceful border and that is prepared to repress the religious militants who oppose that commitment. Until there is an effective Lebanese army and a Palestinian government that believes in co-existence, Israel is entitled to act, within the dialectical limits, on its own behalf.

MICHAEL WALZER is a contributing editor at The New Republic.

