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## **Israel's Gaza War: A Morally Complex Conflict**

*By Kumar Ramakrishna*

### **SYNOPSIS**

*The ongoing military offensive by the Israel Defense Forces in Gaza to root out the Hamas militant group following its 7 October attacks in Israel, has come under heavy international criticism for the many civilian casualties it has been causing. The question of whether the IDF campaign is "just" is morally complex, with no straightforward answers.*

### **COMMENTARY**

Since the 7 October attacks by Hamas on Israel, a surprise assault that killed 1,400 Israelis, mostly civilians, the military response by the Israel Defense Forces (IDF) against Hamas positions in the Gaza Strip continues unabated. International opinion has been critical of the ferocious IDF campaign, which combines airstrikes and ground attacks. At the time of writing, more than 10,500 Gazans have been killed, 40 per cent of them children.

Although the IDF has insisted that it had only targeted Hamas positions and those embedded within civilian areas, Arab and global Muslim opinions have been extremely scathing. Even sympathetic Western nations including Israel's close ally, the United States, while defending Israel's right to defend itself, have also been critical, urging the government of Prime Minister Benjamin Netanyahu to ease off on its military action so as to permit humanitarian aid to thousands of besieged Gazans. Some voices have even begun to accuse Israel of genocide.

The question arises, is the IDF war against Hamas in Gaza a just war?

## **The Just War Doctrine**

International laws governing armed conflict, such as the Geneva and Hague Conventions, draw upon centuries-old customs governing ethical conduct in war. This “just war doctrine” (JWD) emerged as a coherent body of thought during the Middle Ages. It was inspired by the work of Christian theologians such as St Augustine (d. 430) and Thomas Aquinas (d. 1274), as well as secular theorists such as the Roman jurist Cicero (d. 43 BCE) and later, the Dutch scholar Hugo Grotius (d. 1645), who became known as the “father of international law”. The various elements of just war doctrine have long been discussed by scholars and been applied to an analysis of conflicts such as the Second World War (1939-1945) and the US intervention in South Vietnam (1965-1975). In evaluating the current Israeli war against Hamas in Gaza, a few elements drawn from JWD might be particularly pertinent.

### **Just Cause**

First, does Israel have a just cause for going to war? In JWD, a just cause includes self-defence against unjust aggression, so as to “right a wrong”. It seems clear that the 7 October Hamas attacks, which resulted in a massive civilian death toll unprecedented in Israel’s history and which, besides the abduction of 240 Israeli and other nationals as hostages, featured deliberately brutal violence against even children and women, certainly qualifies as a wrong which requires urgent redressing. The targeting of civilians cynically ignored the international legal principle of noncombatant immunity. In short, there does seem to be a just cause for Israel to declare war on Hamas.

### **Military Necessity vs Discrimination**

Second, in JWD thinking, military firepower in combat zones can only be applied against legitimate targets that have military value to the enemy. For example, if a building is bombed, it must be because it is militarily necessary to do so, to deny its use to the enemy. However, if noncombatant civilians are using the building, JWD requires that the armed forces also practise the principle of discrimination. That is, only combatants can be legitimately targeted in war, not noncombatants. Tactical adjustments must be taken to prevent civilians from being harmed in the bombing.

In the case of the current IDF campaign in Gaza, the principles of military necessity and discrimination have collided. In theory, refugee camps, hospitals and other civilian facilities should be off-limits based on the principle of discrimination, but reality is far more complex. IDF spokespersons have claimed that civilian installations are targeted when militarily necessary because Hamas commanders, militia and military infrastructure, including its vast underground tunnel networks, are co-located with such places.

This claim is not without validity as Hamas is known to use civilians as so-called “human shields”, by deliberately embedding its military assets in civilian and residential areas. Clearly, Hamas wants to present the IDF with a dilemma: if it strikes these civilian targets and kills Gazans, the resulting global outcry would weaken Israel’s moral and international political standing. Conversely, if the IDF opts instead

to engage Hamas fighters in close-quarter urban fighting, it would likely incur many more casualties, possibly resulting in mission failure.

### **Double Effect**

JWD does provide possible guidance to IDF commanders seeking a way out of the operational dilemma set for them by Hamas: the notion of “double effect”. That is, IDF planners could conceivably argue that much effort has been made to warn Gazans to leave areas such as Gaza City where the bulk of the fighting between the IDF and Hamas had taken place. Such warnings have reportedly been made and thousands of Gazans had indeed taken advantage of the brief lulls in the fighting to evacuate.

That being the case, the argument goes, whoever is left behind in Gaza City can only primarily be Hamas, and hence if it turns out that subsequent IDF combat action does regrettably generate civilian casualties, this is permissible due to the *double effect* principle. That is, the killing of Hamas fighters was the primary, militarily necessary effect, and the “collateral damage” of civilian deaths was an unintended secondary effect. Critics of the double effect axiom, however, would argue that it is not enough for IDF commanders to simply *not intend* to harm civilians. Rather, they are ethically obligated to make the utmost deliberate effort to *try not* to harm them as well – even if it entails accepting greater risks for the safety of their own troops.

### **Right Intention**

Whether or not IDF commanders would be willing to absorb such risks is related to another important JWD principle of *right intention*. That is, despite operational pressures, it behooves Israeli authorities and IDF commanders to sincerely reflect on their inner motives for embarking on their campaign strategy. Military necessity aside, is the war being waged with the right intention? That is, to restore a “just peace” while preserving basic standards of justice in the conduct of operations? Or are unsavoury motives fueling the massive application of force that is causing so much grievous suffering amongst Gazan civilians?

In this context, it is disquieting that a senior Israeli official had declared: “We are fighting human animals and we are acting accordingly”. Social psychologists warn that such dehumanising rhetoric on the part of leading political figures often softens the ground for severe mistreatment of all members of a targeted community. It was even more worrisome when a junior Israeli minister blithely expressed openness to the idea of a nuclear strike on Gaza, confirming in Arab minds “the Israelis’ abhorrent racist view towards the Palestinian people”.

### **Proportionality and Reasonable Probability of Success**

Ultimately, to be considered “just” in JWD terms, the IDF war in Gaza must fulfil the principle of *proportionality*. This means that the overall harm caused by the war must not exceed the overall good achieved. In the current context, if the war paves the way towards the negotiated two-state solution that most observers agree is the only pathway to a just and lasting peace between the Israelis and Palestinians, then such an overall good attained would have justified the war, despite the harms caused. Thus,

the IDF campaign would have arguably been a just and proportionate response *overall*.

However, in JWD terms, does the IDF campaign have a *reasonable probability of success* in achieving such a longer-term goal? There are three serious question marks over this.

First, the IDF campaign seems focused on very short-term objectives: freeing the hostages and eradicating Hamas from the Gaza Strip. There does not seem as yet any clear “morning-after” plan for what comes after this short-term objective is attained.

Second, the current leadership on both the Hamas and the Israeli sides do not appear interested in any two-state solution. The right-wing Israeli authorities seem keen on expanding Jewish settlements on the West Bank and giving short shrift to Palestinian aspirations. Meanwhile, Hamas has demonstrated by word and deed that it is only interested in the destruction of Israel and its replacement with a Palestinian state “from the river to the sea”.

Finally, the centre of gravity of the conflict is arguably not to be found in Gaza City, but rather in Tehran. It is Iran that funds and arms Hamas as well as Hezbollah in the north, the Houthis in the south and the other Islamist militias in Iraq that could yet attack Israel. The role of Iran cannot be ignored in any attempt at a just resolution of the conflict.

## **Implications**

In the light of the numerous moral complexities outlined above, Singaporeans should recognise that there isn't any glib, black-or-white answer to the question how far the IDF campaign in Gaza can be regarded as just or unjust. The best that can be hoped for at the moment is a ceasefire, a return of the hostages, humanitarian aid to the traumatised Gazans, and accepting a stand-off until wiser and cooler heads figure out the path forward to a just outcome for all concerned.

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