

# Warfare – Morality – Public Relations: Proposals for Improvement

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During Operation Cast Lead a kind of rolling fire-induced smokescreen preceded the advancing units in order to protect them. As most of the fighting took place in built up and populated areas, this policy caused a large number of casualties among the civilian Palestinian population. This is largely a new policy. In previous campaigns the IDF drove the enemy civilians out of the area (southern Lebanon) or abstained from using massive firepower at the cost of casualties to its forces (Jenin in Operation Defensive Shield).

This new policy was almost universally supported by the Jewish public, and at the initiative of the minister of defense, the government of Israel even took an unprecedented decision to defend all IDF activity against potential judicial action. Those on the left who expressed reservations on moral and legal grounds were termed “bleeding hearts” who value the lives of Palestinian civilians over the lives of IDF soldiers. While stories from the seminar at the Oranim military academy were highlighted in the media, they did not resonate in political-military circles or prompt moral stocktaking, and a surprisingly rapid IDF investigation effectively closed the file. Whether or not there is truth in these tales is not the point. The majority of the fatalities were in any case not caused in incidents of this sort but as a result of the use of heavy firepower. Thus, the key issue is the policy determined by the high command, both with regard to the use of force and with regard to the message this sends to the rank and file soldiers.

There was no genuine public debate on this important issue of morality in warfare joining the rally to the battle cry. Seemingly, there

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is no middle ground between automatic support for all IDF actions and the labeling of its actions as war crimes. But that is not the case. The issue of moral consideration during warfare, first and foremost to preserve the sanctity of life, must be examined not only within the military. The IDF operates in the name of a Western-oriented Jewish society that has a duty to lay down for itself rules of combat morality. The IDF must examine this sensitive subject and decide what can be improved, primarily because of the inherent importance of the moral dimension. In addition, the government should define operational lines in the legal and public relations domains, in order to minimize the political and image-related damage that comes with the IDF's method of fighting in a built up area.

Two preliminary comments are in order before a number of proposals are presented. First, Israel's leaders and IDF commanders revel in the claim that "the IDF is the most moral army in the world." This assertion appears to be justified – or more precisely, perhaps, the IDF may be the most moral fighting army in the world. Compared with what has happened and occurs in the Third World, with the Soviet/Russian army, with the former colonial powers, and even with the US army from Vietnam to Afghanistan, the IDF comes out on top. The following criticism and suggestions should not be viewed as undermining this important assertion. On the other hand, this belief should not serve as a blanket response to any thoughts and questions on the matter. The IDF may be the most moral, yet there is still room for improvement in advance of similar future campaigns.

Second, some of what follows is based on information taken from the media, only part of which was officially corroborated by the IDF. In this area too, the IDF abstained from fully involving the public.<sup>1</sup> As such, some of the examples may not be factually accurate, and some of the proposals may be difficult or even impossible to apply. This does not detract from the validity of the basic ideas, or from the duty to think about other similar steps in the spirit of basic morality.

## The Principle

During a hunt for terrorists in the Jordan Valley in 1969, a force commanded by Maj. Hanan Samson surrounded terrorists who took cover in a cave behind a woman nursing a baby. After the force held

its fire so as not to harm them, the terrorists fired and killed Samson. An entire generation of IDF soldiers grew up on this incident, which was presented as a model of morality in warfare. This was also the context for the statement by the minister of defense during Operation Defensive Shield, when he explained that the high number of fatalities at Jenin was a result of not using massive firepower that would have caused the deaths of many civilians.

At some point in time since then, possibly gradually and possibly only in advance of Operation Cast Lead, the approach changed. This is of course no black and white dichotomy. In the Gaza operation, the IDF invested major efforts in dropping leaflets and calling on civilians to evacuate. The idea of advance warning via tens of thousands of phone calls is, it seems, unprecedented in the annals of war. Also, the actual publicizing of the warnings, in general prior to the start of fighting and in particular before specific moves, denotes to a certain degree a foregoing of the element of surprise. Nevertheless, on a basic level what occurred in Operation Cast Lead represents an extreme change in the balance between two contradictory considerations. It is true that the reality in Gaza was very different from the cave incident forty years prior. Yet instead of a possibly supreme effort to avoid hurting civilians, even at the cost of interfering with the mission and the soldiers, the inculcation of a “no risk taking” approach raises questions about essence and process.

The basic question is, is the change justified? On the one hand, the answer is definitely yes. The sanctity of life is a universal principle and, as such, the lives of soldiers are no less important than those of civilians. Moreover, it is only natural that the country care for its own civilians and soldiers more than the lives of an enemy’s civilians, all the more so civilians who are used as cover and support for the enemy’s fighters. On the other hand, all the international conventions that address the laws of war are based on the following principles: it is permissible to intentionally kill soldiers, it is forbidden to intentionally kill civilians, and soldiers must take “every possible precaution” to avoid harming civilians.<sup>2</sup> This more than implies that they should take risks in order to do this. Furthermore, if it is so clear that the lives of soldiers are more valuable, why did the IDF behave differently in the past? Does the change in the nature of warfare justify extremity?

According to international law, this relates to a question of proportionality. Is it justified to shoot at an apartment from which there is enemy fire, even when it is clear there are civilians there? The answer is yes. Is it justified to shoot at an apartment because there is concern of possible enemy fire? That depends on the circumstances. Is it justified to bomb and destroy a building housing dozens of civilians? The answer must almost always be no. Perhaps especially since it is difficult for international law to lay down iron rules, certain standards must be set in place.

The impression gained from Operation Cast Lead is that there were no safeguards and considerations of these types. This impression is based on media coverage, soldiers' testimony, officers' accounts, and the across-the-board decisiveness of the official IDF spokespeople on the matter. The IDF did not carry out specific investigations in this area, and only published its position on two or three events that attracted media interest.<sup>3</sup> It is highly unlikely that through the entire campaign, not a single error of judgment was made in this complex area. In any case, the message conveyed to the public, and more important to the soldiers, is that everything is acceptable and that no risks should be taken. This norm should be adjusted based on moral, legal, and educational grounds. Not everything is acceptable. In certain cases, particularly when there may be a high number of civilian casualties, risks must be taken. Simply put, sometimes – as reflected in the battle heritage of Hanan Samson – one has to compromise on the way a mission is carried out and/or incur the risk of injury to soldiers to prevent harm coming to enemy civilians.

With regard to the process, the approach to the subject was likely not determined as a result of ethical discussion, rather as a byproduct of the campaign planning. Commanders and staff officers at the General Staff and the Southern Command devised operational plans that incorporated massive use of firepower as support and protection for the soldiers. The approach to the use of force was approved by the chief of staff and, one hopes, by the political leadership as well, and that was the end of the matter. The cost in civilian casualties should have been clear to them. It appears unlikely that any serious discussion took place on the ethical aspects. If it had, this would have been discovered by the media, at least following the campaign. If it is really important to the state and

the government of Israel that the Israeli military maintain moral values during warfare too, this is not the way. First, the discussion should start with the moral need and not with the operational requirements. Second, the discussion (if it took place) should be open and incorporate not just a handful of ministers and generals. Third, the new approach should have been explained to the public and conveyed to the soldiers. The story of Maj. Samson is less relevant to the IDF of today. In view of the difference in the nature of warfare between then and now, this is to be expected. Nonetheless, the topic is too important and sensitive to allow this change of approach to occur in a haphazard fashion.

## Implementation

Even when the initial premise is the use of more aggressive firepower in order to protect IDF soldiers, a number of measures can be implemented in order to limit enemy civilian casualties.

- *Defining “refuge areas.”* During the campaign, the IDF invested considerable resources in calling on the residents to evacuate. However, in contrast with campaigns in Lebanon when the residents fled to the north, Gaza is small, crowded, and closed off. The civilians did not know where to run, because they felt there was nowhere that was safe from the fighting. In the future, accessible refuge areas should be defined for civilians that will not be attacked by the IDF and will be coordinated with humanitarian bodies. Even if the enemy fighters exploit these areas for firing, such a move offers several advantages: it keeps civilians away from the more problematic frontline; it helps Israel in terms of its image; and it generates a problem for the enemy. If firing from the area becomes an acute problem, another area can be defined and the enemy’s conduct can be exploited for public relations purposes. Furthermore, in order to avoid such a problem, Israel should consider defining a refuge area on the Israeli side of the Green Line.
- *Limits on the use of firepower.* The use of high trajectory fire (artillery and mortar) on areas with a civilian population in general, and particularly with a high concentration of civilians, should be avoided almost entirely. This kind of fire is less accurate than low trajectory fire, and thus endangers more civilians in the war zone. Furthermore, when using low trajectory firepower, preference

should be given as far as possible to fighter helicopters over tanks, because they are more accurate. An example of this can be seen in the counter fire used against a mortar unit that fired out of the school in Beit Lahia. Assuming the school housed students or people seeking refuge, no mortar fire should have been directed at the school, even at the cost of delaying the response to the enemy fire. It would have been better to have moved the IDF force that was under enemy fire and / or to screen it off than to have used high trajectory fire on a target with a large number of civilians. Another example is the shelling of the mosque that was used as a weapons repository. It is unclear why it was necessary to attack it without giving prior warning, particularly while prayers were in progress, and to cause dozens of fatalities. The IDF quite rightly takes pride in the clips it shows of the air force making a last minute decision not to carry out a targeted attack so as not to harm civilians. Such consideration should not only be taken into account during routine security operations but also during hostilities. The IDF would do well to examine each case of civilian casualties individually, in order to look at the unfortunate circumstances and how they can be avoided.

- *Providing medical assistance.* Only two weeks after the start of the campaign was a decision made to implement daily ceasefires in order to send in humanitarian supplies, and only at the end of the hostilities was a hospital established at the Erez checkpoint. Doctors who volunteered to help in Gaza came via tunnels beneath the border with Egypt. Regardless of the scale of propaganda exaggeration as to the degree of distress in Gaza, there is no doubt that the casualties there received less than optimal medical aid. It is difficult to gauge the number of civilians who died or remained permanently handicapped as a result. There is no operational reason not to act otherwise. Israel has to allow medical supplies, including personnel reinforcements, from the first day. A field hospital should be ready in the same timeframe, even if the Palestinians prefer not to make use of it.
- *Upgrading the humanitarian systems in the IDF.* During the campaign the IDF informed the public of the existence of a humanitarian system of sorts, with about 15 officers, whose role was to accompany

the forces and aid the civilian population. This system should be upgraded in four respects. One, its principal mission should be defined as limiting the number of enemy civilian casualties, and only subsequently as providing humanitarian aid. Two, the system should be expanded so that it has representatives in each combat unit, at least from battalion level and above. Three, it should be provided with the tools it needs to maintain direct contact with international humanitarian bodies working on the other side of the front during the fighting. This is a crucial measure for more efficient handling of cases, such as the firing on the UNRWA compound or the prolonged prevention of evacuation of the wounded from the Zeitun district. Four, it should be made responsible for humanitarian thinking and planning prior to the fighting, and should be given authority to intervene at the command level during the hostilities to ensure that commanders are aware of the aspect of saving the lives of civilians. There should be an officer in all staff groups whose exclusive job this is, and the world's "most moral army" would do well to establish this position.

## Public Relations

The main practical aspect of warfare morality – the scope of civilian casualties – has direct significance for the political-public relations environment in which Israel operates. (This connection will presumably come into play more, now that the tolerant Bush administration has exited the stage). In order to limit the damage in this area, beyond technical improvements needed regarding public relations, it is recommended that a number of conceptual changes be introduced.

- *"Mobilizing" international law.* After Operation Cast Lead, Israel, and not for the first time, found itself on the defensive on the legal-public image level. As if to intentionally make the situation worse, the political and military leadership openly talked about a policy of "disproportionate response," which is prohibited by international law. In this area a 180 degree change of direction should be made. Israel's moves in Lebanon and Gaza comprise a disproportionate response only if the immediate damage that preceded the response is the criterion for proportionality. Although this approach is rooted in public opinion as the only understanding of the concept

of proportionality, this is not the case. There are two additional approaches among warfare legalists: “the cumulative” – a proportionate response to the collective number of strikes suffered in the past (suitable for countries that have turned a blind eye over a period of time); and “overall” – a proportional response to a threat, including with a view to its removal.<sup>4</sup> Israel should adopt this latter approach and explain that its response is entirely proportionate as it is designed to eliminate a threat of rocket terror to one million of the country’s inhabitants. Instead of explaining that Israel acts against the terms or the spirit of the law and that there is no choice, it should be argued that the operations are entirely in keeping with the law.

- *A transition from response to proactiveness.* The decision to implement daily ceasefires to allow the provision of humanitarian aid was taken only a fortnight after the start of the campaign. This move, like arranging the evacuation of foreign civilians, was made after requests (not to say pressure) by international bodies. During the Second Lebanon War too, the IDF arranged “a humanitarian corridor” for evacuating foreigners only in the wake of international pressure. There is no reason why this should not be planned prior to the outbreak of hostilities and to implement this as soon as the fighting starts, without waiting for requests. This is the proper course to take, in humanitarian and public relations interests, and the operational constraint is almost always minimal.
- *Increasing transparency.* International bodies relate with justifiable skepticism to explanations by the IDF of damage that was inflicted on civilian targets because the IDF was fired on from them, and of the efforts invested in order to limit harm to civilians. It is worthwhile considering the idea of asking international observers to see this for themselves. The IDF’s observation measures are in most cases capable of identifying the source of fire in real time. A sort of observers’ war room can be established for military attaches and/or representatives of humanitarian bodies where they will be able to see firing in residential areas for themselves, even before the IDF responds. To a limited extent some presence can be allowed at military command facilities, or access to their communications systems, so that observers can hear the relevant decisions. At the

very least, immediate reports should be issued in any case when the IDF abstains from acting due to humanitarian constraints.

Regardless of this radical suggestion, the IDF should operate transparently with regard to problematic events. After any extraordinary event regret should be immediately expressed by a senior figure, a rapid internal inquiry should be undertaken that should be immediately followed by an external investigation, errors should be admitted, and if necessary, the culprits should stand trial. The results of the process should be submitted to the authorized international bodies. This is the right way to work in order to prevent claims and to avoid legal complaints.

- *Advance-preemptive public relations.* The Israeli public relations system only starts to work after the fighting starts. This contains two fundamental errors. First, the political-public relations official should be involved in the preparation of the operational plan, and should be present when the political leadership approves it. It is the official's role to identify moves that are problematic in public image terms, and make prior suitable arrangements. In certain cases the official should propose, initially to the military leadership and then to the political hierarchy, that certain steps should be avoided. In practice, he should act as the public relations equivalent of the legal advisor. Second, international public opinion should be primed long before the campaign, in terms of familiarization with the historical background, legal context, and Israeli humanitarian policy. Israel should bring to the international agenda the complete explanation of the issue of proportionality through Israeli legislation, an official proposal for adoption by the relevant international bodies, and recruited support in the professional community. Israel should, from the start, present to foreign governments and international bodies the humanitarian aspect in the IDF's operational method, and should propose its adoption by other countries. Israel should also initiate the establishment of a liaison facility between the IDF and local (Palestinian and Lebanese) and international bodies, so that coordination during hostilities proceeds correctly and helps to limit civilian casualties.

## Conclusion

The IDF is the most moral army in the world. When this article was written it was not clear whether there was any damage inflicted intentionally on civilians during Operation Cast Lead. However, in view of a number of examples and in view of the blanket dismissals by military spokespersons on the subject, it is reasonable to assume that there were civilian casualties as a result of negligence, lack of discretion, and avoidance of risk taking. Efforts should be made to reduce this phenomenon. If too many enemy civilians are hurt during hostilities, this occurs for the sake of, and in the name of, Israeli society. Israeli society must therefore demand from the IDF a higher level of safeguards, without overly endangering IDF soldiers.

During the hostilities in Gaza there were no particular critical objectives, and the military did not operate according to a tight timetable. It seems that in some of the cases, discretion could have been exercised and a decision could have been made to forego, or take a more indirect approach, or proceed more slowly, in order to save human lives. The IDF has to accept this principle, to routinely educate its soldiers accordingly, to brief them before battle, and to develop a humanitarian system in order to properly implement this. Preserving human life during warfare in this manner offers inherent value. In the case in question, a supreme effort to do this also offers political and public relations value that supports achieving the objectives of the war. For these two reasons the IDF and the government of Israel should not suffice with sanctimonious repetition of "the most moral army in the world." The next round of fighting should be approached after the IDF has drawn conclusions and implemented improvements, and after Israel has done everything it can to explain to the world both the justification for its method of operation, and the safeguards it has adopted.

## Notes

- 1 When this article went to press the IDF Spokesperson had not provided the author with answers to questions, data, or other information.
- 2 Clause 2-57 of the Additional Protocol of the 1949 Geneva Convention.
- 3 See footnote 1 above.
- 4 Anthony Arend and Robert Beck, *International Law and the Use of Force – Beyond the UN Charter Paradigm* (London, 1993), pp. 165-66.