

Michael Walzer's Just War Theory and the 1982 Israel War in Lebanon: Theory and Application

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ABSTRACT

This article employs Walzer's theory to assess the justifications for and the conduct of the 1982 war. After explaining the underpinning principles of Walzer's theory, the paper analyses the 1982 Lebanon War ('Operation Peace for Galilee'), arguing that the war was unjust. The war was conducted in accordance with the 'Grand Oranim' Plan that included driving the Palestinian refugees out of Lebanon, relieving the Lebanese Christian militias of their so-called Palestinian burden by driving Palestinian refugees out of the country to Jordan and, at the same time, bringing about a regime change in Jordan, making it into Palestine. In the focus of my analysis are the reasons that brought about the war, *jus ad bellum*, whether the war was in self-defence and the means employed in the conduct of the war, *jus in bello*. The concept of proportionality, and the treatment of non-combatants are carefully considered and analysed.

Keywords: First Lebanon War, Operation Peace for the Galilee; Israel; Just war; Unjust war, Lebanon, Michael Walzer, Menachem Begin; Ariel Sharon; PLO; Phalange, Manipulation, Aggression, Security, Syria.

INTRODUCTION

The history of war is part of the history of humanity. When nations perceive certain ends as valuable and aim to achieve them no matter what, they may exhaust all options, including war. Throughout history, nations competing for power waged wars in order to conquer territories, achieve economic domination, or to compel others to abide by certain religious, cultural, and social norms.

The debate as to what constitutes a just war is ancient. The old saying "All is fair in love and war" might be true for love but it is patently untrue for war. Theologians and scholars, politicians, diplomats, and lawyers have devoted a great deal of their time to the challenging task of establishing criteria for what combatants can permissibly do in a time of war.

The article employs Michael Walzer's theory to assess the justifications for the 1982 Lebanon War between Israel, on the one side, and PLO and Syrian

36 forces in Lebanon, on the other. The Israeli government called the war Operation
37 ‘Peace for Galilee’ at a time when some people in the government thought that
38 Israel was about to open a *limited* military operation – an operation limited in its
39 incursion into Lebanese territory and also limited in time. Since 2006, this war is
40 also known as the First Lebanon War, to be distinguished from the war that
41 erupted between Israel and the Hezbollah in Lebanon in the summer of 2006.

42 Walzer’s book *Just and Unjust Wars* is a classic. Published in 1977, and in
43 five further editions, in more than a dozen languages, it is relevant, significant
44 and a point for discussion in the field of war studies. This is the single most im-
45 portant modern work in the field. It revived interest in the just war tradition and
46 serves as a point of discourse for dozens of books and articles.¹ As Terry Nardin
47 argued, Walzer’s *Just and Unjust Wars* remains “the standard account of just war
48 theory despite the criticism it has received.”² Given its distinct and unquestiona-
49 ble prominence, I apply Walzer’s just war theory to the analysis of the 1982 War.

50 Forty years have passed since the start of that war, and the debate as to
51 whether the Lebanon War was justified is still going strong. Applying the theory
52 to assess the war, it is argued that the 1982 Lebanon War was an unjust war. The
53 War was designed to achieve extravagant, speculative, and unjustified aims.

54 Due to space limitations the discussion is confined to analysis only of the
55 Israeli side of the conflict. A thorough analysis of the roles played by Syria, the
56 PLO and others deserves a separate discussion. Limitations of scope also neces-
57 sitate refraining from addressing the aftermath of the war. The analysis will focus
58 on the reasons that led to the war, *jus ad bellum* and on the means employed in
59 the conduct of the war, *jus in bello*. Central considerations will be the concept of
60 proportionality, and the treatment of non-combatants. *Proportionality* means that

61 the evil inflicted on the enemy does not substantially exceed the resisted evil
62 caused by the enemy. It requires weighing the moral wrong of an attack against
63 the military advantage that it is expected to achieve.³ Proportionality means that
64 the harm one inflicts must not be excessive in relation to the harm one prevents.
65 What counts as excessive is different when those harmed are wrongdoers rather
66 than innocent bystanders.

67 Much has been written on the 1982 war and one may ask: Why the need
68 for yet another article? The innovation of this article is the following: first, while
69 many scholars have analysed the 1982 war, little has been written on whether it
70 was a just war in accordance with just war theories. It offers a theoretical frame-
71 work that is built on Walzer's work and then applies it to a concrete case study,
72 the war of 1982. Furthermore, while Walzer justified the war to some extent, I
73 argue that the war was unjustified from its inception. Second, the research is in-
74 formed by interviews conducted with people who were involved in the decision-
75 making process and who have first-hand knowledge of the people and the war
76 conduct.

77 WALZER'S THEORY

78 According to Walzer, any violation of the territorial integrity or the political sov-
79 ereignty of an independent state constitutes an act of aggression.⁴ It is a situation
80 in which two or more parties engage in an armed conflict where human life and
81 fundamental freedoms as well as the sovereignty of the community are chal-
82 lenged.⁵ Walzer writes: "Aggression is a singular and undifferentiated crime be-
83 cause, in all its forms, it challenges rights that are worth dying for."⁶

84 The victims of aggression fight in self-defence, on behalf of their community,
85 rather than solely in their name. People have the right to engage in war and even

86 to punish the state that decided to violate the serenity of their society. Walzer

87 summarized the standard theory of aggression in six points⁸:

88 1. The international community is composed of independent states whose
89 governments protect the rights and the interests of their residents.

90

91 2. International law is binding on all sovereign countries. It asserts the rights
92 of all communities and above all their territorial integrity and political sov-
93 ereignty.

94

95 3. Any threat or use of force by a state against the political sovereignty or the
96 territorial integrity of another state is an act of aggression and a crime.

97

98 4. Aggression justifies two kinds of violent response: Defensive war by the
99 attacked party, and a war of law enforcement by the attacked party and by
100 any other nation of the international community.

101

102 5. Only aggression can justify war. Domestic heresy and injustice do not jus-
103 tify war. Only the desire to cause injustice to another state might bring a
104 state to justify declaration of war and the use of force.

105 6. "Once the aggressor state has been militarily repulsed, it can also be pun-
106 ished" for the world to see. This principle satisfies the wish for revenge and
107 is also intended for deterrence, preventing other states from acting in a sim-
108 ilar way in the future.⁹

109

110 Walzer calls this theory of aggression "the legalist paradigm" and he

111 qualifies it by saying that our judgement whether a particular war is justified is

112 not entirely determined by the paradigm.¹⁰ In the war under examination, Israel

113 primarily fought against a terrorist organisation, the PLO, and not against Leba-

114 non. The PLO did not consider themselves bound by the same rules of interna-

115 tional law that is binding on all sovereign countries. Furthermore, the political

116 sovereignty and the territorial integrity of Lebanon were already being under-

117 mined by both the PLO and Syria. The PLO and Syria did not represent the Leb-

118 anese people at large. Indeed, the Israeli incursion into Lebanon was welcomed

119 and encouraged by some elements of the Lebanese political establishment, in-

120 cluding by Bashir Gemayel who became president of Lebanon in August 1982.

121 War and Justice are not easily reconcilable. It has been argued that the
122 scene of war is a world of its own, where life and existence are at stake. In such a
123 world, people do whatever possible to save their lives and their communities, and
124 therefore one might argue there is no place for morality and law: *Inter arma si-*
125 *lent leges* – The law is silent in time of war.¹¹

126 Walzer rightly objects to this point of view and claims that we are living
127 in a moral world, that decisions are not made in isolation and that they entail
128 moral considerations. Moral duty cannot be dismissed due to complicated con-
129 texts. In fact, some decisions are tough and problematic because the world we
130 live in is a moral world, and because of the moral judgments that humanity
131 shares. Indeed, moral considerations may influence and decide physical consider-
132 ations. Morality prescribes certain actions and inactions. As Clausewitz wrote:
133 “...theory cannot banish the moral forces beyond its frontier, because the effects
134 of the physical forces and the moral are completely fused and are not to be de-
135 composed like a metal alloy by a chemical process.”¹² Justifications for war, its
136 conduct, and its outcome must be weighed and evaluated through a moral lens.

137 Walzer uses the terms “justice” and “morals” interchangeably, as if they
138 were one and the same: the value of justice is mixed with the value of morals.
139 The moral person is honest and noble.¹³ Justice is a primary impulse of the hu-
140 man soul, and it underpins society. The just, or moral person, is a virtuous person
141 who is guided by a healthy sense of judgement about what is right for people to
142 do, and what they should avoid doing. Following the long moral traditions to
143 which he refers, Walzer suggests that wars need to be analysed on two levels.¹⁴

144 The first level, *jus ad bellum* – the justice of war, concerns the conditions
145 under which States may resort to war or to the use of armed force in general.

146 Considerations include the reasons that brought about the war, ideas about rea-
147 sons and intentions for the war, and the authority that decides to go to war. The
148 justice of the cause is sufficiently great to warrant warfare.¹⁵ *Jus ad bellum* also
149 concerns the wish for the war to cease out of recognition that the continuation of
150 war might bring more evil than good to the world, the beliefs that war should be
151 the last resort, and that peace is always desired. Still, sometimes people believe
152 that war is an ugly necessity to avoid an even greater evil.

153 The second level, *jus in bello*, relates to the conduct of war, including the
154 limitations and restrictions applied to the war from the very moment it begins.
155 *Jus in bello* is concerned with the conditions that qualify a person as a combat-
156 ant, the conditions that qualify legitimate targets, and the strategy and tactics that
157 can be resorted to in terms of the scale of attacks and the weapons that can be
158 used. As Immanuel Kant explained, the killing of innocent civilians should be
159 avoided as much as possible, otherwise peace becomes impossible, and the hos-
160 tilities might turn into a war of extermination.¹⁶ The end does *not* justify the
161 means. Furthermore, beyond instrumental reasoning, the more powerful reason-
162 ing is one of principle: even if the only way to achieve peace and prevent a war
163 of extermination involves the killing of some number of civilians, the end still
164 does not justify the means. The Hague Conventions of 1899 and 1907,¹⁷ the Ge-
165 neva Convention of 1949¹⁸ and the Additional Geneva Protocol of 1977¹⁹ have
166 consolidated some of the ideas of just war theory into international law.

167 Thus, it is possible to fight a just war by unjust means. To characterize
168 war as just, both the reasons for the war and the conduct of war should be just:
169 the war should be fought in strict accordance with the accepted norms. Any dis-

170 cussion of the morality of war requires us to first understand the general analyti-
171 cal principles and then to apply them to the case at hand with meticulous atten-
172 tion to details, facts, and events.

173 THE 1982 WAR IN LEBANON

174 During the 1970s and 1980s, Israel maintained open and active collaboration
175 with the Christian militias in Lebanon. In 1975, PM Yitzhak Rabin met the Mar-
176 onite Christian leader Camille Chamoun. Israel had provided military aid to the
177 Lebanese Maronites in their struggle against their common enemy, the PLO.²⁰ In
178 March 1978, following a shocking terror attack at the heart of Israel by Palestin-
179 ian terrorists who arrived from Lebanon, which resulted in 28 deaths and 78
180 wounded, Israel launched 'Operation Litani,' a retaliatory attack in Lebanon. The
181 aim was to destroy the PLO infrastructure from the Israeli border up to the Litani
182 River. Measures were taken to avoid any confrontation with Syrian forces. Israel
183 then decided to establish a presence in Lebanon to secure its border.²¹ Following
184 UNSC Resolutions 425 and 426 which pressured Israel to withdraw its forces,²²
185 on June 30, 1978, Israel pulled out from most areas in Lebanon except a security
186 zone it established north of its border. Clashes with the PLO continued until a
187 ceasefire was declared on July 24, 1981.²³

188 In the summer of 1981, Defence Minister Ariel Sharon hosted Bashir
189 (Bachir) Gemayel, the young and charismatic leader of the Lebanese Maronite
190 Christian Phalanges (militia units),²⁴ for dinner at his farm. They discussed the
191 future of Lebanon and the cooperation between Israel and the Christians in Leba-
192 non. Gemayel asked Sharon what government he (Sharon) preferred to have in
193 Lebanon, narrow (only Christians) or wide (Christians and other religious repre-

194 sentation). Sharon advised him to establish a narrow government. Gemayel re-
195 sponded by requesting Israel's assistance in his struggle against the Sunni Mus-
196 lims and in ousting the Druze.²⁵ From that meeting on, it was clear to the IDF
197 commanders who were present at the dinner that regime change in Lebanon and
198 the election of Gemayel to president were among Israeli aims in Lebanon. The
199 Israelis knew that without their help, Gemayel had little chance of becoming
200 president. Sharon was determined to make him one.²⁶

201 On January 28, 1982, six terrorists tried to infiltrate Israel from Jordan.²⁷
202 Sharon and Chief of Staff Eitan pressed the government to retaliate in Lebanon,
203 as the PLO headquarters was in Beirut. The government decided to launch an
204 aerial attack against the PLO. The PLO responded with Katyusha rockets on the
205 Galilee.²⁸ This was the only time that Israel's territorial integrity had been vio-
206 lated since the 1981 ceasefire. Some months later, on June 3, an Abu Nidal (a
207 terror organization *opposed* to the PLO) terrorist shot and maimed Shlomo Ar-
208 gov, the Israeli Ambassador to London. This was the trigger to a long war that
209 convulsed Israeli society for many years. It is contested whether the reasons for
210 the war were sufficiently compelling to warrant warfare. PM Menachem Begin
211 regarded the attack on the Israeli ambassador as an attack on the State of Israel
212 and wanted to retaliate swiftly. Tenacious and unwavering, Begin pushed the
213 government to authorise the same retaliation used earlier that year: air attacks on
214 five PLO targets in Lebanon.²⁹ The PLO responded, as it did in January, by
215 shelling Israeli towns and villages across the border. This time, the PLO response
216 was viewed as *casus belli*. Now war was inevitable.

217 On June 5, 1982, the Israeli government convened to examine retaliation
218 options. Generally speaking, Israel deems violations of the *status-quo* by its ene-
219 mies as unacceptable.³⁰ An attempt to assassinate a senior official was consid-
220 ered such a violation. The government meeting was short and decisive. Loyal to
221 its security principles, Israeli leaders wished to be perceived as resolute and de-
222 termined, willing to protect state interests as required and to restore its deter-
223 rence. It was decided to open a military operation that would be limited both in
224 time – to 48 hours – and in scope, to a depth of 40 km inside Lebanese territory.
225 Dan Meridor, the Government Secretary, said: “In the beginning, in the first day
226 and the initiation of this operation, it was very clearly marked. We are speaking
227 of 40 kms and when we reach that line, the war stops.”³¹ The rationale was to
228 push the terrorists deep into Lebanon as the PLO’s artillery and rocket range at
229 that time was limited to 40 km. Begin declared that “we won’t attack the Syri-
230 ans” who had a military presence in Lebanon.³²

231 On June 6, a massive military force crossed the border into southern Leb-
232 anon. Despite the PM’s declaration, military orders spoke about the destruction
233 of the Syrian army in Lebanon.³³ At that time, no one questioned the fact that a
234 massive number of troops (including reserves) and tanks, disproportionate for a
235 limited operation, was sent into Lebanon. IDF commanders knew they would
236 reach Beirut. They understood that such enormous forces are not employed for a
237 mere 48-hour operation.³⁴

238 Some of the decision-makers had different intentions. The government
239 authorized a limited offensive. Defence Minister Ariel Sharon, however, sought
240 to reach the gates of Beirut, to bring about regime change in Lebanon, and to en-
241 gage with the Syrian military force in Lebanon. Those aims were known to the

242 military commanders but unknown to most of the Israeli government who did not
243 authorise this ambitious plan.³⁵ Meridor said that the only plan that was approved
244 “said very clearly: we are going for a 40 km range. This was said specifically,
245 and even lines were indicated on the maps”.³⁷ Begin’s military secretary, Azriel
246 Nevo said the same.³⁸ The Israeli public was also unaware of Sharon’s grand de-
247 sign.³⁹ On the other hand, Eitan was in the know of the larger and far more ambi-
248 tious plan. He coordinated army movements with Sharon. Meridor’s predecessor
249 as Government Secretary (1977-1982), Arye Naor, argues that Sharon and Eitan
250 blatantly lied to the government. The government was unaware of the scale of
251 forces that crossed the border into Lebanon.⁴⁰

252 Naor, who studied the 1982 War closely and maintained close relation-
253 ships with Begin, said that on June 4, Eitan ordered the paratroopers unit to land
254 from the sea some 80 kms into Lebanese territory while the government limited
255 the military campaign to 40 kms. The government was unaware of this.⁴¹

256 The Israeli government was thus greatly influenced by Sharon, whose
257 plans were far grander and more far-reaching than the plans the government had
258 in mind. This could have happened because the government did not have the
259 ability to understand or to monitor military movements. They felt unable to con-
260 test Sharon’s and Eitan’s military capabilities.⁴² Besides Sharon, there was only
261 one other general in government, Mordechai Zipori, who was able to compre-
262 hend military issues that the defence minister chose not to discuss.⁴³ He under-
263 stood Sharon’s true aims and tried unsuccessfully to warn against them. He was
264 the only minister who was able to challenge Sharon when the latter explained his
265 plans using military maps.⁴⁴ Zipori was the first to understand that a wider, ex-

266 tended war was in the making. As early as June 5, he warned that notwithstand-
267 ing what decisions the government would take, the war plans were destined to re-
268 sult in battles with the Syrians.⁴⁵

269 On June 7, Sharon presented the government with two options: directly
270 attacking Syrian forces or outflanking them.⁴⁶ The government decided in favour
271 of the latter option. The ministers did not raise a concern that outflanking meant
272 only a delay in engaging with the Syrians who would become trapped between
273 the IDF forces. The Government's lack of military knowledge served Sharon in
274 his manoeuvring of the government. Begin gave Sharon his full support and was
275 not troubled by Zipori's nagging questions for clarification. Nevo says that Begin
276 was irritated at Zipori's warnings. At that time, he trusted his defence minister.
277 No one in the government was able to stop the rapid escalation.⁴⁷

278 On June 10, Sharon declared in a government meeting that the IDF was
279 explicitly ordered not to enter or operate in Beirut.⁴⁸ From the forces' formation
280 and the maps they held, the IDF commanding officers already knew that they
281 were moving to Beirut.

282 On June 11, due to U.S. pressure, a ceasefire was declared. If the war
283 were to end then, the publicly declared aim of the war – securing Israel's north-
284 ern border and freeing the Galilee from the threat of rocket terror – would have
285 been achieved. But at that point the undeclared aims, as outlined in the ambitious
286 'Grand Oranim' Operation Plan, which Sharon was aiming to achieve without
287 explicitly detailing the plans to the government, had not been achieved. Grand
288 Oranim aimed to bring about regime change in Lebanon, making Bashir Gema-
289 yel president; force the Syrians out of Lebanon; expel the PLO from Lebanon,
290 and allow the Christians a free hand with the Palestinian refugees.

291 Yasser Arafat and his men were still in Beirut, the Syrians were present
292 in Lebanon, and the Lebanese president was their puppet, Elias Sarkis. Thus, or-
293 ders were given to the Israeli divisions to break the ceasefire.⁴⁹ On June 12, the
294 escalation continued when Begin and a small number of ministers decided to
295 conquer western Beirut. Sharon successfully persuaded them that this move was
296 essential for Israel's victory over the PLO. That decision negated all previous
297 government decisions. Other ministers within the government resented that deci-
298 sion and voiced their dissent. Begin found himself in a minority within the gov-
299 ernment and the proposed operation inside Beirut was delayed.⁵⁰

300 On June 14, Sharon explained that the PLO infrastructure was in Beirut
301 and if terrorists were allowed to remain in Lebanon, they would return to the se-
302 curity belt in the south and threaten Israel's security. Thus, the "mopping-up" ac-
303 tion must destroy the infrastructure.⁵¹ Sharon also said that the IDF had "no in-
304 tention" of taking Beirut.⁵² The war ends were changing as the IDF was advanc-
305 ing deeper into Lebanese territory. The government sometimes authorized the
306 army movement before it took place, sometimes after it took place, and some-
307 times it did not know what was taking place.⁵³ Begin soon realised that decisions
308 were being taken without his and his government's prior knowledge and consent.
309 Changes to agreed plans were being made elsewhere, not at the government ta-
310 ble.⁵⁴

311 On June 17, Israeli jeeps were moving freely in south-eastern Beirut.⁵⁵
312 For the first time in Israel's history, the IDF was inside an Arab capital. On June,
313 20, the IDF entered Phalange-held areas of Beirut.⁵⁶ Still, on June 21, Begin told
314 the TV program "Face the Nation" that Israel had no intention to enter Beirut.⁵⁷
315 On June 26, Sharon redefined the war's aims: First, and most importantly, "the

316 elimination of the PLO, the elimination of the terrorist force in Lebanon". Sec-
317 ond, "the removal of the Syrian army", which was providing massive support to
318 the terrorists. Third, "we might reach a peace agreement with another Arab state,
319 in the north."⁵⁸ Those ends were never approved as such by the government.

320 On June 29, Begin told the Knesset that while the government had not in-
321 itially intended to enter Beirut, now the IDF was at the gates of the Lebanese
322 capital while the terrorists are still there and refuse to leave.⁵⁹ "Should we say
323 that we are categorically against entering Beirut?" This, "is not logical."⁶⁰ There
324 is a difference between what "we declared initially... when we were far away
325 from Beirut," and the present situation where, "as a result of fighting, we are at
326 the gates of Beirut".⁶¹ On July 26, he wrote that Israel strives to drive the terror-
327 ists out of Lebanon without the need of entering West Beirut. "I hope we will be
328 able to do this. Evidently, we cannot allow them to remain near our home."⁶²

329 In early August, the IDF pressed on to West Beirut and took hold of stra-
330 tegic positions inside the city. On August 12, the Israeli pressure took its toll and
331 Arafat agreed to evacuate his headquarters. On August 21, the evacuation of the
332 PLO from Beirut began. Two days later, on August 23, Israel's ally, the Maronite
333 Christian leader Bashir Gemayel, was elected President of Lebanon. The Israeli
334 decision-makers were very happy to witness this historic milestone, as were the
335 Americans.⁶³ But as the war progressed and the IDF suffered more casualties, Is-
336 raeli public consensus and legitimation of the war eroded significantly. Increas-
337 ing numbers of people began to feel that the government had lost control, that
338 human lives were being lost in vain, and that the aims were unrealistic.

339 On May 17, 1983, the governments of Israel and Lebanon signed a secu-
340 rity agreement.⁶⁴ However, following the withdrawal of U.S. military forces

341 from Lebanon in February 1984, and under Syrian pressure, in March the Leba-
342 nese government announced that the agreement was null and void. Fighting be-
343 tween Israel and Arab terrorist and guerrilla organisations continued on Lebanese
344 land for many more years. Begin resigned from politics in September 1983 after
345 declaring that he was no longer able to serve his country. For many months, he
346 had not functioned as prime minister. Mentally and physically, he was not up to
347 carrying any leadership position.⁶⁵ The death of his wife, the rolling military op-
348 eration that was not altogether under his control, the growing number of casual-
349 ties, the families of the POWs who pleaded with him to do everything to bring
350 them home, the constant protests outside his home, all of these took their toll on
351 Begin, and he decided to retire from public life.

352 WAS THE 1982 WAR IN LEBANON A JUST WAR?

353 *JUS AD BELLUM*

354 In the Hebrew edition of *Just and Unjust Wars*, Walzer writes that the Lebanon
355 War cannot be justified according to the just war theory, but that the 40km war
356 might have been justifiable.⁶⁶ However, Israel did not fight that limited war.
357 Walzer does not explain why what he terms the “little war” (40km war) could
358 have been justified. Chapter 12 of the book is concerned with terrorism, violence,
359 and liberation, but the Palestinian issue is not mentioned and Walzer chose not to
360 mention the Arab-Israeli conflict in the book’s Preface.

361 I would have agreed with Walzer that the “little war” might have been
362 justified if the PLO had often violated the 1981 ceasefire and if it had organised
363 the attack on the Israeli ambassador Shlomo Argov. But I differ with Walzer be-
364 cause the PLO seems to have hardly violated the ceasefire, and the attack on Ar-
365 gov was *not* organised by the PLO. For Israeli leaders, the fact that the attacker

366 was a Palestinian was sufficient to assign responsibility to the PLO. The fact that
367 Abu Nidal was an enemy of Arafat was immaterial. It was a convenient lumping
368 together for those who sought to establish a new order in the region.

369 Furthermore, the “little war” that Walzer discusses was impossible with
370 Sharon as the architect for changing the map and realities of the Middle East.
371 Any fire from Lebanon on the 40 km had justified creeping deeper into Lebanese
372 territory. Sharon and the IDF generals wished to establish a new order in Leba-
373 non. This aim was unjustifiable. The Lebanon War was a war of choice. It was
374 not a necessary war.

375 The standard account of the content of *jus in bello* is a requirement to dis-
376 criminate between legitimate and illegitimate targets and to cause only that harm
377 that is necessary for securing and proportionate to a military advantage.⁶⁷ The at-
378 tempt to assassinate Argov was a mere pretext for starting a war to install a new
379 order in Lebanon and to achieve grandiose aims. Interestingly, when I raised the
380 question whether the government knew that Abu Nidal was behind the attack on
381 Ambassador Argov, and that he was in opposition to the PLO, my interviewees
382 said either that they do not remember, or that it did not matter. As Begin told the
383 Knesset on June 8, 1982, all Palestinian organisations were to be treated as if
384 they belonged together.⁶⁸ On July 26, Begin said that Israel rightly retaliated for
385 the Argov attempted assassination by bombardment of “terrorist military targets”
386 as if the PLO organisation and Abu Nidal organisation were one and the same.⁶⁹
387 Begin’s military secretary, Azriel Nevo said that for Begin all Palestinian terror-
388 ist organisations were part of the same enemy.⁷⁰ Meridor explained that in 1981-
389 1982 war was in the air. The feeling was that “next time the terrorist organiza-
390 tions will launch an attack, we will retaliate heavily,”⁷¹ It did not matter which

391 terrorist group was the aggressor. A zero-sum game exists between Israel and its
392 enemies.⁷² Argov was injured by a Palestinian terrorist group. That was enough
393 to trigger war.

394 Can the 1982 War be regarded as a pre-emptive war? I think not. Walzer
395 writes that military alliances, mobilization of forces, troop movements, border in-
396 cursions and naval blockades may provide sufficient indication of hostile in-
397 tent.⁷³ While Israel was justifiably worried by the PLO's growing strength in
398 Lebanon, none of the above, with the exception of the January 28, 1982 incur-
399 sion, took place, and that incident alone would not provide sufficient grounds to
400 launch a pre-emptive strike in June 1982. The PLO was certainly an enemy of Is-
401 rael that had no qualms about resorting to terror but this in itself does not justify
402 the waging of war given that there seems to be no evidence that the PLO was
403 planning an imminent attack on Israel from Lebanon.⁷⁴ The example that Walzer
404 does consider as a justified pre-emptive strike is the 1967 Six Day War.⁷⁵ The
405 events leading to the war then were entirely different. I agree with Walzer that in
406 1967, the Israeli pre-emptive strike was justified. I have dealt with the Six Day
407 War in some of my other writings.⁷⁶

408 Walzer justifies intervention in cases of counter-intervention, that is,
409 when other states already intervened. The Lebanese borders had already been
410 crossed by the Syrian army.⁷⁷ He writes that as soon as an outside power "vio-
411 lates the norms of neutrality and non-intervention... the way is open for other
412 powers to do so."⁷⁸ However, Syria has deep interest in Lebanon, a country per-
413 ceived as part of the so-called "Greater Syria." Syria had had a military presence
414 in Lebanon since 1976.⁷⁹ During the Ottoman era, Lebanon was part of Greater
415 Syria and the Syrian government consistently claimed that the two countries

416 share an organic bond.⁸⁰ Syria has longstanding geostrategic, political, economic,
417 and social ties with Lebanon. These constitute a vast network of influence within
418 the Lebanese society and while these ties and networks are related to Syrian en-
419 trenced conflict with Israel, they are largely local, representing Syrian interests
420 in Lebanon. This is stated as an acknowledgement of the reality, not as a justifi-
421 cation of Syrian presence in Lebanon. In any event, there is no evidence that
422 Syria intended to fight Israel in 1982. Syria had no aggressive plans to attack Is-
423 rael at that point of time.⁸¹

424 Clausewitz⁸² argued that “As war is not an act of blind passion, but is
425 dominated by the political object, therefore the value of that object determines
426 the measure of the sacrifices by which it is to be purchased.”⁸³ Sharon’s Grand
427 Oranim Plan had a very ambitious political objective for which he was willing to
428 make large sacrifices. It would have secured Israel’s widest possible security
429 margins. In accordance with Israeli security policies, threats and intimidation are
430 deemed necessary for achieving important security ends. The refugees would be
431 forced to leave, and as the Syrians would not allow them into their own territory,
432 they would leave for Jordan. Hundreds of thousands of refugees would bring
433 about regime change in Jordan as well, making it into Palestine. Once a Palestin-
434 ian State would be installed in Jordan, Palestinians from Gaza and the West Bank
435 would have the option to merge with their brethren in the East.⁸⁴ Thus, the grand
436 design was to change the region fundamentally in Israel’s favor. With one blow,
437 the plan would have found a solution to the Palestinian problem and brought
438 about regime changes in both Lebanon and Jordan.

439 However, the odds against this plan were too high and far too risky. More
440 fundamentally, there is no just cause for war in pursuing such a plan. The Grand

441 Oranim Plan was never approved by the government, which had authorized only
442 the restricted plan for limited operation that focused on fighting the PLO.

443 I asked Meridor whether the government had considered what would
444 have happened if the IDF had pushed the PLO to the 45km line, away from Is-
445 rael, and then if the soldiers had taken fire from across that 45 kms line. He re-
446 plied that there were clear parameters. 40 km was the line. “If they shoot, we
447 shoot back. If they shoot more, we shoot. We do not advance... unless the gov-
448 ernment decides.” Everything needed to be authorised by the government. Begin
449 even asked the question “What do we do when it is over?” And answered,
450 “Maybe we invite multi-national forces, like in Sinai.” When people asked “Do
451 we go to Beirut?” Begin replied that “Nothing will happen without a government
452 decision. If a plan or a change of plans or another idea will come, it will come to
453 this table and we will discuss it.”⁸⁵

454 The Israeli aim of establishing a friendly regime that would sign a peace
455 treaty and change the face of the Middle East also does not justify an act of war.
456 At first it seemed that this aim was within reach. In an interview with Oriana Fal-
457 laci on September 3, 1982, Sharon said: “We do not wish to intervene in Leba-
458 nese internal affairs, but it would be hypocrisy on our part to say that we would
459 agree to a government that would be willing to host the Syrians and the terrorists
460 again.”⁸⁶ Israel rejoiced when Bashir Gemayel was elected president, but the joy
461 was short lived. Gemayel was assassinated on September 14, less than a month
462 after his election.⁸⁷

463 The grand design of the war and its conduct, as orchestrated by Sharon
464 and Eitan, diverged sharply from Israel’s security doctrine. The Israeli army is

465 called the Israel *Defence* Force for a reason; but this war was ambitious, adven-
466 turous, belligerent, and unnecessary.

467 PROPORTIONALITY

468 The massive Israeli military incursion into Lebanon cannot be appraised as a pro-
469 portionate response to the incidents that prompted Israel to carry out the attack.⁸⁸

470 *Jus in bello*, the conduct of war, relates to the conditions that qualify a person as
471 a combatant, the conditions that qualify legitimate targets, the strategy and tactics
472 that can be resorted to, in terms of the scale of attacks and the weapons that can
473 be used. The IDF bombarded Beirut and other Lebanese towns, killing scores of
474 civilians. Recalling Kant, the killing of innocent civilians should be avoided as
475 much as possible, otherwise peace cannot be concluded, and the hostilities might
476 turn into a war of extermination.⁸⁹ Thus, indiscriminate bombardment of a major
477 city is not justified.

478 In this context, two useful distinctions should be made. The first is be-
479 tween *narrow* and *wide* proportionality. We need to compare the harm caused
480 with the harm prevented. When one inflicts harm on wrongdoers who are liable
481 to be harmed, it can be proportionate to cause them significantly *more* harm than
482 they would have caused their victim. Thus, if four people will otherwise collabo-
483 rate in murdering John, John may permissibly kill all four wrongdoers in self-de-
484 fence. But wide proportionality in harms caused to *innocent* bystanders as a *side*
485 *effect* of the self-defence act – which is a common concern in war – is more strin-
486 gent. To be proportionate, the harm one causes to innocent bystanders must be
487 significantly *less* than the harm one averts. As a matter of morality, harm caused
488 to innocent bystanders needs to be avoided as much as possible. And morality
489 should feature in war plans when commanders are considering different paths for

490 action. Walzer notes that we need to focus on the care or lack of care with which
491 the army fights: “above all, I ask what risks its soldiers were prepared to take to
492 avoid civilian death and injury. That seems to me much more important than the
493 proportionality calculation.”⁹⁰

494 The second distinction is concerned with the actors’ intentions, between
495 deliberately targeting innocent civilians, and unintentionally harming civilians
496 who happen to be in harm’s way. While the former should never be permitted,
497 the latter might be a very unfortunate occurrence in the conduct of war. The dis-
498 tinction is not always easy to make. The intentions of the army officers are not
499 always made public, and thus are not always clear. When intentions are not
500 openly declared, then inference from the conduct of war is required. Guiding
501 principles for evaluation are the scope of the attack and the proportionality of the
502 used force. To recall, proportionality means that the harm inflicted on the oppo-
503 nent does not significantly surpass the resisted evil caused by the enemy. It re-
504 quires weighing the immorality of an attack against the military gain that it is in-
505 tended to achieve. Commanders should thus be cognizant of the harms of collat-
506 eral damage, aiming to direct attacks on the enemy and invest efforts to ensure
507 that innocent lives will not be lost unnecessarily.⁹¹ In this context Article 23 of
508 the Fourth Hague Convention (1907) states that it is forbidden “To employ arms,
509 projectiles, or material calculated to cause unnecessary suffering.”

510 In a letter to Prime Minister Margaret Thatcher on June 14, Jordan’s King
511 Hussein wrote that as a result of the war in Lebanon “a large number of villages
512 have been totally destroyed, large sections of entire cities were totally demol-
513 ished with about 25,000 civilians killed or wounded and 600,000 rendered home-
514 less.”⁹²

515 On June 28, Ghassan Tueni, the Lebanese ambassador to the UN sent a
516 letter to the UN Secretary General, together with an appeal written by Lebanese
517 President Elias Sarkis, written the previous day, asking to “help Lebanon save its
518 capital city of Beirut, which is being threatened by the Israeli invasion”.⁹³ Sarkis
519 wrote that Beirut was facing “true calamity” and called upon the nations to save
520 the lives of “hundreds of thousands innocent civilians.”⁹⁴

521 On June 29, Oskar Fischer, Minister of Foreign Affairs of the German
522 Democratic Republic, sent a telegram to the UN Secretary General in which he
523 harshly wrote that Israel’s armed invasion of Lebanon “and the crimes commit-
524 ted by the aggressor’s forces are causing immeasurable sufferings to the Leba-
525 nese and Palestinian civilian populations.”⁹⁵

526 The Associated Press estimated that in 1982 the PLO suffered 1,000
527 killed and 6,000 captured. More than 19,000 Lebanese and Palestinians, mostly
528 civilians, were killed and 30,000 wounded. While not all casualties were killed
529 and maimed by Israeli forces, this was in large measure the result of the Israeli
530 incursion, according to the AP. Syrian casualties amounted to 370 killed and
531 1,000 wounded. According to Israel’s Ministry of Defence (2017), 353 Israeli
532 soldiers were killed.⁹⁶

533 Oriana Fallaci, the Italian reporter who covered all major wars during that
534 era, said that she had never seen such fire power landing “in the most savage
535 way” on civilians.⁹⁷ The fire came from the ground, from the air, and from the
536 sea on civilian targets: houses, hospitals, hotels, schools, and embassies. Re-
537 sponding to this, in his interview to Fallaci on September 3, Sharon claimed that
538 the IDF did this because terrorists were hiding among civilians, using civilians as

539 shields. Fallaci, in turn, acknowledged that the PLO based its anti-aircraft artil-
540 lery on hospital roofs, but she maintained that the Israeli artillery was dispropor-
541 tionate: “every time a mosquito flew over Beirut, you shot tons of fire on that
542 mosquito.”⁹⁸ Fallaci showed Sharon a photo of dead young children, 2 to 4-year-
543 old, their little bodies ripped to pieces. Sharon responded that he was “truly
544 sorry” and explained that “we needed to persuade the terrorists to leave Beirut,
545 and this could be done only by bombardment.”⁹⁹ Sharon had no qualms about in-
546 flicting on Lebanon severe damage, resulting in many casualties, because he saw
547 it as necessary to achieve his grand aims.

548 NON-COMBATANT VICTIMS

549 In addition to the above, Israel bears responsibility for public order, safety and
550 protection of the civilian population and civilian objects in Lebanese territory un-
551 der its control. Article 43 of the Fourth Hague Convention (1907) holds: “The
552 authority of the legitimate power having in fact passed into the hands of the oc-
553 cupant, the latter shall take all the measures in his power to restore, and ensure,
554 as far as possible, public order and safety, while respecting, unless absolutely
555 prevented, the laws in force in the country”.

556 Article 46 of the same Convention maintains: “Family honour and rights,
557 the lives of persons, and private property, as well as religious convictions and
558 practice, must be respected”. In turn, Protocol Additional to the Geneva Conven-
559 tions of August 12, 1949, and relating to the Protection of Victims of Interna-
560 tional Armed Conflicts (Protocol I) June 8, 1977), concerns civilian population.
561 Article 48 states: “In order to ensure respect for and protection of the civilian
562 population and civilian objects, the Parties to the conflict shall at all times distin-

563 guish between the civilian population and combatants and between civilian ob-
564 jects and military objectives and accordingly shall direct their operations only
565 against military objectives”. In turn, Article 73 of the Protocol Additional to the
566 Geneva Conventions of August 12, 1949 and relating to the Protection of Vic-
567 tims of International Armed Conflicts (Protocol I), June 8, 1977, relates to refu-
568 gees and stateless persons. It holds: “Persons who, before the beginning of hostil-
569 ities, were considered as stateless persons or refugees under the relevant interna-
570 tional instruments accepted by the Parties concerned or ... shall be protected per-
571 sons ... in all circumstances and without any adverse distinction.”

572 On September 14, 1982, the grand plans suffered a major blow when
573 Bashir Gemayel was killed in an explosion that destroyed his headquarters.¹⁰⁰
574 Loyal to their own plan to oust the Palestinians from Lebanon, and wishing to
575 avenge Gemayel’s assassination, on September 16-18, Christian Phalangist mili-
576 tia, headed by Elie Hobeika, massacred some 1,390 refugees in the Sabra and
577 Shatila camps under the eyes of Israeli battalions, while Israeli flares illuminated
578 the camps.¹⁰¹ Massacring civilians is contrary to the *jus in bello* principle of dis-
579 crimination. This is not only unjust. It is also inhuman. Intentional murder of in-
580 nocent refugees is altogether outside the scope of the just/unjust war discourse. It
581 falls in the category of war crimes.

582 Sharon claimed that there were 2,000 PLO guerrillas in Sabra and Shatila
583 and therefore it was “reasonable to mount military action against the inhabit-
584 ants.”¹⁰² Loyal to its principle that Israel may assist its allies but not take upon it-
585 self to do the fighting for them, Israeli leaders expected the Christian Phalangist
586 militia to overcome the Palestinian challenge without Israel’s active involve-
587 ment. Begin wanted to assist the Christians to stand against the pressure that they

588 suffered from the Palestinians, but he did not want to fight for them.¹⁰³ However,
589 an International Commission Report unequivocally rejected Sharon's claim
590 about 2,000 PLO armed men in Sabra and Shatila, asserting that the camps were
591 "civilian, non-military places of refuge at the time of the massacres."¹⁰⁴ Israeli
592 officials argued that no IDF soldiers had been involved in the massacres and that
593 there was no "sufficient and specific evidence in the public domain to support the
594 idea that Israeli leaders had planned or intended a massacre."¹⁰⁵ Yet the Interna-
595 tional Commission Report concluded that, at a minimum, Israeli leaders disre-
596 garded relevant information based on which they could reasonably have expected
597 to foresee the actual consequences of their operation.¹⁰⁶

598 Many citizens in Israel were shocked and appalled by the Sabra and
599 Shatila massacres. An all but unprecedented movement calling itself "Yesh
600 Gvul" was established, calling for Ariel Sharon's removal from office and for an
601 immediate end to the war.¹⁰⁷ Already during the war some officers and soldiers
602 protested against the war, most notably Col. Elie Geva who resigned during the
603 fighting. When he was faced with attacking Beirut, Geva felt the risks to Israeli
604 soldiers and Lebanese civilians were prohibitive. "I don't have the heart to look
605 bereaved parents in the eye and tell them their sons died in an operation I felt
606 was unnecessary", Geva reportedly told his superiors.¹⁰⁸ Geva said that his moral
607 compass came into conflict with immoral commands.

608 The Lebanon War was very costly for Israel. Between June 5, 1982, and
609 May 31, 1985, 1,216 soldiers died.¹⁰⁹ Meridor said that early in June 1982 the
610 government already discussed options for withdrawal because "we do not want
611 to stay there."¹¹⁰ Israel wanted somebody to replace its troops. The idea was of
612 initiating a mutual agreement between Israel and Lebanon according to which a

613 multi-national force would replace Israel. In reality, only in 1985 did PM Shimon
614 Peres order Israeli withdrawal from most of Lebanon, with the exception of a se-
615 curity zone extending eight miles into south Lebanon to protect Israeli civilians
616 from terror attacks. Finally, on May 24, 2000, PM Ehud Barak, order a complete
617 withdraw from Lebanon, ending a 22-year military presence inside the territory
618 of its northern neighbour.

619 CONCLUSION

620 Seven years after Israel evacuated its military forces from Lebanon, Walzer re-
621 flected on the 1982 war:

622 The invasion of 1982 was Sharon's war; it was embarked on with large-scale stra-
623 tegic ambitions, not only for the defeat of the Palestine Liberation Organisation in
624 the South (a limited war for that purpose would have been justified) but also for
625 regime change in Beirut. And it was fought with great cruelty.¹¹¹

626 The 1982 Lebanon War was an unjustified war of choice and aggression
627 fought with unjust means. The military response was disproportional to the prov-
628 ocation, and many non-combatants died during the hostilities. The IDF's ex-
629 tended presence in Lebanon strengthened anti-Israeli forces in Lebanon including
630 another resistance-terrorist organization, the Hezbollah, a far more sophisticated
631 and dangerous organization than the PLO had ever been in Lebanon. Hezbollah
632 became part of the Lebanese government, and its gunmen sit just across the Is-
633 raeli border. The war sunk Israeli forces in the Lebanese swamp for eighteen
634 long years during which hundreds were killed and thousands injured while Israel
635 had gained contested military gains and conceded many political losses.

637 Israel has dominated the balance of power with its neighbours in terms of
638 modern conventional systems, recapitalization, and foreign military support¹¹²
639 but fighting unjust wars of choice does not improve Israel's deterrence and secu-
640 rity. Winning one round of violence will provide Israel short-term relief but

641 would not guarantee long-term security.¹¹³ Finding ways to integrate into the
642 Middle East and to bring to a halt the continued cycle of violence and war are es-
643 sential. This is a challenge that Israel needs to address and resolve in order to en-
644 sure its long-term survival in the Middle East. Hopefully, the recent Abraham
645 Accords Peace Agreements between Israel and the UAE, and between Israel and
646 Bahrain, September 15, 2020, as well as the Israel-Morocco normalisation agree-
647 ment, December 20, 2020, and the warming relationship between Israel and Su-
648 dan, will have mitigating effects and possibly will also lead to more agreements
649 of this nature between Israel and other moderate Arab states. More peace agree-
650 ments will enhance Israel's standing among the nations and ensure Israel's sus-
651 tainability for the long run. Peace is the key to Israel's integration into the Mid-
652 dle East.

653 Future research may expand the analysis and integrate into the analysis
654 just war theories post-Walzer's seminal book. I briefly mention Jeff McMahan
655 who has made major contributions to the discourse. Other scholars include James
656 Turner Johnson, Richard Norman, David Rodin, Henry Shue, Helen Frowe, Ste-
657 ven P. Lee, Larry May, Seth Lazar, and Uwe Steinhoff.¹¹⁴

658 INTERVIEWS

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661
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663

664 Prof. Arye Naor, former Israel Government Secretary, Brandeis, June 12, 2017.

665
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672 NOTES

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676 Schierenbeck, Oren Barak, Gary Edles and the *Israel Studies*' Editors and referees for
677 their constructive criticisms and detailed remarks.

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5. Walzer, *Just and Unjust Wars*, 53.

6. In his comments on a draft of this article, Jeff McMahan notes that when the allies occupied Germany and Japan after WWII and changed their governments, that was not aggression – but it was a violation of territorial integrity and political sovereignty.

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