ISRAELI INVASION OF LEBANON IN JULY 2006: BELLUM JUSTUM (A JUST WAR) OR JUST A WAR?

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Abstract

This paper examines the theoretical assumptions and major principles of the just war theory (bellum justum) and argues that they are fundamentally intended to serve as an ethical and moral compass to guide the conduct of warfare, especially in contemporary period where advances in science and technology have made warfare an existential threat. The paper further operationalises the fundamental principles of just war on the 2006 Israeli invasion of Lebanon in order to determine whether the invasion is justified or otherwise. The paper is structured into two parts. The first part examines the core theoretical assumptions of the Just War Theory and it traces the evolution and development of Just War Theory in history, showing its roots to Christian philosophy being attributed to it. The second part delves into the study of the 2006 war involving Israel and Hezbollah. In this part, the paper starts with a general background review of the Middle-Eastern politics including the creation of the state of Israel and the resentment, which generated among Middle-East Arabs. The paper then outlines the remote and immediate causes of the war. This part also attempts an analysis of the Israeli behavior and conduct before, during and after the war. The aim is to show that consistently, Israel violated all the known principles of just war theory.

KEYWORDS: *Just war theory, bellum justum, Israel, Hezbollah, Lebanon,*

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INTRODUCTION

The question of war, how and under what circumstances it should be waged, has been an important one in all periods of human history. As Sun Tzu (1971:63) aptly notes, "It is a matter of vital importance to the state". This is even more relevant in contemporary period where advances in science and technology enable states to perfect remarkable weapons with astonishing ease. In fact, within a period of a century, states have attained a mastery over the technology of war such that all other developments ever made in the past in this direction paled as marginal achievements. Nuclear technology, smart missiles, drones, biological and chemical weapons, and countless other technologies have made war even more dreadful than ever before (Katsina in Mbachu, 2009). These developments contribute significantly in shaping contemporary discourse on war, most especially the circumstances under which it is justified in international law.

In what follows, this paper focuses an extensive examination of one of the main theoretical explanations of how and when a war is justified. The approach of this presentation is critical, yet it is also interpretive as far as it attempts to situate the main theoretical assumptions of just war theory (*bellum justum*) within the context of contemporary history. Israeli invasion of Lebanon in 2006, it can be argued, provides an excellent testing ground for the principles of b*ellum justum.* The objective is to critically examine the invasion, the conduct of the war itself, and the accompanying cease-fire from the just war perspective in order to see how the theory explains the war, particularly Israeli behavior before, during, and after the war. Although the paper has different sections, it is primarily structured into two parts. Part one examines the philosophical foundations of the just war theory including its core principles. The second part analyses the invasion of Lebanon by Israel. Factors such as history, geography, national security, and politics are taken into consideration in order to determine the context within which Israel operated.

Methodology

This paper work employs qualitative methods to generate reliable information. Secondary source of data was used as source of vital information, these includes: published and unpublished materials like reports, research works, newspapers, magazines, journals and internet materials. The rationale for the

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choice secondary source of data is to strengthen the facts.

War: A conceptual clarification

It is appropriate to start with some clarifications about the concept of war. Orend (2005) describes war "as an actual, intentional, and widespread armed conflict between political communities". It is a deliberate, purposeful, and acknowledged physical conflict involving violent means between two political communities, as was the case between, for instance, India and Pakistan. Contextually, war is "human habits that can range in scope and intensity from small, localized conflicts to global struggles that directly or indirectly involve most of the Earth's population" (Abdel Salam, 2005) as was the case with the First and Second World Wars. War should therefore, be seen as an activity, which occurs mainly between political communities – usually defined as entities that are sovereign or seek sovereignty (in order to allow for civil wars). But just as allowance is made not just for inter but also intra-state wars, prevailing trends in international politics are making another allowance necessary. Certain political pressure groups, such as terrorist groups, might also be considered as "political communities" since they have manifest political goals andaspire to statehood or to influence the development of statehood under certain conditions. The brutal nature of war and its enormous human and material resources make its indicators specific. For instance, hostile relations or violent verbal exchanges between political communities do not qualify as war; otherwise, the Cold War would have simply been a war between two super-powers without the qualifying adjective. There has to the actual use of physical force for an extended period. Again, as a violent way of resolving fundamental political questions, war must be geographically spread in time and space. Thus, skirmishes and other isolated cases of use of physical force are not wars.

Just war theory in history: Evolution and development

According to Abdel Salam (2005), the doctrinaire evolution of just war theory has its antecedents in the justifications sought by leaders of the Roman Catholic Church to start a war with the objective of redeeming the Holy Land of Palestine and cleansing it of Muslim "infidels" during the crusader wars. The result of this activity developed into the doctrine of just war in the middle-Ages. Abdel Salam (2005) further observes that St. Augustine was the first Christian thinker to "accept the proposition that engaging in warfare might be justifiable, and to enunciate principles for judging the morality of particular wars". Moseley (2009) contends that notwithstanding the contribution of St. Augustine, it was actually the work of St. Aquinas in 13th century, *Summa Theologicae,* that truly developed the fundamental principles of just war theory and gave it a distinctive ethical, moralistic, and normative outlook. Ahrens

(1999:1) paints a different evolutionary background for just war theory. He argues that just war "is a product of a diverse cultural backdrop. While strong religious roots can be identified, it is not purely or uniquely a religious phenomenon. It cannot be reduced to a single source or interest of a particular class or institution or even to a particular time frame". In any case, it is obvious that its evolution transcended the simplistic attribution of Christian provenance. Sources other than Christian doctrines have made significant contributions in the evolution and development of the fundamental principles of just war tradition. Classical theorists in Greece and later Rome, notably Plato, Aristotle, and Cicero, may have actually contributed to the development of the first principles of just war tradition (Arantz, 2002:2-3; Ahrens, 1999:6-7).

In Islamic theology and literature, the fundamental principles of war as derived from Qur'an and Prophetic traditions and exemplified by the *Rashidun* Armies were doctrinally not profoundly dissimilar. Several instances abound where just war principles look exactly like Islamic principles of rule of engagement. These range from just cause for the declaration of war to the very conduct of soldiers during the war including treatment of non-combatants and prisoners of war. There are also clearly stated principles of peace settlements, surrender terms, and treaties (Abdel Salam, 2005). Interestingly, Khadduri (1962:57) drew parallels on the principles of war in both the ancient Rome and the Islamic world and noted that "in both Islam and ancient Rome, not only was war to be *justum*, but also to be *pium*, that is in accordance with the sanction of religion and the implied commands of gods". On the basis of this parallel, he concluded that "in Islam, as in Western Christendom, the *jihad* is the *bellum justum*" (Khadduri, 1962, p. 59).

Clearly, the evolution and development of just war theory and its principles may have been a function of an encounter between cultures, beliefs, and value systems over a long period encompassing Hebraic world, classical antiquity, Islamic tradition, and even the Germanic societies of northern Europe (Ahrens, 1999:2-3). This is not however rejecting Christian influence in the transformation of its core postulations. On the contrary, viewed from the perspective of its Christian heritage, just war as Walzer (2003) argues, is "simply an excuse, a way of making war morally and religiously possible. And that was indeed the function of the theory. But its defenders would have saidthat it made war possible in a world where war was, sometimes, necessary". By 17th century, the writings of Hugo Grotius had sufficiently reinforced the theoretical foundations of just war traditions within a secular framework, a process started by Francisco de Vittorio, to become a strong moral lever and restraining instrument on how wars were conducted in

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Europe. Grotius, who propounded his ideas within the framework of natural law tradition, was to remain the dominant influence until the end of the 18th century (Chomsky, 2006; Ahrens, 1999: 18-21; Khadduri, 1962:58). Scientific and technological advancements since Second World War have forced a renewed interest in just war theory and the utility of its principles in stemming wars and other forms of violent conflicts at inter and intra-state levels.

Just war theory (*bellum justum*): An examination of fundamental principles

It sounds ironic that there should be a philosophy and ethics of war just as we speak of philosophy of science or education and work ethics. However, that is what the just war theory aim to provide. Its postulations and principles are essentially ethical and overly moralistic and hope to prescribe what is ethically justified, therefore acceptable in international law, in war between belligerents. Its moralistic tone underscores the moral justification for resorting to war with a sense of universalization in which a common set of principles is applicable to all political communities irrespective of historical and cultural incompatibilities. Just war theory has three major components, with each component having its principles.

The first component is *just ad bellum*, which refers to the justness of war. Fundamentally, it refers to those actions and influences which informed the political decision to wage war. Given the fact that decision to start war is always a political one, the rules of *jus ad bellum* apply mostly to political leaders. The contention here is that for any decision for war to become just by a political community, certain principles must be fully satisfied (Moseley, 2009). Just cause is perhaps the most significant. Significant in the sense that a state or community could resort to war in "self-defense from external attack; the defense of others from such; the protection of innocents from brutal, aggressive regimes; and punishment for a wrongdoing which remains uncorrected" (Orend, 2005).Right intention is another important principle of *jus ad bellum*. It means that for a war to be just there must be some moral justification for it. A state must not only have a just cause for war, its real intention of warring must also be pure.

Another principle is proper authority and proper declaration. A war may only be declared by a legitimate authority in a state. Usurpers, dictators and other authoritarian leaders with questionable legitimacy cannot declare a just war. Equally, the declaration must be communicated publicly to the citizens as well as the enemy state. Surreptitious moves are considered unjust and therefore unacceptable. War must also be the last resort. States could only declare war after exhausting all other channels of resolving conflicts, including diplomacy

and arbitration. Probability of success is also another important principle. Where it is quite evident that the chances of resolving differences are markedly marginal, or the war will have no significant influence on the outcome, its declaration is unjust. The last principle is that of proportionality. A state must measure, in absolute terms, the benefits that are certain to ensue from the war, exclusively defined in terms of securing the just cause that informed the decision for war in the first instance. Although some of these principles would seem abstract when viewed against the prevailing conditions of contemporary international relations, generally, they provide a useful guide and ethical compass for declaring war.

The second component of the just war theory is *jus in bello* which extends the propriety of war beyond justness of cause to proper conduct by belligerents during physical engagement. Essentially, the concern is on how a state and its armed forces wage war against the enemy – eschewing breach of fundamental rights of combatants and non-combatants, respecting and strictly adhering to all relevant international laws and conventions on such matters as weapon deployment, rules of engagement, and treatment of prisoners of war (POWs) (Orend, 2005). *Jus in Bello* has six major principles. The first is adherence to international law on weapons prohibition. International community has a set of well-articulated rules and conventions governing use of weapons in war. There are several conventions prohibiting use of non-conventional weapons such as chemical and biological agents. The second is discrimination and non-combatant immunity. Armed forces are expected to discriminate in the conduct of warfare between legitimate military, political, and economic targets and civilian areas. Equally, civilians in enemy territory that are not directly engaged in creating intentional harm must have immunity from harassment and their rights protected. Proportionality of force is the third principle. Soldiers are only allowed to use force in proportion to the objective they seek and use of disproportionate means such as nuclear weapons are not allowed. The fourth principle is the benevolent quarantine of prisoners of war (POWs). Captured enemy combatants ceased being threats and as such, their treatment must be humane. It is wrong to starve, rape, torture or kill them. The fifth principle requires combat troops to refrain from using evil methods, which are morally reprehensible against the enemy. Mass rape, ethnic cleansing, genocide, forcing captured enemy combatants to fight against their people are all examples of evil methods which belligerents must never employ. The last principle is absence of reprisals in the conduct of war. This means when state A violates these principles of *Jus in Bello* during a war with state B, state B must

not retaliate with its own violation of these very principles which make conduct of war just.

These principles of *jus in bello* broadly relates to two significant issues all defining combatants' activities and rules of engagement with the enemy during battles and other military maneuvers. One, determining a legitimate target in a war; and two, the amount of force or violence to be used in achieving the objectives of the war? According to Moseley (2009), "One strong implication of the justice of warfare being a separate topic of analysis to the justice of war is that the theory thus permits the judging of acts within war to be dissociated from its cause. This allows the theorist to claim that a nation fighting an unjust cause may still fight justly, or a nation fighting a just cause may be said to fight unjustly". We shall have cause to revisit this issue in the second part of our paper.

*Jus post bellum*is the third component of the just war theory. Just cause for a war and just conduct in a war will have no impact whatsoever if the third stage of war – post-engagement management or cessation of hostilities does not embody proper sentiments of peace. Wars always end in either of the following ways: one party is victorious while another one is defeated, or both agreed to cessation of hostilities, in which case a cease-fire and negotiation ensued. *Jus post Bellum* has six major principles. The first is proportionality and publicity. Terms of peace settlement should be fair and must not impose unwarranted burden on either of the parties concerned. These terms should also be proclaimed in public. The second principle is rights' vindication. Peace settlement should secure those rights whose violation in the first instance led to the war. The third principle is that of discrimination. There should be discrimination in the defeated state among its citizens who are mainly innocent, political, and military leaders, who should be made to account for their actions during the war. This means there should not be general punitive measures on a state such as mass sanctions and post-war poll tax on civilians.

The fourth principle is that of punishment. This includes punishment for leaders of the defeated state that initiated acts of aggression and consequently engulfed their state in an unjust war. Punishment also means prosecuting soldiers for any war crime they might have committed. Here distinction is not made between soldiers of the conquered or defeated state.Compensation is the fifth principle and it dictates that peace settlement must include terms that make the aggressor pay certain financial restitution subject to proportionality and discrimination. The last principle is that of rehabilitation and reconstruction. Positively, the post-war environment is an excellent opportunity to reform corrupt political institutions in the aggressor state.

These may include demilitarization and disarmament. A just peace agreement must meet these requirements (Orend, 2005). A serious default by any of the parties involved should be considered as an unjust violation of the *jus post bellum* principles and by implication, international laws of war and peace.

These principles of just war theory, which may appear abstract, provide an excellent framework for weighing war decisions by political leaders especially in the post-9/11 world. It is axiomatic to point that these principles are more observed in the breach. But this does not vitiate the core argument that war is a serious business that ought to be regulated by an ethical and philosophical compass. The mastery of man over technology has today made the business of war even more dangerous, its conduct more violent, and its outcome unpredictable. In the wake of the global war on terrorism (GWOT) after 9/11, the world has witnessed an increased disregard to any known convention regulating both the decisions and conduct of war especially principles of proportionality and benevolent treatment of POWs. Hiding under the ambiguousness of some of these principles of just war, powerful countries such as Israel and US have continued to make war decisions based on whims. In what follows, attempt is made to assess the 2006 invasion of Lebanon by Israel using these principles of the just war theory.

Israel and Arab politics in the Middle-East

Any attempt to explain the 2006 Israeli invasion of Lebanon must start with a general review of the middle-eastern politics. Middle-East is a study in paradox. The region enjoys unprecedented notoriety as the most volatile region in the world (Sluglett, 2006). Much of this reputation is as a result of unceasing political wrangling, violence and bloodshed, and sweeping, some would say eternal, animosity between the Arabs and their Jewish cousins (Clinton, 2005:294). Many reasons account for this nature of the region. Historically, it was home to some of the largest and most powerful civilizations the world had ever seen such as Assyria, Chaldea, Babylon, and Persia. Today, it represents an arena and a sphere of influence in which outside powers fiercely compete for influence. Strategically, Middle-East is a pivotal center of international trade and commerce with largest oil deposits in the world as well as some of the critical sea routes linking Asia and Europe. Shah (2011), argues that oil, at least since the dawn of the last century, more than any other consideration defined the politics of the Middle East. From religious point of view, the three Abrahamic faiths – Judaism, Christianity, and Islam – all have their roots in the region. In addition, until date, each time it turns its spiritual face to the region with their sacred places of worship located deeply within its lands.

These considerations have in the past made the region attractive to hordes of conquerors and invaders and reducing it, most often, to a huge lake of death and destruction. The Macedonians, the Romans, the crusaders, the Ottomans and lately, the Americans, have all left, in most circumstances, trails of bloody footprint in the sands of the region's history as mark of their conquering excursions. As recent as the early part of the last century, Middle East was under the suzerainty of Ottoman Empire. The disintegration of that empire following First World War saw the emergence of about fifteen sovereign states, with most of them being no more than little fiefdoms. Israel is the youngest state and most despised. Regional politics in the Middle East is sharply structured along ethno-religious lines, characterized by mutual suspicion and distrust, bitter enmity, and perpetual violence. These lines finely evolved into Arab-Islamic bloc on one hand, with virtually all sovereign states in the region, except Israel, belonging to it, admittedly to a varying level of commitment. The other bloc is the Judeo-Christian bloc of Israel, US, and other Western powers, equally with varying degree of commitment. To illustrate the powerful forces that led to the germination of these deep political cleavages, we briefly trace the emergence of Israel as an independent state within this sea of adversaries.

Israel: A journey into an opposed statehood

The May 14th 1948 declaration of modern Jewish state of Israel was a culmination of years of efforts and struggles by many Jewish organizations to return the Jews to their "promised land". In the late 1890s, Theodor Herzl, a Hungarian Jewish journalist, started a movement known as Zionism whose essence was to create a distinct Jewish state or as Reich (2006) puts it: to find a "place for a people without land, in a place without people". This movement was actively encouraged, supported, and financed by the West, especially US and Germany after the Second World War. Throughout the early 20th century, especially after the First World War, Palestine as the birthplace of Abrahamic belief system and the site of the ancient Hebrew kingdom of Israel became a center of immigration for the Jews. This large influx of Jews, notably from Eastern Europe, led to the displacement of the indigenous population, mostly Arabs, who inhabited the land for centuries with over 800,000 taking refuge in Trans-Jordan (Arantz, 2002:8). This sow the first seeds of discord between the Arabs and the growing Jewish community. It is worth noting here that most of the Arabs had rebelled and joined Britain during the First World War against the Ottoman Empire on the understanding that they were fighting against

Ottoman imperialism and that they would be given their independence after the war (Gorny, 1983).

Arabs' dream for independence did not materialize. Instead, through subterfuge and treachery, Israel was created. Arantz (2002:7) notes that the infamous Belfour Declaration of 1917 actually set the stage for an independent state of Israel in Palestine. Generally, it was accepted that "the Belfour Declaration, November 2, 1917, bestowed on Zionism the open and public support of a world power" (Gorny, 1983:4). The simmering anger fuelled by this betrayal entrenched in the land, bitterness and animosity, which has endured for decades. The Arabs felt deceived, used, betrayed and ultimately abandoned by the West. Unsurprisingly, a week after the declaration, the Arabs under the Arab League umbrella launched a pre-emptive strike against Israel in order to reclaim their usurped lands from the Jews. Ever since, the region has known no peace, and relations between these estranged cousins has fluctuated from open hostility to bitter tolerance and other machinations against each other – assassination of political leaders on both sides of the divide, suicide bombings,acts of terrorism by both sides and, of course, wars between them at the slightest chance.

The July 2006 war: Identifying the triggers

It is apt to start by saying that war between Israel and its neighbors is not an unexpected issue due largely to the nature of the relations between them, their irreconcilable differences, and the meddling of third parties notably US (Bishara, 2001:72; Leenders, et. al., 2006; Scheuer, 2008). What then makes the July 2006 war peculiar and therefore distinctly interesting; what were the remote and immediate triggers for the war?

Remote triggers

We have already noted that the deceitful carving of Israel out of Palestine and the forceful eviction of the Arabs from their land inflicted deep and severe schism in the region. The racial policies of Israeli authorities and the segregation of the Israeli-Arabs, brutal repression of the occupied territories, and violent treatment of the people generally were not calculated to heal these wounds. Israeli arrogance and MOSSAD engineered political assassinations, sabotage and terrorism within the occupied territories, and in the wider Arab world were seen as deliberate attempts to provoke the already alienated Arabs (Blecher, 2006). Israel has an unenviable notoriety of repeated violations of peace agreements and United Nations' resolutions with arrogance and impunity (Makdisi, 2006). Acting on the oft-distorted principle of 'Right of

Existence and Self-Defence', Israel commits crimes of unimaginable proportion against the Palestinians in particular and the Arabs in general.

One of the far-reaching consequences of this behavior by Israel, the unflinching economic, diplomatic, and military supports it enjoy from the West, and the indifference of the international community to this grave injustice meted to the Palestinians is the evolution of a radical ideology and movement committed to the total destruction of Israel in the Middle-East. Organizations including Palestine Liberation Organization (PLO), Hamas, and Hezbollah are some of the more prominent movements that emerged in the Middle-East with the objective of liberating Palestine from the Zionists. As a result of their commitment to the liberation of Palestine, these groups enjoy the patronage of many Arab states (Hroub, 2006). Given the disparity in their strengths, these movements resorted to irregular tactics in their engagement with Israel – sabotage, assassinations, kidnappings, hijackings, and suicide bombings. One thing worth noting here is the fact that some of these groups like Hamas are based in the occupied territories while others like Hezbollah operate from outside in places such as Lebanon. In fact, the 2006 war was actually a war between Hezbollah and Israel with southern Lebanon serving as the main theatre of operations.

Hezbollah literally means Party of God. It was established by a Shi'a cleric, Sheikh Muhammad Hussein Fadlallah in 1975. The guiding principle of the movement is struggle against injustice, exploitation and oppression in the Middle East. Among other things, the liberation of Palestine from Jewish occupation tops its agenda (Deeb, 2006). 2006, was not the first time Israel and Hezbollah would have a violent confrontation. The emergence of Hezbollah itself was largely a direct response to the aggressive Jewish policies in both Palestine and Lebanon. During the Lebanese civil war of 1975, Israel supported a Christian faction further escalating the conflict. Hezbollah responded to this with a fierce and sustained guerrilla attacks into the northern parts of Israel, which provoked Israel into invading Lebanon in pursuit of Hezbollah. Although in the end, Israel was forced out of Lebanon, it did manage to hold onto most parts of southern Lebanon as a buffer against Hezbollah incursions into its territory.

Israeli's hold on the parts of southern Lebanon was a source of incessant confrontations with Hezbollah who not only refused to accept that position, but also vowed to challenge it. Naturally, this led to increased and sustained attacks on each other by both sides including the assassination of Sheikh Abbas Al Musawi, the supreme leader of Hezbollah. Pledge of vengeance was made by Hezbollah and the subsequent embarrassing withdrawal from the south of

Lebanon by Israel in June 2000, was to provide the catalyst for a larger conflagration that followed six years later. Within the wider Arab world, credit was given to Hezbollah for chasing Israel out of Lebanon while in Israel the fall-out was a seething anger and embarrassment. Strategically, the withdrawal left northern Israel vulnerable to Hezbollah attacks, which now controlled the extensive area bordering Israeli port city of Haifa. Additionally, there was the loss of face, which Israel suffered because of the withdrawal (Nakhleh, 2007). These have significant implications for Israel's national security. Israeli policymakers believed that this humiliation was likely to weaken their position and embolden Hamas, another of its mortal enemies. In the Middle East, the wage of losing face is costly. Thus, Israel entered this century resolved to show friends and foe alike that it has not lost face. The political and military leadership bided its time while on the lookout for a strategic opportunity to strike back (Blanford, 2006).

Immediate triggers

For Israel, the opportunity was not long in coming. It presented itself in early June of 2006 when some Hezbollah forces crossed into northern Israel in the process killing eight Isreal Defense Force (IDF) soldiers and taking two others hostage (Leenders, et. al., 2006; Makdisi, 2006). This served as the catalyst for war and an immediate justification for the invasion. On July 13th, 2006, Ehud Olmert, the then Israeli Prime Minister, declared Hezbollah's action as a clear act of war (Sharp, 2006). George Bush, then US President, equally described the cross border raid as a deliberate act intended to provoke Israel. Hence, US supported Israel to take all necessary measures to retaliate (Sharp, 2006; Makdisi, 2006). But overlooked or conveniently forgotten in these outpourings of sentiment was the fact that in 2004, Sheikh Nasrallah, Hezbollah's supreme leader had negotiated with Israel the release of four hundred Arab prisoners in exchange for a kidnapped Israeli business man and bodies of three slain soldiers. Israeli Prime Minister at that time, Ariel Sharon, reneged on the agreement and withheld three Arab prisoners. This angered Nasrallah who said he reserved the right to kidnap other Israeli soldiers in the future as a punishment for this treachery. 2006, was to become the year for action. Not surprisingly, scholars such as Makdisi (2006) considered Hezbollah incursion into Israel and capture of its soldiers not only as justified but also as an attempt to redress "a legal injury".

A just war or just a war? Assessing Israeli conduct before, during and after the war

It is better to start by saying that this war did not follow any known conventional pattern of declaration of hostilities by the belligerents. On July 15th, 2006, Israel crossed into south Lebanon ostensibly to search for Hezbollah in order to punish its leaders and decimate its structure for the June cross-border killings and hostage takings (Leenders, et. al., 2006; Sharp, 2006). In the early days after the invasion and start of the war, the IDF strikes were principally targeted against suspected hideouts of Hezbollah fighters. Soon afterwards, IDF changed tactics and launched total war striking at Lebanese infrastructure, offices, and even densely populated civilian areas (Gambill, 2006; Kattan, n.d). IDF advanced into Lebanon as far as Litani River and altogether launched an estimated 7,000 air strikes, and well over 2,500 naval bombardments mostly hitting innocent civilians (Fattouh & Joachim, 2006; Nakhleh, 2007).

In the early days of the war, there was an encouraging silence from the international community which spurred Israel into even greater audacious strikes against schools and hospitals. By early August, it was clear to Israel that Lebanon was a no-win situation and might, if not properly handled, bogged her down akin to US's misadventure in Iraq. Consequently, US and France proposed a provisional peace agreement that required Hezbollah to surrender all its arms, desist from further attacks against Israel, and refrain from injuring the peace in the region (Sharp, 2006; Picard, 2006). In exchange, Israel promised to stop all aerial and naval bombardments of Lebanon. Expectedly, Hezbollah rejected this proposal. According to Inbar (2007), this became the first time, in all its history as a sovereign state and with all the wars it fought, that Israel was asking for an end to a conflict. Eventually, an acceptable agreement to both parties was negotiated by the UN Security Council and announced by the UN Secretary General, Kofi Annan, on August 12th, 2006. Officially, the war lasted thirty-four days and ended on August 14th, 2006 with the adoption of the UN Resolution 1701. Parts of the terms of the ceasefire agreement included Israeli withdrawal from southern Lebanon and the deployment of UN peacekeeping troops to the area (Nakheh, 2007; Norton, 2006; Sharp, 2006).

Until today, the actual human and material costs of the war to all the parties involved is not properly revealed. Still, tentative assessment has been made. For instance, some of the cluster bombs dropped by the IDF in Lebanon are yet to detonate and have not been found so that they could be detonated safely. Casualties on the Lebanese side were estimated in the range of 850-1,200.

Forty-three Israeli civilians and one hundred and seventeen soldiers were killed while more than 4,000 others were wounded. In the ensuing conflict, over 300,000 Israeli civilians were displaced from their homes, with another one million living in bomb shelters when Hezbollah began launching Katyusha rockets into northern Israel targeting the port city of Haifa (Makdisi, 2006; Nakhleh, 2007; Kattan, n.d). The economic cost of the war was equally staggering to Israel. The city of Haifa, which was one of the main entrée-port to Israel, came under serious and sustained rocket attacks. Economic life in the bubbling city was completely crippled (Fattouh & Joachim, 2006; Nakhleh, 2007).

The war from Israeli side was a tragic humiliation, a strategic miscalculation, and a logistical and an operational nightmare. It fought against an unconventional force that employed some of the canniest tricks of guerrilla warfare. Israel grossly underestimated the fighting readiness of its enemy, and was thus deceived by its sheer fighting power. In fact, the feeling was this is another Six Days War. The price of this miscalculation was the failure, which accompanied the invasion. The objectives that Israel sought to achieve completely remained unrealized to the end (Makdisi, 2006). The destruction of Hezbollah's operational and tactical capabilities was not achieved. Neither was the Iranian Western Command – Syria-Iran-Hezbollah axis – through which resources were channeled in combating Israel destroyed. Hezbollah remained operationally strong and more defiant than ever before (Makdisi, 2006). Worst of all, the kidnapped Israeli soldiers, the excuse that provided the justification for the invasion were not released to the end (Nakhleh, 2007). This failure reverberated within and beyond Israel. In Israel, there were investigations into the misadventure, political infightings and even resignations. Three IDF generals resigned including General Dan Halutz, IDF's Chief of Staff (Inbar, 2007). At the international level, there was outrage and condemnation of the way and manner Israel fought the war, especially when it emerged later that it dropped cluster bombs in Lebanon. In the succeeding paragraphs, we assess the conduct of Israel before, during, and after the war and against the just war perspective.

Israel's conduct before the war (*jus ad bello*)

Israel's conduct before the war needs little analysis. We have already noted that the humiliation of withdrawal from south Lebanon hurt her pride and left her vulnerable in the north. We have also noted her resolve to reverse the situation. But was she right on account of this to have resorted to war; could honest negotiation brokered by an objective mediator have resolved the

problem arising from Israel's reneging on her commitment to release Arab prisoners and the subsequent incursion into her territory by Hezbollah in retaliation. In other words, was war truly the last option and was it genuinely driven by national security consideration, or was it driven by ego and hegemonistic tendencies?

Sufficient evidence exists to suggest that war in Lebanon was not the last resort. Other important tools of diplomacy and negotiation have not been explored adequately. In fact, from the perspective of just war theory, there was no *casus belli* or just cause for war since the immediate trigger for the war – incursion into northern Israel by Hezbollah – was actually a reaction against an earlier action by Israel. The proper thing to do at the time would have been to explore non-violent mechanisms for resolving the problem in the interim and pursuing long-term strategies of de-escalating tension in the region.But that would be going against its domestic and foreign policies which enable gross violations and or total disregard to international laws regarding the Palestinian question part of its national character and outlook. The only thing that can be said, and which fortunately for Israel make a generalized conclusion on its total disregard for the principles of *jus ad bello*, nearly impossible is that at least, the war was ordered by a proper and legitimate authority, even if it was acting unjustly.

Israel's conduct during the war (*jus in bello*)

It is remarkably to note that states may fight justly even in situations where they have no just cause for the wars (Moseley, 2009). However, in order to succeed in this, as Carter (2003) argues, "war's weapons must discriminate between combatants and noncombatants,and that itsviolence must be proportional to the injury suffered." This cannot be said of Israel's deployment of cluster bombs andindiscriminate aerial and naval bombardments of civilian areas and other critical infrastructure – roads, schools, hospitals – that transformed southern Lebanon into a rubble. Over 90% of the region was destroyed from over 7,000 air strikes and about 2,500 naval bombardments (Cammett, 2006). Over a million civilians was displaced in the bombings (Makdisi, 2006; Kattan, n.d). Was this massive show of muscle proportionate to the goal which Israel pursued? As noted, the objective as publicly stated by Olmert and other military leaders was to isolate and destroy Hezbollah's operational capabilities.However, it appeared that Israel went out of its way to destroy the remaining functional infrastructure of Lebanon – a country recovering from the scars of a long and protracted civil war in which Israel was one of the main architects.

Israel's conduct after the war (*jus post bello*)

Post-conflict management matters greatly in ensuring peace and determining whether objectives that led to war have been achieved or otherwise. Important questions that followed the cease-fire agreement were: did Israel succeed in achieving the objective of freeing her soldiers captured by Hezbollah; did she avenge her dead soldiers; did she destroy or incapacitate Hezbollah's operational capabilities; and most importantly did her strategic position and military standing improved significantly in the Middle-East?

The official reason of going to war was to free the IDF soldiers taken hostage by Hezbollah, avenge the dead, and teach Hezbollah a lesson that it was not profitable to violate Israeli territory. It was clear that until the cease-fire, Israel failed to free her soldiers much less talk of avenging the killed. Indeed, the measure of her failure to achieve these key objectives manifested in the higher number of IDF casualties and the political recriminations that shook the very foundations of Israeli political and military structure(Inbar, 2007; Nakhleh, 2007). A number of top political and military leaders lost their positions or were fired. Furthermore, a commission of inquiry, the Winograd Commission was appointed by Tel Aviv to review what went wrong with the invasion (Inbar, 2007).

The only discernible victory for Israel was the agreement brokered by the UN to demilitarize southern Lebanon and to deploy its troops to ensure enforcement of the terms of the agreement including patrolling the border north of Israel. This stripped Hezbollah of a strategic stronghold from which it could strike Haifa and other critical infrastructure in northern Israel (Norton, 2006). Effectively, the UN ceasefire agreement which provided for Israel's withdrawal from south Lebanon correspondingly terminated Hezbollah's control over southern Lebanon. As for the question of whether the war strengthened Israel's strategic position in the Middle-East, the answer is no. On the contrary, the war further undermined its national security by exposing its vulnerabilities to other equally formidable "enemies" especially Hamas. The war the limit of a conventional force against an unconventional enemy (Sharp, 2006).

Conclusion

It is the view of this paper that the July 2006 invasion of Lebanon was simply an unjust act of aggression. Reviewing the causes of the war and measuring them against the principles of just war theory reveals an enormous lack of respect for international laws from the part of Israel. Although other people may argue that in the final analysis, Israel succeeded in getting Hezbollah out of south Lebanon, which for decades had been the movement's main operational base as well as its supply route from Syria, it is important to point that for non-state actors like Hezbollah, success is not often primarily defined

in terms of a territory gained or lost. There is the need, therefore, to be cautious in measuring the principle of proportionality against these kinds of actors when involved in a war with a well-established political entity.

As it sought to provide some moral and ethical compass for war – its cause, conduct, and consequences – the fundamental pillar in the arguments of just war theory is that while war is abhorrent, it is sometimes necessary but the "the peace it establishes must be a clear improvement over what exists" (Carter, 2003). In the case of Israel's national security, it would be difficult to say that it became secured after the war than before. For Israel, and indeed, for all political communities, national security ultimately rests in justice, accommodation, and respect for international law and conventions. The utility of the just war theory, thus, rests not so much upon its ability to prevent wars among human communities. Its utility rests in the moral arguments it make concerning just declaration of war and its conduct, as well as magnanimity in peace. And as humanity daily makes new advances in technologies of war, there is always the chance that more powerful countries would use their technological superiority to violate the rights of weaker states. Just war theory would thus remain a moral and an ethical compass with which to judge the actions of states against each other in times of war and in times of peace.

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