**Part I: Democracies’ Dilemmas When Conducting Low-Intensity Warfare**

**Chapter 1**

**Just War Theory**

This chapter explores Just War Theory, constituting the theoretical basis of the book. Just War Theory is an important ethical framework, intended to curb and regulate the exercise of power by sovereign states.

The chapter includes a short discussion about the evolution of Just War Theory and a review of its three components: *jus ad bellum*, *jus in bello*, and *post-bellum*. As the present book only pertains to *jus in bello*, it is the focus of the chapter.

I present the two schools of thought in the scholarship of Just War Theory. The first is the traditional school, called the symmetry thesis. One of its prominent proponents is Michael Walzer. This school of thought also exists in international and humanitarian law and is based on a clear distinction between *jus ad bellum* and *jus in bello*. In other words, according to this approach the morality of tactics and tools used by soldiers during a war, is unrelated to whether the war itself is “just.” The second school ascribes to the so-called the asymmetry/dependence thesis and is advocated by scholars such as David Rodin and Jeff MacMahan. According to this school, *jus ad bellum* and *jus in bello* are directly connected. As this book adopts the symmetry thesis, it neither examines the motivations for declaring war nor the question of what makes a declaration of war just. It focuses solely on actions of soldiers and decision-makers during warfare.

**Chapter 3**

**Military Doctrine**

After providing a brief description of military doctrines in general, this chapter delves into a detailed description of the specific doctrine formulated by Kasher and Yadlin. A military doctrine is an important component of a country’s national defense policy. By articulating a doctrine, the political and military leadership of a state create a normative system of comprehensive conceptions which dictate the state’s use of force. A good doctrine should show how threats posed to a state can be prevented without sacrificing vital interests and values and should explain how a threat can be successfully and morally neutralized through the exercise of military power.

In collaboration with IDF officers and academic advisors, General Amos Yadlin and Professor Asa Kasher developed in 2005 a new doctrine pertaining to the war on terror. It incorporates moral, legal, and ethical considerations which are meant to guide a democratic state in its efforts to defend its citizens from acts of terror. Their doctrine is solely based on the Israeli-Palestinian conflict. It expands the scope of classic Just War Theory and is comprised of three parts: Part I: before undertaking a military action (comprised of two parameters) Part II: during military actions (comprised six parameters) and Part III: political activity at home and abroad in the international arena (comprised of three parameters). As this book deals with parts II and III, only these parts of Kasher and Yadlin’s doctrine have been explained. Each principle is comprised a of a number of articles such as “the principle of military necessity”; “the principle of distinction” (that is, distinguishing between different types of obligations a state has towards people that are not its citizens or residents, as well as distinguishing between direct and indirect involvement in terror); “the principle of proportionality,” (which expands the discussion of how to decide if an actions stands up to the criteria of proportionality); “the principle of low probabilities” (which helps decision making in cases of uncertain intelligence); the principle of operational deterrence (which determines when deterrence is allowed) and more. After exploring specific case studies and actions, I present my own new doctrine, an adaptation of the doctrine formulated by Kasher and Yadlin. This doctrine is universal and pertains to every democratic country facing a parallel situation.

**Chapter 6**

**Israel vs. Hamas: Operation Cast Lead**

This case study explores a war fought between the State of Israel and Hamas. Ever since its military coup against Fatah in 2007, Hamas has been the de-facto ruler of the Gaza Strip, constituting a quasi-political entity. The organization sits in Israel’s “back yard,” constantly posing a threat to its citizens with rocket fire and other terror activities. Its ultimate objective is to supplant Israel with a Palestinian-Islamic state.

The first part of this chapter provides the historical background of the war: Israel’s takeover of the Gaza Strip, the Israeli disengagement of 2005, the transfer of sovereignty to Fatah, and finally the Hamas takeover.

It also describes the context of Hamas’ creation and provides a general characterization of the organization. Among other things, I discuss Hamas’ organizational structure: i.e., its five divisions: the political bureau, the Gaza-government, the Hamas leadership in Israeli jails, the military arm (Izz al-Din al-Qassam brigades) and the supervisory council (the Majlis al-Shura).

In each case study, I discuss whether Hamas’ actions place it in the category of a guerilla organization, a terror organization or both (terro-guerilla).

The second part of the chapter describes the Israeli military operation in Gaza which began on December 27, 2008 and drew to a close on January 19, 2009. I discuss the war’s antecedents and Israel’s objectives and preparations – including the debate/discussion in the Israeli security cabinet over the decision to go to war. Likewise, I examine Hamas’ preparations and policies. Each stage of the operation is then discussed in turn – from the first Israeli air-strikes to Israel’s ground incursion.

The third part of the chapter discusses the ethical accusations leveled against Israel and the IDF in the war’s aftermath. The UN council for Human Rights established a fact-finding team to evaluate the events of Operation Cast Lead (The Goldstone Report). The report accuses Israel of committing war crimes and crimes against humanity. Israel was specifically accused of breaching the principle of distinction – for example by bombing of mosque located in a refugee camp and near a hospital, resulting in the deaths of numerous prayer-goes. In my analysis, I explain the difficulty posed by Hamas’ incorporation of both military and civilian elements, a fact which forced the IDF to expand its definition of what constituted a military objective. This was considered problematic in the eyes of the international community.

After a review of the ethical arguments leveled against Israel, I describe Israel’s counter-arguments. I also review the ethical arguments leveled against Hamas. For example, Hamas was condemned for firing rockets at Israeli civilian objectives, and for conducting military operations in civilian areas. I also discuss Hamas’ counterarguments.