

Purity of Arms: Educating Ethical Warriors in the Israeli Army

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Abstract: Jewish religious, Israeli national and Western legal traditions combine in the Israeli army's study unit designed to teach ethical treatment of civilians in war. Israeli tradition has invented the term "purity of arms" to describe the honor code calling upon IDF soldiers to "do all in their power to prevent harming the lives, bodies, dignity and property" of enemy civilians. That code has legal force in Israel's Jewish democratic courts and in its military disciplinary law, but the focus of this analysis is not on law or its enforcement. Rather we will explore the educational methods and authoritative traditions enlisted to teach these rules as values and to develop moral judgement in individual commanders facing difficult moral dilemmas in ambiguous and dangerous field conditions.¹

In this study no attempt is made to evaluate the effectiveness of the teaching of this unit and its influence on the actual practice of the Israeli army in combat situations. However, it should be noted that the value of Purity of Arms and the Spirit of the Israeli Defense Code of Ethics is often cited as a norm relevant to judging cases in the Military Courts.¹ In such cases, soldiers and officers have been convicted for crimes such as beating, humiliating, robbing and killing innocent Palestinian civilians. Parade examples of such crimes and their punishment have then become cases studied in curriculum units on purity of arms studied here and officers discuss their responsibility to prevent the repetition of such violations by their soldiers.

¹ In evaluating the legal culpability of a soldier for criminal negligence in open fire on the wall of a house that accidentally caused the death of a Palestinian resident, Yishai Bar, Head of the Military Court of Appeals writes: "Our answer to the question will not be given based on wisdom available only after the fact – under laboratory conditions and under the full light of knowledge of the situation. But rather our standard is based on the reasonable person in action on the field at the time of the operation. We take into consideration the pressure, the emergency, the degree of danger the soldier sought to preempt and also the obligation of the soldier to make a rapid decision without time to examine in depth all the alternatives at his disposal. These circumstances broaden the range of potential error." (Yishai Bar, *Norms and Ethics*, Case 64/04, p. 81).

In military courts, standards for legal culpability are lower (less is expected and the crime must be more flagrant to justify punishment) than in disciplinary proceedings where an officer will usually be less forgiving of his soldiers and their errors of judgment. When an officer trains his troops, the standards of purity of arms demanded will be even higher as ideals to which to aspire.

Introduction

"Israeli Supreme Judge Haim Cohen said: 'The moral weapon is not less important than any other kind of weapon, and maybe more important and no moral weapon is more efficient than the rule of law' (Israeli Supreme Court, Bagatz 320/80). Therefore the fighting force must be victorious in two battles, fought simultaneously on two different planes. The first is the 'trial by fire' and the second – and sometimes, the more difficult one - ... is the demand for a moral victory. Only the one who withstands the temptations facing the winner of the trial by fire is the true victor in the battle." (Yishai Bar, Head of the Military Court of Appeals, *Norms and Ethics*, 2003, Case 62/03 p. 149)

In the face of military attack, where sustained efforts at compromise or arbitration by peaceful means under international judicial auspices have not been successful, the defense of human life and the autonomous pursuit of one's particular way of collective life necessitate the use of organized violence. A state and an army are means to sacred ends of self-defense. Martin Buber makes this point in response to Mahatma Gandhi's letters urging German Jews under the Nazi regime to resort to nonviolent protest:

"I cannot help withstanding evil when I see that it is about to destroy the good. I am forced to withstand the evil in the world, just as I withstand the evil within myself. I can only strive not to have to do so by force. I do not want force. But if there is no other way of preventing the evil destroying the good, I trust I shall use force and give myself up into God's hands."ⁱⁱ

But Buber insists a nation minimize its use of violence as much as possible:

"It is indeed true that there can be no life without injustice.... But the human aspect of life begins the moment we say to ourselves: we shall do no more injustice to others than we are forced to do in order to exist."ⁱⁱⁱ

National states in conflict, however, have their own dangerous dynamic leading them to maximize violence, glorify in conquest and identify whatever it does for survival and for growth as absolutely just. Nations then move easily from nationalism to xenophobic, glory-seeking nationalism. In modern Hebrew an important terminological difference distinguishes between immoral and moral nationalism - *leumanut* (pathological nationalism) as opposed to *leumiut* (normative democratic national self-determination). Armies also have a tendency to educate their soldiers to us versus them thinking, to good versus evil polarization, and to dehumanization of the enemy. The military means

of self-defense are then glorified (i.e. militarism) and violence becomes an end rather than a means. For Buber and for the Israeli novelist Amos Oz, military activity is a necessary evil entailing virtues such as self-sacrifice, comradeship, and courage, but in danger of leading to vengeance, hate and indiscriminate abuse of power.

In a world of warfare, what the contemporary religious Zionist theologian David Hartman calls an unredeemed world, the ethical ideal is to teach soldiers that their calling is to minimize violence and make it morally discriminate in operation. Non-militaristic virtue education in the army, where most of Israel's young leaders and citizens of the state are educated under near universal compulsory conscription, requires developing a warrior ethos that teaches compassion rather than vengeance, discipline yet resistance to immoral orders, and deliberation over ethical dilemmas, rather than raging aggressiveness. Instead of condemning all nationalism as fascist and all military tradition as militarism, the educational path of "the middle way," as Buber names it, is to reshape those powerful traditions, so they minimize violence and its glorification and maximize the promotion of human life and dignity extended as far as possible to the enemy.

The Israeli Army Education and Training Division has developed a fascinating study guide to teach ethics in war based on the basic value of human dignity and human life. The IDF Study Kit^{iv} is called **Purity of Arms**, a unique Israeli term translating "*Tohar HaNeshek*." This value is one of ten basic values set out in **The Spirit of the Israel Defense Forces**, the official code of ethics of the Israeli Army (1994, revised 2001).^v The army calls it the identity card of the IDF. Chief of Staff Gabi Ashkenazi called it "the compass and the conscience of the IDF."^{vi} Composed by high ranking army officers in the division of education and by Israeli professors of philosophy and law, its purpose is to define the mission statement of the army as a professional organization. In the 1990s many elite businesses began write their own mission statement and developing a distinctive culture of the company whose ethos was supposed to be adopted personally by its employees and manifested in the way they fulfilled their calling. In the 1990s when the IDF reformulated its mission as a value-motivated organization, the IDF had just completed fighting the first Intifada (1987). Its moral standards needed to be revisited after the nature of its warfare changed from army to army battles in nonurban terrain² to army to sub-state guerilla and terrorist organizations in urbanized areas.³ Our task is to survey the moral arguments and educational approaches employed (or ignored) in

² 1956, 1967, 1973

³ IDF in Lebanon with PLO, 1982; Intifada with Palestinians in Gaza and West Bank, 1987, 2000; Gaza with Hamas and Lebanese operations Hezbollah, 2006, 2008, 2015

the Spirit of IDF Code, in the Purity of Arms Study Guide, and official Letters to the Soldier from Nehemia Degania, Chief Education Officers or the Chief of Staff before large military operations in civilian areas (for example, 1982 before entry into Lebanon). Special emphasis will be placed on the appeal to national and religious values. Since these study guides are intentionally brief, they are supplemented orally by the instructors in the classrooms. While we have no access to debriefing those instructors on sources they use, we will suggest additional sources that may reinforce the messages of the study guide.⁴

The urgency and relevance of Purity of Arms to military goals and its challenges today are manifest in the combat situations of many Western armies engaged in asymmetrical wars characteristic of the post-World War Two era (Vietnam, Afghanistan, former Yugoslavia, Iraq, Syria, Israel/Palestine). How does an army fight in ways that are both effective and moral, according to the ethics and laws of Western civilization, while battling irregular forces in civilian spaces? Often soldiers and low-ranking officers must make their own decisions, both tactical and ethical, in small-force skirmishes with guerillas and terrorists within urban settings and heavily populated rural areas. Distinguishing noncombatant civilians and armed combatants is a matter of life or death for the soldier as well as the civilian. Therefore armies have a responsibility to help their military personnel develop moral judgment appropriate for functioning effectively militarily and morally in liminal situations. Beyond setting rules and enforcing them, armies must persuade their soldiers to adopt the values the national army represents and help them deliberate between conflicting values (such as self-preservation, loyalty to comrades, military victory for the nation and maximizing protection of the lives of enemy civilians). Beyond requiring soldiers to live up to the letter of the law, armies often appeal to an Honor Code of Ethics that aspires to a higher moral level than survivalism. A Code of Military Ethics is designed to educate soldiers to discriminate between right and wrong even in combat situations with enemies who use indiscriminate violence and who the ends justify any means.⁵

What is the form of ethical education appropriate in military training? Armies may draw on many models, such as philosophical axioms (like Kant); rule-based obedience; deliberation about ethical dilemmas (like case-based casuistic rabbinic law);

⁴ All sources quoted in this paper directly from the Spirit of IDF Code, in the Purity of Arms Study Guide, and official Letters, will be so labelled.

⁵ “In a situation where an officer is infected with the drunkenness of power, the use of force will always be faulty. It will always miss its target. A commander who thinks the mission sanctifies the means, even illegal means, sins against his military task and his military rank, because of his lack of consciousness about the limits of power.” (Yishai Bar, *Norms and Ethics*, 2003, Verdicts of the IDF Military Court of Appeals, Case 153/03 p. 189)

development of practical judgment to apply universal principles to concrete situations (like Aristotle; Donald Schon, *The Reflective Practitioner*); virtue education to shape moral habits and character (like Aristotle, Maimonides); utilitarian ethics (like Bentham) and appeals to an honor code based on one's national, religious and humanistic cultural identity. These categories can be applied fruitfully an analysis of the educational study unit of the Israeli army designed to enlist the allegiance of its soldiers to its moral code, The Spirit of the IDF (Israel Defense Forces).

What is the content of military ethics? While ethics in the tradition of Kant claims universality, the ethics of a national army is often justified in terms of the values that a particular society represents (such as democracy, fairness, freedom, human dignity, equality, national honor, loyalty to the homeland, solidarity of a people, etc.). Religious traditions used to play an important role in mobilizing national wars in the West and Christian chaplains once urged on their fellow soldiers by using religious language. Today Israel, as a Jewish democratic state by its own definition, seeks to educate its soldiers to ethics in war by appealing to Jewish sources, both religiously and nationally Jewish, as well as Western ethics and law. In the IDF this is the educational task of officers, not chaplains. Therefore examining the educational curriculum of the Israeli Defense Force (IDF) constitutes a rare laboratory for the intersection of religious, national and humanitarian ethics and law in real life situations.

Historical Background: The Birth of the Israeli Military Tradition of Purity of Arms

In Israel in the face of indiscriminate terror against civilians during the Arab Revolt against the British Mandate (1936-1939), Zionist thinkers like Berl Katznelson developed an amorphous standard of moral warfare called "purity of arms" (a religious neologism). This Zionist doctrine called on Jewish soldiers of the pre-state national militias (1939) and later its state army (1948) never to direct violence at enemy civilians not involved in combat, even if the enemy militias do target Jewish and later Israeli civilians. That doctrine was controversial at the time and other Zionist militias insisted on reciprocity of vengeance during a period of pre-state ethnic violence.^{vii}

With the establishment of Israel, the IDF adopted the doctrine of purity of arms and it teaches the original doctrine, while integrating it with new international Western legal doctrines, such as minimizing collateral damage, and with selected biblical and rabbinic traditions. The combination reflects the commitment of Israel to an identity as a Jewish democratic state, which was recognized as legally binding in its 1992 Basic Law of Human Dignity and Freedom.

In the updated version of the IDF Code (2001), developed in the wake of the quelling of Palestinian uprisings in the occupied West Bank and Gaza and widespread suicide bombings in Israeli buses, restaurants, and youth nightclubs, soldiers are expected not just to avoid harm (injustice) to enemy civilians, but also to do good which entails risking their lives to minimize danger to enemy civilians by taking positive action. The IDF study guide makes the distinction between the demands of international law and the higher demand of the IDF code:

What does the IDF principle of purity of arms add to the principle of limitation that prohibits targeting noncombatants and POWs? Not only does the code say “IDF soldiers will not use their weapons and force to harm human beings who are not combatants or prisoners of war,” but also soldiers of the IDF will **do all in their power to prevent harming** their lives, bodies, dignity and property” (Spirit of IDF Code)... “To prevent harm,” not just “to refrain from harming.” (IDF Study Guide: Purity of Arms)

While the doctrine of purity of arms forms part of the Israeli consensus, the appropriate application of such unusually high ethical demands are controversial, since terrorist enemy forces do not distinguish civilian and military targets.

Mapping the Research Categories

Our project is to analyze the Israeli Training Manual for teaching Purity of Arms and the Spirit of the IDF in terms of its ethical, religious, nationalist ethos but mainly as an educational endeavor. What is the image of the ethical warrior or soldier and how does one educate towards that ideal? We will pursue this conceptual analysis of a written document under the following rubrics:

- (1) ETHICAL PROBLEMATICS OF ASSYMETRICAL WARFARE: how does the IDF curriculum conceptualize the ethical problematics of the soldier characteristic of war, especially asymmetrical war involving occupation?
- (2) MORAL CONTENT: what is the substantive content of its moral message and its operational application?
- (3) MODE OF ETHICS: how does the IDF study guide conceptualize the mode of morality it promotes: rule-based obedience, virtues (character education; code of honor), deliberative process (Kohlberg or value clarification), or utilitarian ethics?

- (4) SELF-CORRECTIVE MECHANISMS: How to correct the failings according to the IDF study guide – working through feelings and difficulties to live up to code; honest debriefing, courageous rebukes and drawing lessons for future prevention?
- (5) SELF and OTHER: How does the IDF Code present the self and the other of the IDF and its military enemies?
- (6) SOURCES of AUTHORITY and WISDOM: To what authoritative resources of Israeli tradition and Jewish tradition does the manual appeal? How does it negotiate tensions between national, religious and Western value systems and how does it take account of controversy and pluralism within the army and within society generally. What Jewish sources might enhance the educational resources for teachers of this curriculum? I

ETHICAL PROBLEMATICS OF ASSYMETRICAL WARFARE

The military and hence moral challenges of the Israeli army in maintaining purity of arms is exacerbated when fighting an asymmetrical war against guerilla units and often against terrorist militias. In the term “terrorist” we refer to the religious, national and military ideology and practice of irregular militias, lone wolf attackers and government sponsored militias (such as Hamas in Gaza) who promote indiscriminate killing of civilians with a principled disregard for Western Conventions of War. These terrorist combatants function within a generally politically supportive enemy alien population who are often indistinguishable from combatants. At times these enemy civilians join the combatants, hide them and even participate in mob attacks on lone Israeli civilians who stray into their communities. In this essay, as in the IDF study guide, there is no attempt to judge the grievance of the Palestinians or Lebanese Hezbollah combatants. As in all treatments of ethics *in* war, as distinct from ethics *of* war, the question of just cause for going to war should not influence how the war ought to be conducted.^{viii} This distinction is carefully emphasized in the IDF study guide as well.

Moshe Halbertal, a professor of law who was involved with updating the IDF Code of Ethics (2001), observes that in asymmetrical wars, more combat takes place in very small units in individual skirmishes than in big operations controlled directly by the high command. Hence moral guidance in war must percolate to the lowest levels of army, officers and rank and file:

Besides the great difficulty of adjusting the norms of warfare—the principles of necessity, distinction, proportionality, and avoidance—to a non-traditional battlefield without uniforms and without a front, there is still another pedagogical challenge. In a traditional war, the difficult moral choices are made by the political elites and the high command, such as whether to bomb Dresden or to destroy Hiroshima. But **in this new kind of micro-war, every soldier is a kind of commanding officer, a full moral and strategic agent. Every soldier must decide whether the individual standing before him in jeans and sneakers is a combatant or not.** What sorts of risks must a soldier assume in order to avoid killing civilians while targeting a seeming combatant? The challenge is to make these rules part of the inner world of each soldier, and this takes more than just formulating the norms and the rules properly.^{ix}

The IDF study guide begins by acknowledging that moral restraint and moral decision-making are particularly difficult in combat.

The value of purity of arms derives from the basic value of human dignity which is the supreme moral value. It is supposed to guide IDF soldiers in all their activities... In the army this value has special significance because of the danger of harming human life and the danger of the misuse of power and authority over our comrades and over those who stand opposite us – the civilian population and the enemy combatants. (IDF Study Guide: Purity of Arms)

Empathy for the challenges of the soldiers is the starting point of the education process followed by analysis of these difficulties. Then solutions are offered and appeals are made to commit to a higher code of honor that represents the soldier's ideal identity.

The Challenge of the Evil Impulse: A Holy Camp

The study unit begins with a biblical law requiring that a Jewish army maintain purity in its camp.

¹⁰ When you go out to war against your enemies, you shall keep yourselves from anything evil. ¹¹ If one of you becomes unclean because of a nocturnal emission, he shall go outside the camp; he shall not come back into the camp. ... ¹⁵ Since the LORD, your God, journeys along in the midst of your camp to deliver you and to give your enemies over to you, your camp must be holy, so that he does not see anything indecent in your midst and turn away from you. (Deuteronomy 23:10-11, 15) (IDF Study Guide: Purity of Arms)

The choice of these verses is dictated by the modern Israeli term purity of arms which was coined in 1939 by secular socialist Zionist in order to create a modernized biblical notion of ethical sanctity. In the original context purity refers to ritual purity, but the study unit follows the moral reinterpretation of military purity offered by the 13th century commentator **Nahmanides**:

The Torah is warning of a time when sin is rampant. The well-known custom of military forces going to war is that they eat all abominable things, rob and plunder, and are not ashamed even of lewdness and all vileness. The fairest of men by nature comes to be possessed of cruelty and fury when the army advances against the enemy. Therefore, the Torah warned, *When your camp goes forth against your enemies, keep yourself far from every evil thing* (Deut. 23:10) (IDF Study Guide: Purity of Arms)

Nahmanides warns that normally moral men are suddenly subject to evil urges in war situations when they are far from social supervision. This anarchic tendency is

exacerbated when encountering enemies to whom one feels no moral obligation and from whom one expects to no quarter, if one is defeated. The fighting spirit is inflamed and it expresses itself in an irrational fury and an immoral cruelty that seem inseparable from the task of fighting itself.

Israeli soldiers recalling their military experience in the Six Day War (1967) spoke of the way war makes animalistic urges rise to the surface even among idealistic kibbutzniks:

Shlomit: **But doesn't war also bring out the animal instincts in people?** Don't people surprise themselves and discover the existence of forces within them that they hadn't known of before?

Avinoam: Definitely! **Like all other living creatures, we have primitive animal instincts which in daily life we firmly repress. They're kept at bay and held in check by a thousand and one different influences** – our surroundings, society, education, values and morality. But they exist somewhere and at a certain moment, in a certain situation, they will burst out.

In my opinion, war is one of the best forcing grounds for such an outbreak, because the struggle is so much fiercer than anything in one's daily life, it's a tooth and nail fight for existence. **In these circumstances, our natural defenses — morality, values, etc. — melt away. They can't stand up to these instincts; and they in their turn take over and burst out.**

But it's just in those very moments when these instincts come to the fore that **we are capable of overcoming them.** That's to say, it's only then that we really face up to them. In normal everyday life there's no such opportunity.⁶

To raise the consciousness of the soldiers to the tendency to disregard one's usual norms in wartime, the IDF study guide brings the following incident and the military judge's response. In the First Intifada (wide spread civilian rioting against Israeli occupation beginning 1987) on August 22, 1988, a unit of Givati soldiers in Gaza were faced with a very violent civilian uprising on a scale never before experienced. Many

⁶ "A we grew angrier, we stopped being human beings. You start out shouting, but by this time, we were all just machines for killing. Everyone's face is set in a snarl, and there's a deep growl coming from your belly. You want to kill and kill. You grow like an animal, you know—no, worse than an animal. Things were happening ... I can't tell you about them. Once, one of our NCO's gave a drink of water to a prisoner. The Jordanian drank and then pulled a knife and slit the NCO's throat, like a chicken. Things like that. We killed the prisoner; you can't blame us. But you've got to understand what things like that did to us. We hated and hated. And all the time we were thinking what they would do to us and our families if they got us, and we were going along thinking, you're out for loot, are you? You'd rape my wife, my sister ... We didn't touch the civilians, though. You just don't think of civilians in the same way as soldiers. The soldiers, though, that's different." (*The Seventh Day: Soldiers Talk about the Six-Day War*, edited by Avraham Shapira and Henry Near, (67-68; 178-179, 190-191)

soldiers were bombarded with heavy stones by teenagers. Soldiers were sent in hot pursuit of two teenagers who had just thrown large stones from rooftops and were now hiding in their own apartment. The father of one of the rock throwers physically opposed the entry into the room where his oldest son was hiding. "After the rock thrower was arrested and the situation was under military control, however, four soldiers continued to beat the father Al-Shami Hani Ben Dib for twenty minutes. Only then were he and his son sent to army holding area where a military doctor checked the injured father only cursorily.... Many hours later the father was found dead." The doctor and four soldiers were convicted of manslaughter. The judge lamented:

"From the beginning of the trial we have been very disturbed by a hard question and that has become more and more disturbing as we have gotten to know the soldiers involved. How could soldiers, from such an elite unit who received a good education, have behaved so brutally? How could they shed the ethical heritage their parents and their teachers taught them and undergo such a metamorphosis so as to be able to beat someone to death with murderous blows?" (IDF Study Guide: Purity of Arms)

The army teaches that the presence of power over those who are vulnerable, in liminal situations, without normal mechanisms of repression, brings out impulses that may lead to inhuman treatment of POWs and sometimes enemy civilians.⁷ But the assumption of Nahmanides, of the Israeli soldier Avinoam and of the IDF study guide is that Israeli soldiers can master those evil impulses especially if they understand them.

Rabbi Ben Zion Uziel, the first Chief Sephardi Rabbi of Israel, expanded on that same verse analyzed by Nahmanides.⁸ He adds to the understanding of the moral challenges of the Israeli Army whom he is convinced are fighting a just religiously mandated war:

⁷ **Eli:** What bothers me is the behavior of some of the men who were with me. There were two sides to the coin. On the one hand, the treatment of civilians. We were responsible for the civilians, and they were really well treated. There was even a woman who'd just given birth – she was given milk and we looked after her. On the other hand, it was very strange. I don't know how to explain it; I was never close to any feeling like that – I saw a lot of dead people, and I killed some of them myself – and I never felt like that at all – **there were isolated episodes where the soldiers wanted to demonstrate their own strength and degrade the Egyptians.** Of course the officers didn't permit such behavior, and anyway it wasn't anything like widespread: but in my opinion this is a feeling that's much more degrading than hatred.

Once we were combing out a village and we found out that the Egyptian soldiers were coming back there at night from the mountains. We were ordered to send them off in the direction of the Suez Canal. We caught two there and they, were apparently soldiers. Some of the boys who caught them wanted to beat them up. I didn't allow it. I wouldn't I agree. They wanted to put the wind up them, to see them shake with' fear. I still can't grasp it. I've thought a lot about it – I've always been so far from things like that – and I still don't understand.

(*The Seventh Day: Soldiers Talk about the Six-Day War*, edited by Avraham Shapira and Henry Near, (67-68; 178-179, 190-191)

⁸ Citing Nahmanides the IDF Military Court of Appeals identified the dangerous ethical atmosphere in war:

"When you got out to war against your enemies, you shall keep yourselves from anything evil (Deut. 23:10). The time of war is the time of the strengthening of inclinations to vengeance, spoils, desire and covering. Victory itself is like a bubbling wine that inebriates and makes a person lose their judgment. At a time like that we are commanded to keep away from every evil thing despite feelings of vengeance, cruel murder, coveting of spoils and all sorts of food and from acts of abomination. My brothers, keep away from every evil thing that seems good only to those drunk on desire and thirsty for blood.

War was not permitted by the Jewish people unless its purpose is sacred: to destroy the raised arm [of the wicked], to make the haughty oppressors surrender, to liberate captives so they can go free and to return to their exploited owners the property taken from them by force. That is the purpose of this war. Keep it before your eyes always. Thus you will be protected from all the evil entailed by war."^x

Ben Uziel cautions that war generates not only a desire for vengeance, but also the incorrect moral judgment that it is morally good. The moral challenge is not just to master what has been identified as an *evil* impulse, but to beware lest it seems a righteous impulse.

Having fought and won a difficult and dangerous war, soldiers will often feel entitled to R and R, rest and relaxation, gratification of desires and especially a release from discipline and responsibility. Having just fought for their lives in a world of indiscriminate death and destruction, soldiers may feel they have a temporary exemption from moral restraint. Nevertheless, Avinoam, the soldier we cited above, finds reasons to maintain a higher standard of morality and deny himself satisfaction of his impulses:

Avinoam: Despite the fact that we're fighting for our very existence, for our very lives, we fight decently and morally, suppressing the sadism and the instinct to kill which is in all of us. We don't descend to the level of those we're fighting. As I see it, in their case, these instincts aren't suppressed. It's only when they are that we'll be able, perhaps, to achieve peace with our neighbors, the Arab states.

^x"The environment of war, the din of battle, the shock of the vanquished and their weakness, the inebriation of power and the desire for vengeance in the victors - as well as the emotional and material temptation to do with the vanquished and their possessions anything you wish - are all factors that may nurture wild behavior and criminal activity by soldiers... Such has occurred in the history of the nations and the history of Israel. The awareness of this danger is the basis of the Biblical law and Nahmanides' commentary on it..." (Yishai Bar, Norms and Ethics, Case 146/03, 128/03, p. 134)

Just as Ben Uziel calls for Jewish soldiers to rein in their vengeance to maintain the higher goals for which the army fights, so Avinoam refrains from vengeance in the hope of peace with the enemy which is the larger goal of war:

There's no point to the war, and to love of one's country, if the guiding lines are not essentially the desire to live in peace with them. In my opinion, peace is the first thing to strive for; and it precedes love of one's country and all the other things which are so important in themselves.

While the IDF unit does not appeal to the higher goals of war to restrain the lower impulses, a famous letter of the chief education officer, Nehemia Degania, to the soldiers in the Lebanese War (1982) says:

Remember that our goal is to sign **a peace treaty** with Lebanon. Therefore the contact between Israeli soldiers and Lebanese civilians will shape the new relationship as good neighbors. The eyes of the world are directed to us and many journalists are in the war zone.

Moral principles lie at the root of our Jewish tradition. Even in war, it is appropriate that relationship of human to human should be humane - not like that of a wolf.

The IDF study guide on Purity of Arms raises an interesting case study for analysis in which a Palestinian teenager at a check point in the West Bank regularly curses out a soldier who is checking his identity card. "Tell me, says the soldier, what should I do? Am I made out of wood?" The study guide initiates a discussion about how soldiers feel when their honor as human beings and as IDF soldiers is impugned. Then it asks: "Would a violent response to the curse be considered disproportionate abuse of power?" In the message that the soldiers are supposed to derive, the study guide states: "'Moral dilemmas that arise while executing one's mission may only be decided based on operational considerations. Inappropriate considerations are the desire to teach the population a lesson, or to express feelings of hate, anger and so.'" While the IDF's educational method encourages the surfacing of angry feelings and opens the normative question about abuse of power, the official message is that such feelings must be mastered both as Jewish moral duty and as an obligation to professionalism.

In short, the challenge of being a moral soldier is mastering the evil impulses and their corrupting influence on one's moral judgment. War is barbaric, a return to Darwinian survival of the fittest in nature without gentility of civilization, however the Torah insists that the military camp is a place of Divine presence represented by the Ark of the Ten Commandments in its midst. (Numbers 10:35 – *"When the ark went out, Moshe said: Arise Adonai and disperse our enemies before us"*). Just wars are a sacred mission, but not only must the goal be sacred but also the means. Precisely when war brings out the most uncontrolled emotions, the Torah's laws of war seek to restore order, discipline, sanitation as a sign of sanctity and civilization in the midst of destruction. Moral impurity is the greatest threat.

MORAL CONTENT

The IDF study guide defines its message unequivocally, though its educational method encourages discussion and surfacing of objections and challenges to that authoritative position. A singular principle of morality applies to all human beings, whether Israeli or noncombatant enemy civilians - human dignity and human life:

Human Life – The IDF servicemen and women will act in a judicious and safe manner in all they do, out of recognition of **the supreme value of human life**. During combat they will endanger themselves and their comrades only to the extent required to carry out their mission. (Spirit of IDF Code)

Surprisingly, an army, whose purpose is to kill and whose ethos is a willingness to risk one's life to perform one's mission, defines the highest value as human life. Risking one's life is part of these basic values:

Comradeship – The IDF servicemen and [service] women will act out of fraternity and devotion to their comrades, and will always go to their assistance when they need their help or depend on them, **despite any danger or difficulty, even to the point of risking their lives**. (Spirit of IDF Code)

Sense of Mission – The IDF soldiers view their service in the IDF as a mission; they will **be ready to give their all** in order to defend the state, its citizens and residents. (Spirit of IDF Code)

Safety rather than dare-devil risks are praised.^{xi} Yet it is not only the life of one's comrades that must be saved, but also the lives of the enemy civilians.

Purity of Arms – The IDF servicemen and women will use their weapons and force only for the purpose of their mission, only to the necessary extent and will maintain their humanity even during combat. IDF soldiers will not use their weapons and force **to harm human beings** who are not combatants or prisoners of war, and will do all in their power to prevent harming their lives, bodies, dignity and property. (Spirit of IDF Code)

According to Dr. Shlomit Harrosh, who works on defining and teaching ethics in war with army officers, average Israeli soldiers take for granted the validity of the commandment *You shall not murder*, therefore they want to distinguish their killing in self-defense from murder which is reprehensible. Hence they see no necessary contradiction between honoring the value of human life and killing enemy combatants in order to prevent the enemy from killing soldiers and civilians. To clarify that distinction, the IDF study guide raises a *prima facie* question about what appears to be an oxymoron, “purity of arms.” “At first glance the term is problematic.

Purity of arms is problematic. How can weapons designed to kill be pure? Obviously a weapon is just an instrument, but the soldier who uses it can employ it with restraint.”

The application of the principle of human life and dignity to the reality of war, especially asymmetrical warfare, derives first and foremost from the **Doctrine of Purity of Arms, an Israeli Zionist military tradition** (1939) but it appeals to international law (1977) to operationalize that concept. But the value of human life is also a Jewish principle, just as you shall not murder is. Though the study unit does not make it explicit, David Ben Gurion, the first prime minister and author of the Israeli Declaration of Independence, argued that what the Bible gave to humanity was Hebrew humanism, the value of each individual life, rooted in the origin of human life in the image of God. The study guide specifies those Jewish values it commends as the basis of the Spirit of the IDF and thus reinforces many of the universal values it promotes as a Jewish national legacy as well:

The tradition of the Jewish people embodies central values of love of one's fellow, recognition of human dignity, preservation of the image of God in human beings, love of the people and the land, responsibility to the public, faith in the sanctity of life. But Jewish tradition is not pacifist and it recognizes the right to respond to those assaulting us in order to kill us and to preempt their aggression and kill the aggressor first.

Nevertheless it limits the practice of self-defense and emphasizes that the enemy is also a human being, as it says, "When your enemy falls, do not rejoice; when he stumbles, do not be happy, lest God see that behavior and disapproves" (Proverbs 24). (Spirit of IDF Code)

Let us explicate the original doctrine of purity of arms, then its formulation in the Spirit of the IDF, and finally how it can be operationalized according to international law. All of those are briefly explicated in the IDF study guide.

Berl Katznelson's doctrine of Purity of Arms emerged on the background of a strident left/right debate among various wings of the Zionist movement and its competing pre-state militias (Hagana versus Irgun and Stern Gang). The pressing issue was how to respond to the Arab guerilla attacks (1936-1939) and to the British Mandate government and its military who closed the ports of Israel to Jewish refugees from Hitler (1939). During this period Palestinian Arabs participated not only in an armed revolt against the British but in systematic terrorist attacks on Jewish civilians. Katznelson formulated the policy of self-restraint (*havlagah*) in response to Arab terrorism against civilians:

"*Havlagah* means, our weapons will be pure. We learn the use of weapons, we carry weapons, we resist those who come to attack us, but **we do not want our weapons to be stained with blood of innocents**... *Havlagah* is both a political and a moral system, caused by our history and reality, our behavior and the conditions of our fight. If we were not **loyal to ourselves** and adopted a different strategy, we would have lost the fight a long time ago." – Berl Katznelson (1939) (IDF Study Guide: Purity of Arms)

For Katznelson, the motivating force for this doctrine is loyalty to historic Jewish values as our true self, not universal ethics qua human beings. The use of weapons is sacred because "we resist those who come to attack us" in order to preserve our own lives from guilty assailants. Since previously Jews for almost 2000 years did not learn to defend themselves from their attackers by constructing their own militia, learning the art of self-defense is a revolution in values which has sacred overtones. But it also harbors the danger of illegitimate use of weapons to kill innocents.

Katznelson constructs a moral control on abuse of sacred weapons by invoking a resonant language, not only biblical but priestly. Weapons are sacred tools in a sacred

battle of national self-defense; hence one must act to maintain their purity. According to Deuteronomy 23: 10- 15 the military camp must be pure so that Divine presence can be in its midst to give Divine aid to the battle. Biblical military purity requires restriction of body fluids – sexual emission and defecation. But for Katznelson the secular socialist Zionist as for the biblical prophets, the spilling of innocent blood is the prime source of impurity (see Numbers 35:33-34: Isaiah 1:15). “We do not want our weapons to be stained with blood of innocents!”

Appealing to biblical authority, sacred purity, and Zionist calling, the terminology of purity of weapons is absorbed into the honor code of a modern Israeli army.

"Purity of Arms" - The soldier shall make use of his weaponry and power only for the fulfillment of the mission and solely to the extent required; he will maintain **his humanity even in combat**. The soldier shall not employ his weaponry and power in order to harm non-combatants or prisoners of war, and **shall do all he can to avoid harming** their lives, body, honor and property."

"The Spirit of IDF derives directly from the value of Human Dignity (*Kevod HaAdam*). It is the highest moral value and it is supposed to guide IDF soldiers in their activities. In the army it is especially important to emphasize this value because of the danger of injury to human life and the danger in the abuse of power and authority in relation to our fellow soldiers and toward those standing against us – the civilian population and the enemy combatants." (Spirit of the IDF)

In this portion of the Spirit of the IDF, Katznelson's doctrine is stripped of its sacred language and its appeal to Jewish or Zionist identity, though the IDF study unit introduces those themes independently. It appeals primarily to the universal identity of a soldier as a person who "maintains his humanity (his humane image) even in combat."

The military, however, is a place where humanity and purity are endangered. Note that this code goes beyond avoiding active harm (negative) and demands that a soldier actively minimize harm to civilians. Though not explicit, this is unique demand within military tradition according to Moshe Halbertal, an expert in law and one of the framers of the IDF Code:

“The IDF code states that soldiers have to do their utmost to avoid the harming of civilians. This principle states that it is not enough not to intend to kill civilians while attacking legitimate targets. **A deliberate effort has to be made not to harm them. In the deliberations** about the Israeli army’s code of military conduct, a crucial question emerged in connection with the requirement that efforts be made to avoid harming civilians. For such efforts surely must include **the expectation that soldiers assume some risk to their own lives in order to avoid causing the deaths of civilians**. As far as I know, **such an expectation is not demanded in international law—but it is demanded in Israel’s military code**, and this has always been its tradition.”⁹

International Law: Operational and Legal Definitions

Seamlessly, the study unit moves to international law to concretize its Israeli ethical commitment to purity of arms, so that Israeli soldiers will not see this as the imposition of the international community on Israel’s freedom to defend to itself. The UN and humanitarian law advocates are seen, often with justification, as hostile to Israel’s right to defend itself. They are seen as displaying a lack of even-handedness in failing to condemn Israel’s terrorist enemies who pay no lip service to international law. Halbertal claims that UN commissions interpret international laws designed to protect enemy civilians in a way that makes it impossible to fight terrorist attacks on Israeli civilians.^{xii} Recent provisos of international law (1977) are identified with foundational Israeli Jewish military tradition, so their application counts as “our loyalty to ourselves,” rather than as an international humanitarian law imposed from the West, even though international law is acknowledged later in the IDF study guide.¹⁰

⁹ “In **Operation Defensive Shield** in 2002, for example, Israeli army units faced a tough battle in the Jenin refugee camp. The army refused to opt for the easy military solution—aerial bombardment of the camp—because it would have resulted in many civilian deaths, and it elected instead to engage in house-to-house combat, losing 23 soldiers in the battle. This norm of taking risks with soldiers’ lives in order to avoid civilian deaths came under criticism in Israel, but I believe that it is right. Innocent civilian lives are important enough to obligate such risks. And, if commanders are told that they do not have to assume such risk, then they will shoot at any suspicious person, which will result in widespread killing.” (“The Goldstone Illusion: What the U.N. report gets wrong about Gaza—and War,” Moshe Halbertal, *The New Republic*, November 6, 2009)

¹⁰ Tal Becker, expert in international law and a longtime consultant of the Israeli Foreign Ministry and the Israeli government both in peace negotiations and in legal aspects of war, complains that he often heard these issues presented at the UN as a conflict between security versus humanity or between national interest and international morality. But he sees the difficult question is about humanity versus humanity, when the defensive war seeks to protect a part of humanity but endangers other human beings in its conduct. He notes that the international treaties and judicial study of laws of war were once called LOAC = Law of Armed Conflict, but since the 1970s it is usually called IHL – International Human Law, hence its practitioners place the human rights of the civilians and the individual combatants so centrally that they do not consider how an army is to pursue its just wars.(personal communication at Hartman Institute in Jerusalem)

International law on targeting in military operations derives from Treaty Protocol added to the Geneva Conventions in 1977 which neither Israel nor the United States, nor of course Hamas and Hezbollah. Conventions are binding on signees based on their expectation of reciprocity. However the conditions on targeting have been adopted by international humanitarian law as unilaterally binding any state and its military, even if they have not agreed to its conventions and their opponents in war do not practice them.^{xiii} Thus its moral obligation sets a high bar for such behavior as befits an honor code like purity of arms. Thus the task of the IDF to persuade its soldiers to adopt such unilateral self-restraint in the face of the indiscriminate terror of its enemy and its unscrupulous exploitation of civilians and international protections for ambulances and mosques to transfer munitions and hide its combatants who assault Israeli soldiers and civilians.

The IDF study guide cites the key principles of the Protocol (LOAC) regarding targeting, while editorializing against the counterarguments that soldiers are likely raise:

- 1- **Principle of Proportionality:** Use of force must be proportional to the mission. In this kind of warfare which has been forced upon us, the obligation to focus and limit our force is **not less important** than the obligation to exercise force. Use of force that is unnecessary to the mission is **a moral error and an error in execution of the mission.**
- 2- **Principle of Limitation:** Some activities are prohibited **even if it appears as fit they will help carry out the mission.** The distinction between combatants and noncombatants is the most basic limitation that we must maintain. (IDF Study Guide: Purity of Arms)^{xiv}

The study guide recognizes a practical conflict of values within the Spirit of the IDF: carrying out the mission from a utilitarian perspective may be more effective when disregarding the principle of limitation and proportionality. But the IDF considers these principles as inseparable from the proper execution of the mission, even though analytically they are separable and opposed practically. Here a soldier's independent judgment is quashed in the name of following the law, though one of the goals of this study guide is to develop judgement in soldiers. The obligation to teach obedience and to teach moral values is in tension.

In teaching soldiers, further case studies are used to illuminate the “costs” of the principle of proportionality which each officer in the field must learn to weigh.¹¹ Tal Becker, an expert in international law and a member of the Israeli Foreign Ministry’s peace negotiating team, cites a the dilemma faced by an Israeli commander whose army unit was sent into Gaza in 2008. Fire was directed at his soldiers from two civilian residential buildings. The commander had to choose between alternative military responses. On one hand, he could blow up the whole building, which is justified under international law, and on the other, he could direct a more pinpoint bombardment of on the combatants in the building. But to identify the enemy’s exact position, while under fire from their guns, takes much time. The officer sent a reconnaissance mission to get the bearing on enemy batteries attacking them, so they could employ a smaller and more accurate missile with less collateral damage. But the reconnaissance unit was placed under heavy fire from the enemy and could not get coordinates for the use of a smaller missile. Then the officer sent a second reconnaissance mission, but that took several more hours, while his own soldiers were still under fire and their advance stymied. The soldiers cursed the commander. Eventually the coordinates were obtained. A lesser missile was chosen to take out the Hamas unit that was firing on them from atop the apartment building; nevertheless, collateral damage involved a Palestinian family who were killed along with the Hamas combatants.

The subject matter of purity of arms and international law are taught more fully in advanced army seminars for specific units (such as the air force) and in instructions given before an operation, such as the battles in Gaza.¹² For example, the 1977 protocol (LOAC) requires the military **to warn the civilian population of attacks** that may affect them when the circumstances so permit. That is also an ancient rabbinic military law:

¹¹ The study guide describes a hypothetical but realistic decision about proportionality. A wanted terrorist is seen entering a seven story building in the West Bank. Soldiers surround the building, evacuate the residents and call upon the wanted man to give himself up. He does not respond. Every resident is interrogated to try to find out in which apartment he is hidden. Then the commander orders the bulldozers to destroy only the apartment he thinks the terrorist is using. He explains they he did not want to destroy seven floors of homes of innocent residents, even though the terrorist may be hiding elsewhere. The commander says: ‘If we don’t get him this time we will get him later.’ Then soldiers discuss that case: should they have destroyed the whole building to make sure they get the wanted terrorist? Is that a proportional balance between the military objective and the collateral damage? Did they fail their mission if the terrorist got away? The bottomline of line of study guide says: “The mission is not only to arrest the wanted men but also to minimize damage to civilians” and maintain the principle of proportionality. (IDF Guide: Purity of Arms)

¹² The IDF has a bank of potential military targets in Gaza from which actual targets are drawn in time of combat. Based on extensive intelligence work that is constantly updated, each target is graded by how close it to civilian residences, to sensitive sites like mosques, schools and hospitals (where Hamas missiles are often stored and from which Hamas attacks are often launched), and what kinds of munitions will cause the least collateral damage and yet still be effective. In real time aerial surveillance is often used to identify civilians, but it is harder to weigh proportionality during combat itself in chaotic terrain.

We are commanded that when we besiege a city, we must leave one of the sides unbesieged, so that if they want to flee, there will be an escape route, because through this **we learn to act mercifully even towards enemies in time of war.**

And this law has another benefit: that we should open for them an opening to escape and then they won't resist us as strongly. As it is said, "*And they made war on Midian as the Lord commanded Moses*"... This is a mitzvah for all generations in all "permitted wars."

(Nahmanides, Comments and Supplements to Maimonides' *Book of Mitzvot*, Additional Positive Mitzvah #5, 13th C. Spain)

The rabbinic law that a fourth side of the siege must be left open for civilians to flee is embodied today in the practice of giving a warning to enemy civilians before a military operation is launched in an asymmetrical war where the enemy combatants are located among the enemy civilians. In 2008 the Israeli army chose to warn civilians in Gaza of an impending attack by dropping leaflet in Arabic, by calling their cell phones, and by hitting the roof with a dummy blast before blowing up the whole apartment building in which combatants were shooting.^{xv}

Similarly when the Israeli army locates a wanted terrorist hiding in a civilian home in the West Bank, they will announce by loudspeaker that civilians should leave the house and the terrorist should give himself up before beginning to bulldoze the house containing the combatant.

While Nahmanides argued that allowing the civilians and combatants to escape a siege had a utilitarian advantage, in the Gaza War aimed at killing terrorists that was not the case. The military cost of warnings in Gaza meant that many combatants could escape, that the assault was delayed and the advantage of surprise and of forward momentum was lost. In the meantime the enemy could continue shelling the Israeli army who could not return effective fire until the warnings were issued.

In sum, both the international laws (even with their operational guidelines) and the Spirit of IDF code (even with its protocols for opening fire, etc.) necessarily leave soldiers with difficult ethical and operational dilemmas to decide on their own in the field. Great ambiguity is an unavoidable aspect of warfare, not only because of the fog of war, but because incommensurable values are often in conflict such as the moral duty to minimize risk to enemy civilians as much as possible, to protect one's own country's civilians and national security by neutralizing the enemy attack as quickly as possible and to maximize force protection so as to save the lives and combat capabilities of one's

comrades in arms. Minimizing collateral damage and enemy civilian deaths is not the only moral responsibility of soldier or even the first priority which is most probably defending one's own country:

Sense of Mission – The IDF soldiers view their service in the IDF as a mission; they will **be ready to give their all** in order to defend the state, its citizens and residents. (Spirit of IDF Code)

Balancing these competing values during battle is not easy. Now we turn to the modes of moral education promoted by the IDF study guide to convey these ethical and legal messages.

MODE OF ETHICS

The techniques of moral education employed by the IDF study guide and Spirit of IDF are varied: A. Rule-based obedience; B. Deliberative model; C. Virtue (character) education and conquering one's evil impulse; D. Utilitarian Ethics; E. Professional Ethics; F. Honor Code

A. Rule-based Obedience

As we saw above, the study guide presents binding rules as authoritative, such as the principle of limitation on targeting civilians directly. That is an example of **rule-based obedience**. But surprisingly the Israeli army also teaches their soldiers when *not* to obey their officers and when to exercise independent moral reasoning:

Discipline – The IDF servicemen and women will strive to the best of their ability to fully and successfully complete all that is required of them according to orders and their spirit. IDF soldiers will be meticulous in giving **only lawful orders, and shall refrain from obeying blatantly illegal orders**. (Spirit of IDF Code)

As every Israeli soldier knows, at times officers in the Israeli defense forces have issued not only illegal, but blatantly illegal and hence immoral and inhuman orders. In Kfar Kassem in policing a curfew in an Israeli Arab village during the Sinai War in 1956, some officers ordered their men to shoot to kill innocent and peaceful citizens who had violated unintentionally the curfew. A few men obeyed and 53 civilians were murdered. Officers and rank and file men were tied and convicted. The judge, who was later a judge at the trial of Adolf Eichmann, established a precedent still taught and observed: "The distinguishing mark of a manifestly illegal order is that above such an order should fly, like a black flag, a warning saying: 'Prohibited!'".

In response to this massacre many leaders in Israel spoke out. Rabbi Benyamin wrote: "We must demand of the entire nation a sense of shame and humiliation . . . that soon we will be like Nazis and the perpetrators of pogroms,". "May the leaders of the nation rise. May the rabbinical leaders rise and publicly confess this great crime, go to Kfar Kassem to beg forgiveness, exoneration, and atonement." The Labor Zionist newspaper Davar summed up: "How can it be, then, that normal people, our own boys, would commit a criminal act of this sort? There is no escaping the truth: not enough has been done to inoculate this nation against the dulling of the moral sense, against the tendency to ignore the holiness of human life when speaking of an enemy or a potential enemy." '1

In the IDF explanation of the principle of Discipline in the Spirit of the IDF, the curriculum explicitly mentions the "massacre in Kfar Kassem" and the judge's harsh condemnation of that scandalous behavior. Then it explains very precisely that armies need discipline, but "regarding orders that are manifestly immoral and illegal, soldiers are obligated to refuse the order." If the soldier obeys such a command, then the soldier will be punished."¹³

To drive home this lesson about purity of arms, the study guide focusses on a harsh violation of purity of arms in a case study from Hebron. A Palestinian teenager was thrown off an army truck and died, the study guide makes it clear this behavior was not only immoral but illegal and the perpetrators were punished, even though their raw feelings were explored to show why they did what they did.

On Dec. 30, 2002, four Israeli border police arrested 17 year old Imran abu Hamadiya from Hebron. He was stopped and detained at random and then taken into their jeep. After a short drive the soldiers threw Imran off the jeep. As a result his head hit the pavement and he died there. This was the worst in a series of events in which Border Police Unit #25 abused many Palestinians in the Hebron area and vandalized their stores. The event was kept secret for many months until one of the soldiers involved took the initiative to tell his unit's commanding officer. Besides violating the values of

¹³ "There is always a tension between the hierarchal structure of an army, which is founded on strict discipline and precise execution of orders, and the rule of law. The balancing point in this tension chosen by the IDF gives a certain priority to military discipline, even if the price of this choice is the obligation of the soldier to obey illegal orders. But the officer is forbidden to issue illegal orders. A soldier who obeys an illegal order is not culpable under the law, but his officer is culpable under military law. However a blatantly illegal law may not be issued and a soldier is obligated not to execute it. " (Yishai Bar, *Norms and Ethics*, Verdicts of the IDF Military Court of Appeals, 2004, Case 58/04, p.298)

discipline and taking responsibility, their behavior violated the principle of purity of arms in the most extreme way.

In the investigation the border guards involved in the death of the Palestinian youth said they roughed up the youth as part of a campaign to exact vengeance for their slain friends. Do you think vengeance justifies that abuse of the power?

In summary: It is natural for soldiers to feel rage and indignation especially after losing a fellow soldier, but these feelings are no excuse and may never justify violence that damages the lives, property and honor of civilians. (IDF Study Unit: Purity of Arms)

In a psychologically sophisticated technique often used by social workers, the study guide acknowledges mixed feelings of the soldiers toward the loss of a comrade that may lead to violent treatment of enemy civilians and POWs. Thereby the study guide tries to establish empathy with those combat soldiers who may be tempted to violated IDF norms and who see such excesses as normal. Violators are not excoriated as immoral or uncivilized, but simply asked to make an effort – in their very human pain – to control the flow from understandable emotions to inappropriate, inhumane actions. Rule-based obedience limits actions, not feelings.

Moral education of soldiers does not seek to criminalize soldiers who have not maximized observance of international law, as human rights groups often do with strident condemnations and calls for punishment of individual soldiers even at the lowest ranks.^{xvi} Those legalist critics often lack understanding of the issues – moral and emotional - of combatants. They educate only by punishments and defamatory name-calling (“war criminals!”), rather than aiming at amelioration and prevention in the future by expressing empathy, seeking to persuade, and by urging more voluntary restraint.

The IDF guide to the Spirit of the IDF explains to the soldier the difference between a legal code and an educational value code.¹⁴ The former establishes a low bar for legal behavior and its violators are transgressors of the law. The latter sets the high bar of excellence towards which a soldier should aspire and which they should strive to emulate, to teach others and to use when judging oneself. The low bar stipulates only

¹⁴“The IDF Code is an educational, not a legal, document. It sets a high normative-value bar for IDF soldiers, a threshold of excellence to which one should aspire and which should be internalized to guide one’s conduct. By contrast, the army code of law, like any criminal law, sets a low bar for the conduct of soldiers and only one who violates that law is culpable for punishment.” (Yishai Bar, *Norms and Ethics*, Case 123/02, p. 119)

what is forbidden, while the high bar includes positive acts. That said, the Spirit of IDF is binding even on soldiers who do not consent to its values or their application. Officers and their soldiers are taught that violation of the principle of human life and dignity and purity of arms is punishable by military discipline and at times military criminal courts that refer to the Spirit of the IDF.

Deliberative Model of ethical education

When international protocols on targeting are treated as criminal laws, then one assumes, I believe wrongly, that the exact behavior prohibited is clear and that the soldier is in a situation to be able to avoid its violation easily. But soldiers are commanded to fight, so they must employ their weapons one way or another to achieve their military ends and that too is moral action. Their problem is to figure out, in the fog of war, how to use discretion in applying these amorphous guidelines, while avoiding being killed or defeated. The fine distinctions of international lawyers are not available to combatants, or the peace of mind to think each event through. Substantively, the application of laws in this field necessitates a subtle discretion and a sharp eye to perceive very quickly the difference between the possibility and the impossibility of applying these rules.

Moreover, from an educational perspective, if a soldier thinks ethical rules are irrelevant to military reality and hence utopian, then he will conclude often correctly that the one writing the laws has no clue how wars function. Therefore the soldier will ignore the moral instruction given and only take precautions, when a punishment is threatened. Therefore the Spirit of the IDF acknowledges the moral ambiguity of ethics in war:

The value of purity of weapons is **not a simple one-sided instruction about how to behave but rather a value that requires deliberation and discretion in order to be put into practice in army activities**. Purity of weapons characterizes the IDF as a professional army **employing judgment especially in situations of difficult combat. The reality in the field is complex.** The fight to eradicate terror against Israeli citizens takes place in the heart of a civilian population such that innocent people may be injured. Our task is to carry out the missions in light of the purity of weapons and to minimize injury to innocent civilians **as much as possible.** (Spirit of IDF)

As Aristotle teaches, moral judgment is a matter of more or less on a spectrum. It is a practical art, not a deductive science derived from clear axioms by deductive logic. Therefore soldiers must be sensitized and trained to use their own judgment in the field

where an infinite variety of concrete cases shape the best application of abstract principles. The moral ideal for combatants in the military is not literalist obedience, but deliberative conversation. The fallen soldier Alex Singer reflects on that moral ideal of deliberation in writing to a friend about the Israeli army:

July 15, 1986 [Officer School]

Dear Katherine,

You can't imagine how letter-hungry I was until this afternoon when your letter came.

Here's a thought: **"All around me are guys arguing about moral dilemmas in battle.** (Literally arguing! We just had a formal discussion on the subject and they've continued long since the discussion ended.) On the one hand, war appears to be the most immoral of human activity, as the goal of both sides always involves killing. But, I know from my very limited experience, **the spectrum of morality in war is very broad, and even the most horrible things can be done immorally or morally.**

On the other hand, an activity which seems to open little opportunity for immorality - carpentry, let's say, rarely if ever has its moral aspects discussed - and as a result carpenters, who spend their lives doing something as amoral as cutting wood, are likely to be less **morally attuned** than soldiers (Israeli ones at least), who spend years learning how to kill, but also discussing and thinking about the moral side of every step they take. "

Don't worry. Love, Alex^{xvii}

For Aristotle the moral calculus of deliberation is the search of the golden mean, such as reckless audacity and cowardly reticence, while in rabbinic thought the deliberation is between conflicting values, such as caring for one's own well-being and risking one's life for the well-being of others. As the founder of rabbinic Judaism, Hillel formulated the dilemma: "If I am not for myself, who will be for me? But if I am only for myself, what kind of person am I?" (Avot 1:14). The value of saving human life when applied to the question of targeting terrorist in Gaza leaves the soldier in quandary. How does one choose between the military objective of saving Israeli civilian lives under bombardment by Hamas, who shoot from civilian neighborhoods in Gaza, and the moral obligation to minimize death to enemy civilians? Similarly an officer must weigh his moral duty to protect his comrades' lives and the risk to enemy civilians near Hamas batteries within a

civilian building. Thus the axiom of the 1977 Geneva protocol about targeting fails to solve dilemmas that must be subject to moral deliberation in the field.

Characteristically, in terms of targeting the enemy, the ethics of self-preservation (individual and collective) versus the ethical responsibility to the other compete. On one side, defending your own people, your individual self (*Pikuakh Nefesh*), defending your identity, such as the collective way of life (freedom); and on the other; and on the other, the values surrounding treatment enemy combatants as humans created in the Image of God (hence prohibiting torture, and providing humanitarian treatment to POWs); and treatment of enemy civilians qua innocent bystanders in wartime. Other values also conflict. Therefore it is important the Spirit of IDF Code lists not only the IDF value of protecting the lives of enemy civilians but many other values to which IDF soldiers must aspire that may be in conflict with one another until priorities are set.

Perhaps the most fundamental recognition of a value conflict applying to war and to collective life in general is formulated by Martin Buber, the Jewish existentialist and Zionist. Buber argued against Mahatma Gandhi in the late 1939 that nonviolent resistance to Hitler was inadequate and that armed conflict was necessary, even though that would inevitably entail some injustice.^{xviii} Let me return the quotation from Buber cited in the introduction:

"I cannot help withstanding evil when I see that it is about to destroy the good. I am forced to withstand the evil in the world, just as I withstand the evil within myself. I can only strive not to have to do so by force. I do not want force. But if there is no other way of preventing the evil destroying the good, I trust I shall use force and give myself up into God's hands."^{xix}

Both Gandhi's absolute pacifism and Nazi genocide form a very extreme case of moral purism and one is likely to agree with Buber's middle way. But for Buber, the third way is equally applicable to normal wars, such as Israel versus the Arabs. Philosophically, "it is indeed true that there can be no life without injustice." So Buber rejects moral purism that insists that one must be true to justice and that one must avoid all evil. In the case of the treatment of civilians in war, there can be no war in which civilians will not die as collateral damage. Nevertheless, the moral obligation is, as the protocol says, to minimize the harm in many inventive ways. Morality is about this third way, not absolute justice or innocence:

Martin Buber, The Third Way - A "Line of Demarcation"¹⁵

"It is indeed true that there can be no life without injustice.... But the human aspect of life begins the moment we say to ourselves: we shall do no more injustice to others than we are forced to do in order to exist. Only by saying that, do we begin to be responsible for life. This responsibility is not a matter of principle and is never fixed; the extent of the injustice that cannot be determined beforehand but must be reassessed each time, must be recognized anew in the inner recesses of the mind, whence the lightning of recognition flashes forth. Only he who acknowledges it, as the result of serious examination which leaves no room for pricks of conscience, only he can live a human life; and a nation that does so-its life is that of a humanitarian nation."^{xx}

"We are not able to live in perfect justice, and in order to preserve the community of man, we are often compelled to accept wrongs in decisions concerning the community. But what matters is that in every hour of decision we are aware of our responsibility and summon our conscience to weigh exactly how much is necessary to preserve the community and accept just so much and no more; that we do not interpret the demands of a will-to-power as a demand made by life itself. We do not salve, or let others salve, our conscience when we make decisions concerning public life but struggle with destiny in fear and trembling lest it burden us with greater guilt than we are compelled to assume."^{xxi}

Deliberative ethics concerns right actions measured on a spectrum of the degree of necessary injustice they entail. It is a situational ethics, not a rule bound one. No absolute balance can be found. For Buber, no exact instructions can be predetermined independent of the particular person, the unique moment and the idiosyncratic situation in which the soldier decides and acts. Ehud Luz, the historian of the Zionist ethos of war, describes Buber's moral indeterminacy:

¹⁵ "Martin Buber rejected both extreme views [of Zionism and morality], the one making morality subservient to a politics of survival (Zeev Jabotinsky), the other subjecting politics to morality (Judah Magnes). On the other hand, Buber disagreed with the moralists, with their abstract notions of right and wrong, by which they judged all situations one way or another without continually asking themselves what could be done in a given situation to prevent harm to the nation. He saw both points of view as deficient: the politicians lacked the supra-political perspective that, alone, transcending the petty concerns of the hour, could have guided them toward the nation's true purpose; the moralists lacked any sense of what could and could not be done under the given conditions. The result was that "between these two camps, any chance of doing that degree of right and correct action which reality permits to be done is lost. "Between these two positions, Buber posited a **third way** – a "**line of demarcation**" between the degree of good achievable and the degree of harm unavoidable in a given situation." (Ehud Luz, *Wrestling With an Angel: Power, Morality, and Jewish Identity*, 170-171)

The "line of demarcation" is an individual compass indicating the right direction to take in every situation, "the shifting meeting point in an ongoing clash of two total commitments": to absolute morality and to the group for which, as a statesman, one bears responsibility. Because every historical situation is new, one cannot rely on established precedent to set a more distinct boundary between the two conflicting obligations. The line must be redrawn anew in each situation. The critical choice for Buber is not between politics and morality but "how far to go." To what extent, in a given situation, can we serve both God and our group?"^{xxii}

Even after making a moral decision, the soldier cannot know with a high level of certainty and comprehensiveness what the outcome of his decision will be in reality. Therefore the IDF study guide emphasizes the need of each soldier to confront "conflicts of values, dilemmas, and especially complex questions. Military events and operations will present clashes between different values or within the same value. Such situations will require judgments about the relative weight of various values."

The IDF study guide explains to soldiers that they are being taught "a common value language for the whole army" by which one judges oneself and educates others. "The Spirit of the IDF is supposed to help sharpen the conflict and facilitate decisions in practice." Therefore the study guide offers many case studies for moral deliberation and explicitly teaches officers this mode of ethical thinking. When two IDF values, such as purity of arms and tenacity to achieve victory, conflict, then one may either prefer one value over the other or try to embody both values in part in the same operation. For example, "a military force is searching a house for a suspected terrorist [and for hidden arms], but the home is filled with guests, women, children and an old man lying ill. The unit faces a dilemma: If purity of arms takes precedence, then the soldiers should exempt the old man from getting up to check his bed. If pursuing the mission with tenacity takes priority, then the soldiers should treat the ill old man like everyone else and have him move as quickly as possible to complete a thorough search.¹⁶ If both values are to be balanced, then the soldiers will ask the family members to move the old man gently, so the search may be carried out."¹⁷

¹⁶ In another exercise, soldiers are asked to discuss what to do when looking to arrest a wanted man. You enter his home, you see the rest of the family sitting at the table celebrating a Muslim holiday wearing their finest clothes. There is no opposition but you must conduct your search for the suspect. Do you demand, as army protocol requires, that the whole family stand outside in the mud in their nice clothes while you search the home? Someone suggests you ask them to stand on the concrete surface right next to the house. Discuss: When military operations occur in civilian areas with a culture, traditions and religion different than your own, should you show special sensitivity in performing your military task?

The message: "The principle of proportionality requires you minimize collateral damage [including to their honor]. The operation must be tailored to the situation – in this case the Muslim holiday." (IDF Study Guide: Purity of Arms)

¹⁷ A similar hypothetical case relates to the order to evacuate the house of a convicted terrorist who has killed Israelis. How should they relate to a family in shock that their home will be blown up in thirty minutes and they must take all their household

Famous cases of IDF lore are used for discussion to raise other value dilemmas in the application of the doctrine of purity of arms.¹⁸ In pursuit of Palestinian guerillas crossing from Jordan to the desert area in the West Bank in 1969, a unit searched caves in which Bedouin dwelt. To avoid killing the Bedouin civilians, soldiers entered each cave without throwing grenades to neutralize guerillas who might be inside. In one of the caves the guerillas opened fire on the commanders who had led the way into the caves to avoid killing civilians. Those IDF officers were killed as a direct result of their attempt to maintain purity of arms. Then soldiers studying the case are asked to identify the value dilemmas and to consider what alternatives the officers might have chosen to balance force protection with purity of arms.

The bottom-line message of the discussion is: “The parameters for the proper use of force vary from one mission to the next. In light of the local conditions, the officer has the responsibility to determine what is ‘necessary force’ – **as long as the decision was made after confronting the dilemmas in the light of the Spirit of the IDF.**”

Virtue (character) Education: The Code of Honor and Conquering your Evil Impulses

Rule-bound obedience and deliberative ethics focus on determining what is the right action within a given situation. Generally the ethical decision is caught on the horns of a value conflict and a gap between what the ideal demands and what military reality permits. By contrast, virtue education, also characteristic of Aristotelian and Maimonidean ethics, seeks to shape a moral character. That moral personality is a prime end of the IDF study unit both for the individual and the collective – the IDF and the society of Israel. As we noted above, the IDF unit opens with an acknowledgement that war can bring out the worst in people. Though I would assert that military service and war is also capable of bringing out the best – comradeship, solidarity, altruism, sacrifice of the selfish for the collective, developing courage, leadership and responsibility beyond anything civilian life can engender for the average citizen. Those values are the subject of the Spirit of IDF as much as sensitivity to human dignity and value of human life.

goods with them? Should they feel empathy with these human beings or feel that their family is getting what their father the terrorist brought on them? How can balance these feelings and still respect their honor and their humanity?

The message:

¹⁸ For example, a famous case debated in the army is the Convoy of 35 that set out at night in the Spring of 1948 during the War of Independence to relieve a besieged kibbutz in Gush Etzion. On the way they were seen by an old Arab shepherd and the soldiers, who could not detain him and take him along. The commander Danny Maas chose to let him go. The shepherd then alerted the Arab villagers who surrounded and killed everyone in the convoy.

The virtues celebrated by the Spirit of the IDF are: courage, self-sacrifice, tenacity, fraternity and devotion to their comrades. Embodying these virtues is an honor code of an elite army that takes pride in those values. Thus the good combat soldier develops a personal code that aspires to higher standards than doing your duty, following orders and doing no more than what normal people would do. That is an aristocratic standard, above and beyond the call of duty, above and beyond self-preservation. Literally, aristocrat derives from *arête* – excellence – and virtue from *vir* = manliness. Such traits are considered necessary for leadership.

Each soldier is to see him/herself as a representative of this guild of excellence – the IDF.

Sense of Mission – The IDF soldiers view their service in the IDF as a mission... They are **representatives** of the IDF. (Spirit of IDF Code)

Soldiers, but especially officers, are expected to be role models of excellence.

Personal Example – The IDF servicemen and women will comport themselves as required of them, and will demand of themselves as they demand of others, out of recognition of their ability and responsibility within the military and without to serve as a **deserving role model**. (Spirit of IDF Code)

Demanding more of themselves, they usually lead the way in combat action with the cry “after me!” The same model is expected in humane behavior:

Purity of Arms – The IDF servicemen and women ... will maintain **their humanity** (*tzelem enoshi*) even during combat. IDF soldiers will not use their weapons and force to harm human beings who are not combatants or prisoners of war, and will do all in their power to prevent harming their lives, bodies, dignity and property. (Spirit of IDF Code)

Here “humanity” refers not the human dignity of each person as absolute and value, but to the humanity of the soldier who is to remain – despite the emotions and chaos of war – on higher moral plane. While we often say, “I am only human” meaning “I am flawed. Don’t expect too much of me,” the IDF wants its soldiers to say, “I am humane!” which demands more sensitivity to the other. The Hebrew term chosen for humane is unusual – *tzelem enoshi*. *Tzelem* is a biblical term for the image of God, the basis of the absolute and equal value of each human being. But *enoshi* means mortal, sensitive to vulnerability and hence humane.

Besides the military virtues in the Spirit of the IDF, biblical and rabbinic Jewish traditions emphasize **mercy and sensitivity** which are at the heart of being **humane**. For example, when the biblical Jacob, soon to be called Israel, approaches a potential military confrontation with his angry and presumably vengeful brother, the Torah describes his emotional state: “Jacob was very fearful (*va-yirah*) and very pained (*va-yitzer lo*)” (Genesis 32:7). A rabbinic commentary paraphrased by Rashi (11th C. France) when he explains the verse: “He was afraid lest he be killed and he was pained lest he kill others” (Genesis Rabbah)

Jacob approaches war with his brother with pangs of conscience, lest he kill him or others. If Jacob is not merely squeamish, then a more precise formulation would be: “lest he kill unjustly or unnecessarily.” At the same time Jacob has a healthy fear of death. Jacob’s ambivalence is praised with both its horns of the dilemma. The IDF study unit does its most to develop that sensitivity to causing death, not to the enemy combatant who wishes to kill me, but to the enemy civilian who is an innocent fellow human being.

In the IDF study unit they cite a letter written by a soldier disturbed by a **lack of sensitivity** to the civilians under Israeli occupation by soldiers stationed there. In the letter from this officer he complains with moral pathos about a unit in Samaria (the northern district of the West Bank under the Palestinian Authority). The soldiers were going into an Arab town to identify stolen Israeli cars (an epidemic phenomenon). The visiting officer saw soldiers smash into the side mirror of an Arab car unintentionally, yet none of the officers made any attempt to apologize or compensate the owner. Nor did they tell the rank and file soldiers to be more careful next time. The reason for this insensitivity was not, he argued dark passions like vengeance or hate or lack of agreement with the IDF norms about respecting civilian property. Instead the soldiers shrugged and spoke of being burned out by their long, tiring service in Samaria. It is apathy that the officer excoriated as an unacceptable excuse for such laxity. He urged soldiers to show moral courage to make comments whenever they see abuse of the weak and not to acquiesce to such infractions on the grounds of fatigue. That same theme is raised elsewhere in the IDF study guide as an unacceptable but frequent rationalization for acts of moral insensitivity to the civilian population under occupation:

Attrition. "I think our sensitivity is blunted. The routine in which every officer must functionhas made us apathetic. "In warfare of low intensity to prevent terrorism routine activity may lead to mental and physical exhaustion which may lead in the end to abuse of power. (IDF Study Guide: Purity of Arms)

Besides developing moral sensitivities, virtue education in rabbinic texts and in the IDF manual concentrate on **mastering those hot emotions naturally evoked in war** that threaten to overwhelm rational and ethical controls on the soldier. As we saw above those passions include the desire for spoils,¹⁹ for vengeance,²⁰ and for lording over the vulnerable. The ideal moral character is described by the Rabbis in the language of the ideal warrior: 'Who is the *gibor* (hero)? The one who conquers his own *yetzer* (impulse)' (Avot 4:1).

The negative effect of failing to curb one's destructive impulses is a corrupting of the character that carries over into life among soldiers and then to civilian life. Alert to this danger, the educators in the army warn:

"There is a danger that these values will become normative in the army unit and afterward spill over into life as a citizen." (IDF Study Guide: Purity of Arms)

"The undermining of moral principles in the IDF as a people's army will rebound against us as citizens and will negatively impact on Israeli society".

¹⁹ "The crime of taking spoils is despicable and its perpetrators bring contempt on themselves, their unit and the whole IDF. ... It harms the human dignity of the vanquished, the image of God in them, and in the perpetrator, the conqueror.... In Joshua 7:20-21 we see the direct relationship between the violation of that prohibition on the taking spoils and the fatal blow to the military capability of Israel to be victorious."

"Therefore we have decided in this case of taking spoils to decree a year of imprisonment, half of it to be served in prison." (Yishai Bar, *Norms and Ethics*, Verdicts of the IDF Military Court of Appeals, 2003, Case 62/03 p. 148, 153, 158)

In the War of Independence (1948) Prime Minister David Ben Gurion ordered the generals to issue a warning to soldiers entering Arab villages and holy sites of the Christians and Muslims:

'To the Hebrew Fighter! When you enter a conquered or abandoned Arab settlement and when you see abandoned property, do not be tempted to take anything. Conquer yourself and your negative inclinations ... Remember there is only one step from the honor of the fighter to the shame of the despoiler.'

To the commander responsible for the campaign for the Old City in Jerusalem, Ben-Gurion wrote: 'Appoint a special force to protect the Old City and use a machine gun, without mercy, against any Jew and especially any Jewish soldier who tries to rob or desecrate a Christian or Muslim holy site.' (Yishai Bar, *Norms and Ethics*, 2003, Case 62/03 p. 154-155)

²⁰ Rav Abraham Isaac Kook, First Chief Ashkenazi Rabbi of British Mandate:

"One must refine the attribute of zealotry when it comes into the borders of the sacred so it will be a pure divine zealotry.... Vengeance is a biblical attribute of God as it says, *God of Vengeance Appear!* (Psalm 94:1). However if vengeance means hatred, enmity, anger for something evil done in the past, then it cannot be attributed to God who is father of mercy and the source of good and kindness. ..Divine vengeance is only to remove sources of darkness and allow light to show forth, so every creature can be joyful." (*Olat HaRayah*, 214-215)

Psikta d'Rav Kahana #29:

"On Pesach no verse speaks of being joyful. Why? because the Egyptians died [in the battle at the Red Sea].... On Pesach we only sing the full cycle of Psalms of Praise (Hallel) for one day, not for all seven days of the festival. Why? Because it says*When your enemy falls, do not rejoice* (Proverbs 11:10)."

(Nehemia Degania, A Letter to the Soldier in Lebanon from the Chief Education Officer, June 11, 1982)²¹

Utilitarian Ethics

Alongside of rule-based, deliberative and virtue ethics one would expect to find in an eclectic educational unit on purity of arms an appeal to utilitarian reasons for maintaining purity of arms. Idealism integrated with realism ought to have strong appeal to the soldier concerned with effectiveness in pursuing his mission as much as he is motivated by an honor code reflecting higher aspirations. Yet such utilitarian arguments are downplayed in the IDF study unit except when explaining the indirect damage caused by abusing enemy civilians. Three negative results flow out from such behavior in concentric circles:

Harming the civilian population when unnecessary for carrying out a military mission is forbidden for moral, value and legal reasons. It also damages the moral fortitude of the IDF and its soldiers and influences three dimensions:

- a. Harming the soldier himself. The soldier may adopt negative norms as a citizen in the State of Israel.
- b. Harming the web of life within the unit. Violent norms and moral insensitivity have negative effects on the unit.
- c. Harming the interests of the State of Israel. How one carries out a mission on a **tactical** level has an effect on the level of military **strategy**, government policy, and international relations. Tactics influence **the image of the State of Israel among the international media**. (IDF Study Unit on Purity of Arms)

All the pragmatic arguments speak to utility for the self – the soldier, his unit and his state, not to the injury to the civilian. But before offering these pragmatic considerations the study guide explicitly prohibits such behavior morally and legally. Harming another human being is not being reduced to considerations of self-interest, but another layer of justification is being added eclectically. The conceptual point is that morality is not, as Kant would argue, indifferent to consequences and that moral behavior need not be altruistic. Rather, as Aristotle would argue, ethics contributes to general happiness and welfare. Presupposing the principles of

²¹“IDF soldiers and especially military police [whom beat up Palestinian detainees] caused an ugly wound in the fabric of Israeli society. Healing it entails a total war against this plague to be conducted by the IDF and its officers... Supreme Court Justice Mishael Heshin has written: ‘Teach us how we have erred and how to reform our pathsLet a voice emerge from the courts that will be heard so all will know that we shall rest until this plague is healed, so that no Jew shall abuse another human being whether a Jew, an Arab or any other human being’ (Case 2224/94).” (Yishai Bar, *Norms and Ethics*, Verdicts of the IDF Military Court of Appeals, Case 146/03, 128/03, p. 137)

Aristotlean and Maimonidean character education, the study guide explains that bad behavior is habit forming and norm generating. Those habits of relating to the other spread to the relationship to one's own society and that will negatively affect its functioning.

In the third utilitarian argument the rationale is not moral but instrumental. As a soldier who is expected to perform military operations in service of the interests of the government and the state, the combatant must understand how tactics relates to strategy and how military norms affect political goal. Whatever the combatant's moral judgment on the treatment of enemy civilians and whatever he thinks about the unfair treatment of Israel in the foreign press, his duty to the army's strategy and his self-interest as a citizen require him to act judiciously when faced with an enemy civilian.

Similarly, Nehemia Degania, the chief education officer in his letter to IDF soldiers in the 1982 incursion into Lebanon, also integrated pragmatic considerations among his eclectic rationales for maintaining a high moral standard. He proposes a secondary reason for observing purity of arms in Lebanon:

Maintaining appropriate standards will also help Israel with its political and propaganda struggles.²² Remember that our goal is to sign a peace treaty with Lebanon. Therefore the contact between Israeli soldiers and Lebanese civilians will shape the new relationship as good neighbors. The eyes of the world are directed to us and many journalists are in the war zone.

(The Moral Image of the Israeli Soldier: A Letter to the Soldier in Lebanon from the Chief Education Officer, June 11, 1982)

It has long been a staple of Israeli military thinking that winning on the battlefield is inadequate without winning political support from the Western nations that shape international political arrangements after the war. Especially since the Lebanon war in 1982, Israel's image as the moral underdog has been revised so that she appears in asymmetrical wars with Palestinians as the bully violating international humanitarian law even when her enemies are terrorists who show no deference to humane warfare at all. Public relations regarding fighting an ethical and

²² "The Palestinian opponent tries to counter the asymmetry of force [with the IDF] by transferring the confrontation from direct warfare to the battle for public opinion. ... The victory in a limited conflict will be achieved in the context of public opinion... Therefore the current battle [in the West Bank] has two components ... The component of force is manifest in direct contact between IDF soldiers and those seeking to cause harm, by means, such as making arrests and searching houses. But the component of public consciousness, which is the main element in a limited conflict, is fought ... in the consciousness of soldiers, of the Palestinians, and of the media. In both aspects those who took spoils sinned. ... The failure of the one who takes spoils is not just a defeat for 'the hero expected to conquer his evil inclinations.' He causes not just his own shame as a criminal, but he plays into the hands of the enemy in its campaign for public consciousness." (Yishai Bar, *Norms and Ethics*, Verdicts of the IDF Military Court of Appeals, 2003, Case 62/03 p.151)

legal war have been crucial for Israel in its difficult diplomatic struggles. IDF lawyers have been embedded in active army and air force units to advise officers about the legal and hence diplomatic consequences of military decisions. The letter above notes this consideration that can contribute negatively or positively to the political victory which is the aim of military campaign as well as the hope for peace with the neighboring Arabs nations. In any case, the Purity of Arms study guide underplays such pragmatic arguments. Perhaps such consequentialism, a concern for self-interest is viewed as besmirching the moral aspiration to act out of an honor code of pure weapons and a Kantian and Jewish-Israeli commitment to human dignity and the sacredness of human life.

Professional Ethics

Not only is the Israeli soldier called upon to be true to morality and to Jewish values, but also to professional standards. In the Spirit of the IDF we find many values of professionalism:

Professionalism – The IDF servicemen and women will acquire the professional knowledge and skills required to perform their tasks, and will implement them while striving continuously **to perfect their personal and collective achievements.**

Discipline – The IDF servicemen and women will strive to the best of their ability to fully and **successfully complete all that is required of them** according to orders and their spirit. IDF soldiers will be **meticulous** in giving only lawful orders, and shall refrain from obeying blatantly illegal orders.

Sense of Mission – The IDF soldiers view their service in the IDF as a mission. They will be ready to give their all

Tenacity of Purpose in Performing Missions and Drive to Victory – The IDF servicemen and women will fight and conduct themselves with courage **in the face of all dangers and obstacles**; They will persevere in their missions resolutely and thoughtfully even to the point of endangering their lives.

Responsibility – The IDF serviceman or woman will see themselves as active participants in the defense of the state, its citizens and residents. **They will carry out their duties** at all times with initiative, involvement and diligence with common sense and within the framework of their authority, while prepared to bear responsibility for their conduct.
(Spirit of IDF Code)

What, you may ask, has professional excellence to do with Purity of Arms?

First, purity of arms is defined as a goal of the military mission in and of itself, not just as a constraint on how to get the job done. The study guide makes explicit in the principle of proportionality: “Employing force that is unnecessary to the performance of the mission is a moral error that constitutes an operational error” (IDF Study Guide: Purity of Arms). In a case study of how to arrest a suspected terrorist in his apartment within a seven floor civilian apartment building, the message is that “the mission is not only to arrest the suspect but also to avoid harming those who are innocent and therefore one must aspire to execute the mission by observing all its aspects” (IDF Study Guide: Purity of Arms).

Several army educators have explained to me that discipline and responsibility are the first countermeasures to releasing evil impulses – vengeance, cruelty, and abuse of power. Further, efficient and professional military operations involve gathering intelligence, evaluating outcomes, identifying military targets and debriefing honestly. The soldier must take upon himself the responsibility for his actions and for their consequences” Spirit of the IDF Study Guide).

All of those processes are necessary to make informed judgments about the principle of proportionality – the relative military advantage compared to collateral damage. Indiscriminate use of weapons causes the most civilian casualties, so the more discriminating and self-controlled the professional soldier the less unintended and unnecessary harm will be caused. While the appeal to moral sensitivity for enemy civilians may not motivate many soldiers and may seem irrelevant to their task, the appeal to be professional precisely because it seems morally neutral has a stronger claim for many soldiers. The IDF seeks to combine the two kinds of ethics – professional and moral – by making them inseparable aspects of the same training. To be professional is to follow the rules and to suppress anarchic impulses and indiscriminate use of firepower.

Honor Code

The Spirit of the IDF is an honor code characteristic of an ancient warrior guild. Many modern ethicists have regarded honor as an amoral, if not immoral category, and lamented the wars fought for defending honor. But today there is a revival of the appeal to honor as one motivation for ethical treatment of others especially within a modern army.^{xxiii} The philosopher of ethics in war, Daniel Demetriou, has argued persuasively that armies today still appeal to a code of honor with strict rules defining honorable and dishonorable behavior.^{xxiv} Only one who lives up to higher standards, under difficult conditions, earns a positive social standing.^{xxv}

Positive social standing is being thought of as a full-fledged member of an honor group, i.e., a somewhat exclusive society that maintains its own standards for membership. Honorable people do the sorts of things that (they think) warrant good standing.... *Prima facie* goods gained in ways violating those principles are felt not to be worth pursuing after all.... A genuine claim to honor [is] **a right to respect.**^{xxvi}

While the Spirit of the IDF does not appeal to honor explicitly, it does implicitly when speaking of the army's higher mission and the soldiers need to be its "representative."

Sense of Mission – The IDF soldiers view their service in the IDF as a mission. They will be ready to give their all in order to defend the state, its citizens and residents. This is due to the fact that they are **representatives of the IDF.** (Spirit of the IDF)

By implication, soldiers who violate the code bring shame on themselves, their unit and the whole army which has committed itself to behave unconditionally according to its basic values.

For example, soldiers who mistreat civilians tarnish the image of humanity in themselves. Hence the IDF Code insists: "he will maintain his humanity (literally, his human image) even in combat." Unlike the unconditional right to respect as a human being by virtue of being created in the image of God, one's humanity in relating to others can be maintained or lost. For example, a warrior must fight fairly, by the rules of honor, and engage in combat with a worthy opponent, not someone unarmed, not a child, a woman or an elderly man. Therefore Demetriou argues that an honor code reinforces the moral demand that even enemy civilians be protected:²³

Honor does an excellent job of encouraging honorable treatment of noncombatants—indeed, it may be that honor ethics provides the best justifications for distinguishing between a fighting soldier, on the one hand, and a civilian working in a munitions plant, on the other.^{xxvii}

Were a warrior to take unfair advantage of his greater power over a helpless POW or enemy civilian that would reflect badly on the warrior who would lose honor and manifest his weakness as a fighter.^{xxviii} The warrior ethos explains "why we find bullies

²³ John Keegan, the historian of warfare and military leadership, says that "there is no substitute for honour as a means of enforcing decency on the battlefield, never has been, never will be." (Cited in Paul Robinson, "Magnanimity and Integrity as Military Virtues," *Journal of Military Ethics*, 6:4, 264).

contemptible and dishonorable: our devotion to fair fights spurs us to see the bully as dishonorable, and not merely unjust, because he attacks those weaker/lower-ranked than himself."^{xxix} By the same token, an honorable soldier will not resort to the cowardly, dishonorable tactics of a terrorist who hides behind a mosque or a woman's skirt and uses superior firepower indiscriminately on civilians. Thus an Israeli is expected to maintain a higher standard than a terrorist foe who flouts international conventions of war. Demetriou explains:

Honor requires that prestige be allocated by the outcome of fair competitions. It is incumbent upon belligerents to agree to a fair convention in order to minimize unfair advantage, needless offense, and excessive suffering. Once agreed upon, those conventions must be scrupulously obeyed.^{xxx}

An honor code rejects the principle of reciprocity or conventional consent that holds that if you enemy violates the Geneva conventions, for example, then the soldier is exempt from obeying them. But for the warrior ethos, one maintains one's standards unilaterally. Often the term integrity is used to describe this same desire for respect and honor or self-respect. "The man of honor . . . is true to himself,"^{xxxi} so too integrity is the virtue of sticking to one's principles, moral or otherwise, in the face of temptation. Integrity in the IDF is staying true to our intrinsic humanity. That logic is found in the letter of Degania, the Chief Education Officer, to the combat soldiers in Lebanon, 1982:

The IDF fought this time a particularly cruel enemy who often used terror against defenseless civilians. However the IDF is forbidden to use the same standards as our enemy. Our uniqueness and our strength lie in preserving the image of humanity.

Therefore the Israeli soldier as a representative of the IDF merits his good standing in the IDF both in his professional fighting abilities, such as tenacity, courage and skill and in preserving his/her humanity by fighting, according to civilized rules, with combatants only. Demetriou observes:

Two things are scrutinized in any honor arena: first, **how good the competitors are** at something (fighting, playing ball, musicianship) and second, **how well they bear themselves** in the heat of that competition (Do they cheat? lose gracefully? show proper respect to their competitors? crumble under the pressure? etc.).

Prestige is determined by one's performance in the honor arena. One risks losing all prestige— risks being positively dishonored—if one cheats in the honor arena,

fails to show rank-appropriate respect to others, or fails to demand rank-appropriate respect for oneself. ^{xxxii}

In 2014 before entering Gaza to fight among civilians against Hamas terrorists, the Chief of Staff Benny Gantz spoke the soldiers about maintaining their humanity, so that they will not be guilt-ridden for fighting immorally and killing innocent civilians unnecessarily. It is, he said, the IDF's responsibility to bring home its soldier whole in body and soul. If the IDF were to ask its soldiers to kill civilians indiscriminately to avoid danger to themselves, then the moral trauma would be a burden on their souls.²⁴

SELF-CORRECTIVE MECHANISMS

Moshe Halbertal, one of the reframers of the IDF Moral Code (2001), identifies the educational challenge as follows: **"In this new kind of micro-war [asymmetrical war], every soldier is a kind of commanding officer, a full moral and strategic agent. Every soldier must decide whether the individual standing before him in jeans and sneakers is a combatant or not.**The challenge is to make these rules part of the inner world of each soldier, and this takes more than just formulating the norms and the rules properly." ^{xxxiii} Prosecution is necessary for war crimes and disciplinary action is important for less serious violations of the moral code. But the criminalization of the normal practice of combat by putting average soldiers on trial in international tribunals is not the best educational policy. Except for genocidal armies with criminal policies set from above, such as in Kosovo, most violations are incidental to war, especially in asymmetrical wars. It is unfair to hold soldiers in fog of war to judicial standards of some humanitarian ideal that does not take into account real battle conditions. International pressure does lead countries to police their armies with greater thoroughness for political reasons and it encourages local watchdog activities. But internal military discipline is generally more effective, than exceptional cases of criminal prosecution, in reshaping an army's moral practices in the field. In lectures Halbertal has said that a disciplined army that is good at its military tasks is least likely to violate the moral norms, because such behavior usually detracts from operational effectiveness. Many human rights violations emerge where military discipline is poorly enforced.

The development of the IDF Code or Spirit of IDF was one response to the educational challenge. Each soldier not only learns the code but carries it at all times. Some military

²⁴ Shannon French, *Code of the Warrior* (2003) speaks of a 'therapeutic' theory of the warrior code. The warrior code helps the soldier distinguish an honorable warrior from a murderer in his own eyes. (See Shannon French, *Code of the Warrior*)

educators have protested that moral education in the form of codes of conduct and deliberations over moral dilemmas in themselves undermines the soldier's instinctive ability to fight. But Halbertal has countered:

In discussing the code of ethical conduct with Israeli officers, many times I encounter the following complaint: "Do you want to say that, before I open fire, I have to go through all these moral dilemmas and calculations? **It will be completely paralyzing.** Nobody can fight a war in such a straitjacket!"

My answer to them is that the whole point of training is about performing well under pressure without succumbing to paralysis. This is the case with battlefields that have nothing to do with moral concerns. Do I attack from the right or from the left? How do I respond to this new tactic, or to that? And so on. This is why moral considerations have to be an essential part of military training. If there is no time for moral reflection in battle, then moral reflection must be accomplished before battle, and drilled into the soldiers who will have to answer for their actions after battle.

The primary agents of moral and military education in the IDF are the actual norms of behavior manifest in the personal conduct of officers and in the collective opinion of comrades. Fellow soldiers often comment on exaggerated violations of moral norms. Therefore officers, first, and rank and file soldiers, second, must be persuaded that these guidelines are practical and important as well as that their superiors really take them seriously and will punish violations. Thus the IDF study guide was written for lower rank officers and NCOs. While teaching the laws and operational guidelines, the point of the unit on purity of arms is not to criminalize soldiers for their infractions or for their darker feelings of vengeance after losing a comrade in arms to the enemy. Rather the point is to engage officers in preemptive thinking by deriving lessons from a debriefing on the case studies analyzed in the study unit.

Two educational techniques are employed to help officers engage their soldiers in thinking about moral dilemmas in the army. First, the officers identify the kind of challenges emotional, moral and operational that they and their soldiers feel to obey the strictures of purity of arms in the field. This technique enables officers to explore the reservations their soldiers may have about obeying the army's policies about purity of arms. For example:

Discussion Guidelines for Officers leading discussions with their Soldiers:
Difficulties in Observing the Purity of Weapons:

Instruction to officer: You must make an open discussion possible, so soldiers can ask questions, express feelings, opinions and fears..... Ask the soldiers to give example of

incidents in which the value of purity of arms was respected or ignored. How did the soldiers and the officers react in those incidents? What factors make it difficult to maintain the value of purity of arms in the field?

a- Distinguishing Terrorist from Noncombatants. "Every interaction with the Palestinian population raises countless moral dilemmas." Soldiers say: "After you hear that a female suicide terrorist blew herself up at a check point or an elderly man pulled out knife from inside a rug he was carrying, you look at every Arab as one who in another second will blow up."

b- Attrition. "I think our sensitivity is blunted. The routine in which every officer must functionhas made us apathetic. "In warfare of low intensity to prevent terrorism routine activity may lead to mental and physical exhaustion which may lead in the end to abuse of power.

c- The desire to create deterrence. In warfare of low intensity especially at checkpoints, soldiers feel that they must provoke fear in the residents in order that they will obey the soldiers' instructions. Soldiers are convinced that such fear will enable them to prevent the residents from activities such as circumventing checkpoints ... To establish deterrence soldiers use harsh style of talk, verbal violence and even physical violence.

d- The desire for vengeance. In some cases when a unit has lost a soldier or an officer [in combat ore terrorism] feelings build up and seek expression. Sometimes soldiers express these emotions in insults, anger or a desire for vengeance by using excessive force toward prisoners or toward civilians.

e- The attitude to those being detained. In carrying out warfare the soldier is expected to treat the terrorist as a dangerous enemy. But when the terrorist is arrested the soldier must understand the change in the terrorist's status from one who is dangerous to one who is not a danger our forces. (IDF Study Guide: Purity of Arms)

The second educational technique is the well-known army practice of debriefing after every operation so as to draw lessons as to how to improve mission effectiveness for the next operation.

In Israel's elite military units, each day is an experiment. And each day ends with a grueling session whereby everyone in the unit—of all ranks—sits down to deconstruct the day, no matter what else is happening on the battlefield or around the world. "The debrief is as important as the drill or live battle," Yuval Dotan (Israeli pilot, Harvard MBA) told us. Each flight exercise, simulation, and real operation is treated like laboratory work

“to be examined and reexamined, and -reexamined again, open to new information, and subjected to rich—and heated—debate. That’s how we are trained.”

In these group debriefs, emphasis is put not only on unrestrained candor but on self-criticism as a means of having everyone—peers, subordinates, and superiors—learn from every mistake.... The effect of the debriefing system is that **pilots learn that mistakes are acceptable, provided they are used as opportunities to improve individual and group performance....** It should not be surprising, then, that after more controversial wars—such as the 1973 Yom Kippur War, the 1982 Lebanon war, and the 2006 Lebanon war, which most Israelis perceived as having been seriously botched—there were full-blown **public commissions of inquiry** that evaluated the country’s military and civilian leaders. (Saul Singer, *Startup Nation*) ^{xxxiv}

For honest debriefing and self-criticism, the most important basic values in the Spirit of the IDF are responsibility and reliability which obligate the soldier to tell the truth and take account of his actions in retrospect.

Responsibility - They will carry out their duties at all times with initiative, involvement and diligence with common sense and within the framework of their authority, while **prepared to bear responsibility** for their conduct.

Credibility – The IDF servicemen and women shall present things **objectively, completely and precisely**, in planning, performing and reporting. They will act in such a manner that their peers and commanders can rely upon them in performing their tasks.

This method of self-critical debriefing and constructive criticism to draw practical lessons from imperfectly executed missions is applied by this study unit to the moral and legal flaws in military operations. Effectiveness moral supervision by officers of their soldiers is analyzed around case studies of previous failings. For example, the beating of Palestinians at a check point in 2004 is subjected to such a critical discussion:²⁵

²⁵ "Prisoners guarded by soldiers – even if adults and even if accused of serious crimes – have a right to protection of their honor, their bodies and their health by their guards ... Israeli soldiers are commanded to protect human dignity and that is not merely a slogan, but an operative command tested in difficult situations... Human dignity is not tested merely in relation to your friends and allies, but especially in relation to your enemies and those who hate you. This principle obligates IDF soldiers ... 'for humans were made in the image of God' (Gen. 9:6). From this, the obligation to protect human dignity is derived for all human beings whether allies or enemies, since everyone possesses the human image, as it says: 'Beloved is the human being created in the image' (Avot 3:18). Hence warfare is no excuse for the unworthy employment of force." "Even greater responsibility is placed on police guards who are as guards are representative of the law (Yishai Bar, *Norms and Ethics*, Verdicts of the IDF Military Court of Appeals, Case 146/03, 128/03, p. 135-136)

Case at Checkpoint in Samaria in 2004

In January 2004 at the Hawara Checkpoint in Samaria, an officer beating Palestinians was filmed by an IDF film crew. In analyzing this incident we can examine the tools available to an officer who wishes to change his soldiers' behavioral patterns.

Ask the officers what could be done before and after such an incident to avoid such an occurrence?

- 1- Before going to serve at the checkpoint review the principles of purity of arms (proportionality and limitation). Decrease the gray area of discretion by making the instructions detailed. Encourage the soldiers to raise questions.
- 2- Use ethical discretion in the midst of the occurrence.
- 3- Debrief after the events and emphasize that moral values are also part of the mission.
- 4- Constantly check up on what is happening in your unit. Make clear what redlines not to be crossed.
- 5- Set a personal moral example as the officer. (IDF Study Guide: Purity of Arms)

The debriefing and constructive self-examination of flawed operations is deeply rooted in Jewish religious culture where it is called *heshbon hanefesh*, soul-searching moral accounting. While taking moral stock, confessing and seeking to repent is part of daily prayer, it is executed more extensively once a year on the Yom Kippur, the Day of Atonement. All historical tragedies in Jewish history are also understood traditionally as the result of the nation's moral and religious failings. The classic religious response is to undergo self-examination and then to resolve on specific changes in behavior both to make amends to those harmed and to prevent their recurrence (*teshuvah*). Here the same traditional religious practiced is implicit in the IDF practices of moral self-examination regarding purity of arms, though it is also reinforced by the military tradition of the IDF to improve the effectiveness of other aspects of its performance through critical debriefing.

SELF and OTHER

In contemporary ethics, especially under the influence of Emanuel Levinas, the most important test of ethics is the relationship to the other. Killing the other is the most grievous form of dehumanization. The dialectical definition of the communal self by negation of the other is considered most problematic because it is inherently non-egalitarian. In addition,

universalist ethics in the Kantian tradition disregards the particularity of self and of the other as an ethical desideratum. Rather Kantians insist on the common humanity of all human beings as fellow rational and autonomous human beings. Thus the distinction between enemy civilians and one's own countrymen is rejected. Even the notion that an army medic should treat a wounded comrade in arms before treating a more seriously injured enemy soldier is condemned as immoral.

But historically, military solidarity, fighting spirit and its sense of mission have been shaped by the nation's differentiated identity and by us/them, self/other dynamics of war. In time of war armies in general are designed to fight the other who threatens one's own historic territory, one's own political autonomy, one's type of regime and one's cultural self-determination. The IDF Code explicitly mandates the task of protecting one's own citizens, land and state, but it does not characterize the other – the enemies- by their ethnic, religious or national identity. Rather the hostile others are defined by their aggression against Israeli daily life and, in the case of terrorists, by their indiscriminate murder of civilians and their lack of concern for their own civilian casualties, though not by their ideology (for example, radical Islam or Palestinian nationalism):

"To defend the existence, territorial integrity and sovereignty of the state of Israel. To protect the inhabitants of Israel and to combat all forms of terrorism which threaten daily life."

Love of the Homeland and Loyalty to the Country – At the core of service in the IDF stand the love of the homeland and the commitment and devotion to the State of Israel-a democratic state that serves as a national home for the Jewish People-its citizens and residents. (Spirit of IDF Code)

The educational and moral choice of the IDF study guide on Purity of Arms and Spirit of the IDF is to pay almost no attention to the characterization of the enemy as Israel's other, whose otherness defines my selfness. This educational choice is remarkable for several reasons. First, the IDF is self-consciously the army of a particular people with a unique identity which is proudly differentiated from other peoples and cultures. Further Israel has been involved, since its birth, in an existential life and death struggle with others who regard Israel as having no right to exist. Those enemies have strong identities of their own defined by their opposition to Israel's existence, even though those identities have changed their focus over time (Nasser's Pan Arabism and Anti-Colonialism, Palestinian nationalism, Pan Islamist ideology and Sunni ISIS jihad). In its public discourse Israel has long debated about the question: what is the origin of its multi-year war and how should it identify its enemy "other" – as Arab, as Palestinian or as jihadist Islam?

Second, Israeli soldiers are taught much about the history of their land, the Holocaust and Jewish tradition. For example, every soldier goes to Yad Vashem, the National Holocaust Memorial and studies in its educational center. The Chief of Staff often attends the March of Living on Holocaust Commemoration Day at Auschwitz and his speech always connects the mission of the IDF to the defenseless of the Jewish people before they had their own army. The IDF study guide recalls Jewish suffering when the nation had no defense and declares “No longer will the Jews as individuals be helpless before their enemies and before the wicked. For now the State and its army, the IDF, will protect them.”

Third, as Daniel Demetriou observes, the emphasis on Just War theory in Western countries justifies war only if the other side initiated immoral, illegal aggression. Humanitarian wars, such as the war against ISIS, also entail characterization of the enemy as evil. Therefore the us/them, self/other distinction is reinforced today, just as it was in World War One and especially in World War Two against the Nazis. That sense of moral mission is essential if the soldier and his political leaders are to justify war as just and as necessary, otherwise one’s own army is engaged in a criminal war.

But such black and white moral language may encourage soldiers to disregard the humanity of the enemy POW who has acted inhumanely. Demetriou argues:

Those on both sides of the political spectrum have encouraged the sense that our enemies must be ‘evil doers’ or ‘bad guys’ or ‘criminals’ who break ‘international law,’ since both sides of the political spectrum feel pressured to justify war this way. Soldiers are influenced by this rhetoric, and it translates to their behavior on the battlefield and in the prison camp, where fine-grained distinctions between evil and/or criminal governments on the one hand, and morally innocent fighters on the other, are usually overlooked. ^{xxxv}

The empirical truth is that enemy civilians, who often support the wars fought by their guerillas and their policies of indiscriminate terrorism, may be regarded as bearing moral responsibility for harm that their guerilla fighters, whom they support, inflict on Israel’s civilian citizens. In internal IDF discussions about fighting within Gaza, it is often noted that Hamas forces take over civilian buildings, take civilians as human shields and prevent civilians from evacuating, even when warned by the IDF before an assault on combatants in civilian areas. This information encourages soldiers to regard enemy civilians in Gaza as innocent bystanders as an empirical fact, rather than as a philosophical or legal obligation.

In the light of this discussion of self and other, it is important to note that the IDF study unit on the purity of arms speaks directly to the moral and legal obligations to protect the

property, lives and dignity of enemy civilians beyond its borders. But it almost never names that “other” by a cultural, religious or national label. The study unit usually refers only to a generalized human being on the other side, a noncitizen but a human being worthy of respect.

Instead of projecting a self/other identity formation on the soldiers, the implicit strategy of the IDF study unit is to avoid generalizing about their enemy and to build a consensus around how one relates to civilians, even if they belong to and identify with a hostile national or religious community. In one example studied in the IDF study unit, the humanity and the age of a teenage assailant is factored into the decision on proportionality in responding to an assault on the life of an Israeli soldier and then discussed:²⁶

Our mission is to man a checkpoint. The commander instructed us when to open fire with intent to kill the assailant: ‘Only if the assailant actually throws something at you, not if he just intends to throw something.’ I wondered: Is that logical?

Then at the checkpoint a raging Palestinian teenager begins to throw a deadly stone [big enough to kill] right at me from behind. My comrade in arms sees the attacker, takes aim and fells him - in the leg - with one shot. The teenager falls twisting in pain [unable to launch the rock]. The soldier who shot the boy tells his commander: ‘It is true you told us we could shoot to kill when a lethal rock is thrown and it was a lethal rock. But I judged that in this case I did not need to shoot to kill. I saw he was just foolish teenager who does not know what he is doing and maybe others urged him to throw stones.’ Then our medic treated his wound and handed him over to the [Muslim] Red Crescent to return him to Jenin.

Do you think the soldier behaved properly? Is there room for applying discretion to change the orders of the commander in this situation?

The message: In every case a soldier needs to make his own judgment call in applying the principle of proportionality. Soldiers must demand very clear instructions from their officers. (IDF Study Guide: Purity of Arms)

²⁶ Military guidelines for opening fire: “Weapons are a lethal instrument that may endanger human life. One may not use them **except as an instrument of last resort**, after alternative methods for removing a threat have proven ineffective or inapplicable under the circumstances... If a soldier identified an immediate danger to human life, to him or to others, that cannot be handled efficiently except by use of arms, then he may open fire for as much as is necessary to remove the danger.” “Opening live fire is not permitted in confronting rioters and rock throwers and when opening fire, weapons are not be aimed directly at rioters.” (Yishai Bar, *Norms and Ethics*, Verdicts of the IDF Military Court of Appeals, Case 64/04, p. 81, 85)

In a few instances, self/other language is invoked. For example, a Letter of the Chief Education Officer was issued to every soldier during the Lebanon incursion, June 11, 1982 against the Palestinian Liberation Organization headed by Yassir Arafat. The letter argues that IDF soldiers must maintain a **higher standard of distinction between civilian and combatant** than the enemy, whom he calls “cruel,” does.²⁷ His letter is called “The Moral Image of the Israeli Soldier”:

The IDF fought this time a particularly cruel enemy who often used terror against defenseless civilians. However **the IDF is forbidden to use the same standards as our enemy. Our uniqueness and our strength lie in preserving the image of humanity.**

Similar themes of moral superiority^{xxxvi} are heard from Golda Meir the Israeli Prime Minister:

"We can forgive the Arabs for killing our children. We cannot forgive them for forcing us to kill their children. We will only have peace with the Arabs when they love their children more than they hate us." (Golda Meir, former Israeli Prime Minister, 1972)

David Ben Gurion said:

“We as a people did not inherit a great and broad land, we are not a populous nation and we do not have a powerful state... But history has given us one gift since we were born as people: a supreme moral force is planted within us, a force not found among other nations, and that moral force has brought us thus far.”
(IDF Study Guide; Purity of Arms)

²⁷ In Nov. 3, 2010, after the Gaza War, Operation Cast Lead (2008), IDF Chief of the General Staff, Gabi Ashkenazi, sent to every commander in the IDF a letter in which he expressed his personal thoughts on ethics with regards to several recent incidents that had occurred. This letter was to be read to each and every soldier by the commanders of the IDF: “It is the legal and moral duty of the IDF, as the military of the democratic-Jewish state that prides itself on rule of law, to investigate every claim of misconduct regarding its personnel.... **This was done by our own initiative, for ourselves, as required by the unique ‘Spirit of the IDF.’**....

In three cases (stealing and using a credit card, using a 9-year-old child to open bags with unknown content, and allegations of intentionally firing at a civilian) the Military Attorney General instructed to press charges, due to the severe irregularities found in the soldiers’ behavior.

The IDF ... will continue to insist, that its operations will be carried out by the rules of the State, and **in light of the values of human life and the purity of arms – even in the face of an enemy that disregards every law and moral-ethical standard and uses its civilian population as a defensive wall.** ... If we grant automatic immunity to every action and behavior only because it took place during combat, we will not be meeting our own expectations or keeping to the values which led us through generations of fighting our justified battle. ... The missions and challenges we face are difficult and complex. Operational success will only be achieved if we fiercely preserve the ‘Spirit of the IDF’ and the morality which stands at the base of our actions, as I intend to fully preserve.”

In private conversations among soldiers after the Six Day War (1967) the same distinction was made by combat soldiers who struggled not to descend to animal feelings of hate like our enemies:

Avinoam: What do I mean when I say 'we overcome them'? **Despite the fact that we're fighting for our very existence**, for our very lives, we fight decently and morally, suppressing the sadism and the instinct to kill which is in all of us. **We don't descend to the level of those we're fighting.** As I see it, **in their case, these instincts aren't suppressed.** It's only when they are, that we'll be able, perhaps, to achieve peace with our neighbors, the Arab states.

Emotions, like vengeance toward and fear of the enemy, and the difficulty of distinguishing a civilian from a combatant is discussed, but never the cultural-political-religious identity of that civilian in the IDF study guide. Nor is the Jewish people or the State of Israel portrayed as a victim of anti-Semitic imagery. The memory of the Holocaust is very strongly emphasized in the army and it is a basis for the motivation to serve in the army, so Jews will never again be defenseless as they were in World War Two. But the history of Jewish persecution or of the Middle Eastern conflict is not integrated into the moral task of purity of arms either as an obstacle to or an incentive for observing purity of arms (though it is mentioned in the chief education officer's letter to the troops in 1982 before the Lebanon War). Even there, the violation of ethical warfare is attributed not to Muslims, Arabs, or Palestinians as a group, but to the enemy organization – the PLO.

The point of the favorable comparison of Israeli moral restraint is not to condemn the other or to congratulate the Jewish community on its higher morality and make it complacent about criticism. Rather it is designed to urge restraint by soldiers who might otherwise argue that 'we in IDF are justified to treat them, the same way they treat us.'

Another characteristic Jewish moral argument is not invoked in the IDF study guide. Traditionally in the Bible, moral sensitivity and justice to ethnic others is justified on the basis of empathy for the stranger. Since we as Jews were persecuted as strangers, resident aliens, in the land of Egypt, we as a people must love and defend the ethnic others in our midst (Lev. 19:33-34). Yet no attempt is made in the study unit to recall the past in which Jews were defenseless before armies nor to compare the terror of Israeli civilians, who are victims of indiscriminate missile attacks, to the anxieties of Palestinian civilians during an Israeli attack on Hamas combatants in their neighborhood or in their building. Of course there is a great moral difference between aiming at Israeli civilians, as terrorists do and killing civilians as "collateral damage" (an anesthetized term that

hides the pain caused to innocents). But the experience for the civilians caught on the battlefield is similar. The study guide might have appealed to Israel's outrage at the experience of its own civilians to argue why we must avoid doing anything remotely similar to the enemy's civilians. But such arguments are not used perhaps because they are too controversial politically.²⁸

Another traditional Jewish trope is perhaps intentionally avoided by the writers of this curriculum. In a Jewish discourse, contemporary enemies are often compared to ancient enemies. Thus the Nazis, Khomeini and Hamas have been equated with Amalek, the biblical symbol of a people or today an ideology of radical evil committed to the destruction of Israel, of all Jews anywhere and of humane values. The only response to such irredeemable animosity is to uproot and destroy them without mercy. Yet for good reasons, the IDF study unit has avoided any reference to such a traditional view of Israel's most ruthless and implacable enemies who conduct systematic terrorist attacks on Israeli civilians. Purity of arms is by definition a principle that rejects the moral reciprocity of attacking enemy civilians as just retribution or appropriate deterrence aimed at enemy combatants who intentionally kill Israeli civilians.

In official army speeches and study guides, the language of hate and vengeance has been removed from the IDF's rationale for fighting its enemies. Rather those feelings have been identified as emotional weakness, understandable after fellow soldiers have been killed by the enemy, but not acknowledged as a justification for indiscriminate violence against enemy civilians identified with the enemy combatants who have inflicted such losses on the IDF. While such hatred is quite naturally found in Israeli society and in the IDF at moments of pain, an alternative model has been promoted: Israeli soldiers fight without needing the baneful emotion of hatred. Chief of Staff Yitzhak Rabin is famous for speaking in this vein after the Six day War in 1967.²⁹ Some strands of Jewish tradition have taken that same approach to suppressing vengeance and joy in the enemies defeat.³⁰ For example, "If your enemy falls, do not celebrate; if

²⁸ In *The Seventh Day* Israeli soldiers who participated in the 1967 war described how the long rows of Arab POWs and refugees made them recall uncomfortably the photographs of Jewish refugees in World War Two.

²⁹ Chief of Staff, General Yitzhak Rabin (later Prime Minister of the State of Israel - 1974-1975, 1992-1995) Speech after the Six Day War (June 28, 1967, Mount Scopus):

"There has never been any hatred for the Arabs. Can one fight against enemies without hatred in one's heart? Perhaps in this respect, too, we are different from many other peoples. I do not believe that hatred adds anything to fighting capacity. We go forth to war when we are forced to, when there is no other choice.

... The men in the front lines saw with their own eyes not only the glory of victory, but also the price of victory - their comrades fallen beside them soaked in blood. I know, too, that the terrible price paid by our enemies also touched the hearts of many of our men. It may be that the Jewish people has never learned and never accustomed itself to feel the triumph of conquest and victory, with the result that these are accepted with mixed feelings".

³⁰ "Moses demanded nothing less from the Jews, who had just left slavery for freedom, than to pardon the Egyptians! To love those who tyrannized over them for so long! Their time in Egypt itself - the abominable refuge the Jews received as slaves in a

he falls, let not your heart rejoice" (Proverbs 24:17). It would be naïve to assume that Jewish and Israeli culture has no place for joy at the downfall of an enemy, but the attempt to identify and control feelings of vengeance is central to the ethical education of this IDF study unit.

In conclusion, IDF educational approach rejects the demonization of the enemy. It avoids carefully generalizing from the terrorist enemy combatants, who intentionally disregard for civilian/combatant distinctions in targeting Israelis, to enemy civilians, Palestinians, Arabs, or Muslims as a group. In fact, in some cases presented to the soldiers for moral deliberation, thoughtful and nuanced analyses of the causes of the Intifada are offered, before the soldiers discuss a violation of purity of arms by soldiers apprehending rock throwing teenagers (1988, Givati Trial).³¹ Thus Palestinians are presented here as rational actors in a national and political struggle, not as wicked, irrational, religiously crazed anti-Semitic enemies.

SOURCES of AUTHORITY and WISDOM

The study unit appeals to a soldier's moral commitment, not to personal preferences (as does the values clarification approach to ethics). Moral authority derives primarily from the communal cultural resources that shape Israeli group identity: the Israeli regime as Jewish and democratic; Jewish national values through the ages; universal moral principles and the Western tradition of international law with which most IDF soldiers identify. Most Israelis feel they belong more within the family of Western democratic states, especially America and Western Europe, than the Middle East.

The primary ethical value of the study unit of IDF on Purity of Arms is human dignity (*kevod ha-adam*), both as a philosophical concept in the thought of Immanuel Kant and as cultural value associated with the soldier's group identity.

pagan land - had to be forgiven. In spite of everything, the children of Israel must not forget the air they breathed in Egypt, the water they drank there, and Egypt's ground in which they buried their dead, even though the waters of Egypt ran red with blood, the air rang with their cries and their tears watered the earth. Moshe's words "*You shall not abhor on Egyptian resident alien in his land*" (Deuteronomy 23:8) ... have been made wonderful by their charity and grace. (Rabbi Eliyahu Ben Amozeg, *Paths of Morality*, Livorno, Italy 19th C.)

³¹ "In December, 1987, Palestinian demonstrations [note the term rioting is not used] against Israeli rule broke out in Judea, Samaria and Gaza and became a national phenomenon. Among the causes attributed to the Intifada are: difficult economic conditions; absence of support by Arab countries [for the Palestinian cause]; the ascent in social standing of young people in Palestinian society; and expansive Jewish settlement. Its origins are political, national, economic and social." (IDF Study Guide on Purity of Arms)

The value of purity of arms derives from the basic value of human dignity which is the supreme moral value. It is supposed to guide IDF soldiers in all their activities. (IDF Study Guide: Purity of Arms)

The obligation to be strict in maintaining human dignity reflects the [Kantians] view of the human as an end in himself, not as an instrument. Human beings are not tools to be used to advance our objectives, but rather they possess value in themselves. (IDF guide to the Spirit of the IDF)

But the study unit devotes much space to showing this universal value has strong roots in the cultural identity of most Jewish Israelis (except for the Ultra-Orthodox who do not serve in the army in large numbers). Israeli Jews see themselves as soldiers in the IDF, as Jews, as members of Western democratic civilization and as human beings. While a philosophical argument may prefer to build ethics on one basic axiom and its logical implications, ethical education in the IDF study guide invokes eclectic rationales that appeal to a broad range of emotional belongings and to cultural identifications. A basket of reasons and layers of identities are supposed to generate greater motivation, greater consensus, and to include as many soldiers as possible even if not all are committed to the same cultural identity.

This **eclectic approach** is especially important in the army of a pluralist society, such as Israel, where soldiers have diverse identities. For example, in small numbers Druz, Bedouin Muslims and Christians (of Russian origin) serve in the army, therefore an appeal purely to Jewish tradition will have much less appeal. If and when the number of minority soldiers increases, then Muslim and Christian rationale for respecting human dignity in wartime will most probably be added, just as Christian soldiers have recently begun to swear allegiance to the IDF on a New Testament rather than a Hebrew Bible. In the meantime Israeli and Western rationales are thought adequate.

Another way the **pluralism of Israel society** constitutes a challenge to ethical education in the army is the difference between religious Zionist soldiers and secular soldiers. The study guide speaks of Israeli and Jewish national values, but not of religious values or rabbinic halakhic (law), as warrants for purity of arms. Why? On one hand, Israeli and Jewish national values are shared by religious and nonreligious Jewish soldiers. On the other hand, increasingly Orthodox religious soldiers have felt conflicted between their loyalty to Israeli law and to rabbinic law as interpreted by their rabbis. While many rabbis have found halakhic sources to support purity of arms, others have raised reservations about the duty to risk the lives of Israeli soldiers to make sure enemy civilians are not harmed as collateral damage in attacks on enemy combatants in their

midst.^{xxxvii} Thus the IDF study guide may have circumvented the question of the relative allegiance to Israeli and rabbinic law by appealing only to Jewish national values, not religious laws, even though they freely quote rabbinic sources as nonbinding sources of Jewish wisdom about IDF ethics. Incidentally, army rabbis who provide religious services to soldiers have not been called upon to teach the purity of arms from a rabbinic perspective. However, in a more in-depth army seminar for higher ranked officers, both religious and secular a comparison of rabbinic legal traditions on purity of arms might be welcomed since more and more religious officers are called upon to teach purity of arms to their rank and file, while feeling confused about what their own Orthodox legal tradition holds.

A list of the sources of law invoked at the conclusion of the study guide reinforces the thesis that Israeli, Jewish and Western identity (in that order) define the heart of the claim to allegiance of soldiers to purity of arms.³²

The obligation of the State of Israel to basic moral values and human rights is formulated in the **Declaration of Independence** [1948].³³ Even though it is not legally binding, it expresses the credo (I Believe) of the state ... as a democratic state founded on law.³⁴ [The legal basis of these values is] the **[Israeli] Basic Law of Human Dignity and Freedom** [1992].³⁵ The IDF is the army of a democratic Jewish state and as such it is subject to the State's laws."

³² To enrich the appeal to Israeli Law, an expanded study guide should include the Case of Kfar Kassem (1957) about Israeli police border guards massacred unarmed Israeli Arab citizens on the order of their officers for violating a curfew during the Sinai War (1956). The perpetrators were convicted and the court established the principle that a soldier is prohibited from obeying a manifestly immoral command, such as shooting unarmed civilians. Soldiers, not only commanders, are criminally responsible even if they are obeying a command. Judge Benyamin Halevy ruled: "The hallmark of manifest illegality is that it must wave like a black flag over the given order, a warning that says: 'forbidden!' . . . Illegality that pierces the eye and revolts the heart, if the eye is not blind and the heart is not impenetrable or corrupt—this is the measure of manifest illegality needed to override the soldier's duty to obey and to impose on him criminal liability for his action."

³³ "The State of Israel will foster the development of the country for the benefit of all its inhabitants; it will be based on freedom, justice and peace as envisaged by the prophets of Israel; it will ensure complete equality of social and political rights to all its inhabitants irrespective of religion, race or sex; it will guarantee freedom of religion, conscience, language, education and culture; it will safeguard the Holy Places of all religions; and it will be faithful to the principles of the Charter of the United Nations."

³⁴ The IDF study guide on the Spirit of the IDF quotes the **Balfour Declaration** (Nov. 2, 1917) by the British government which became the basis of the British Mandate granted by the League of Nations. What is its educational import for teaching ethical values? On one side, it recognizes the Jewish people's right to a national home, and, on the other, it makes that right conditional on not depriving the non-Jewish population of its civil and religious rights. Thus both the Jewish and the democratic characterization of the Jewish state are already presupposed in this foundational declaration.

³⁵ **The Basic Law of Human Dignity and Freedom** (1992)

1. The purpose of this Basic Law is to protect human dignity and liberty, in order to establish in a Basic Law the values of the State of Israel as a Jewish and democratic state.
2. There shall be no violation of the life, body or dignity of any person as such.
3. There shall be no violation of the property of a person.

[The roots of the moral standards in war are found in the Jewish tradition, even though those moral standards have evolved since the time of the **Bible**: “When you go to war against your enemy, avoid all evil” (Deut. 23:10). (IDF Study Guide: Purity of Arms)

Events in world history that undergird recognition of human rights and the duty to defend them: Magna Carta (1215);...Declaration of Rights of Man and of the Citizen (1789);...Geneva Conventions on humanitarian issues in war (1949); ...UN Universal Declaration of Human Rights (UDHR, 1948) which derived from the powerful reaction to the events of World War Two. (IDF Study Guide: Purity of Arms)

4. All persons are entitled to protection of their life, body and dignity.

5. There shall be no deprivation or restriction of the liberty of a person by imprisonment, arrest, extradition or otherwise.

Summary and Conclusions

The IDF curriculum on Purity of Arms presents the soldier, not with a military protocol, but a moral challenge to live up to a higher standard of honor. Recognizing that war is barbaric and a source of moral impurity, the soldier is reminded, in the language of the rabbis, that a human being has the capacity to mastering the evil impulses released in war time. Instead the Torah insists that the military camp ought to be a place of the Divine presence represented by the Ark of the Ten Commandments in its midst. Moral impurity is a great threat, but observing purity of arms, as Katznelson called it, is the way to maintain our integrity and to elevate the use of arms to a sacred calling of self-defense.

Ethics in war is not just about observing the law, a low standard. The IDF sets a high bar as befits an honor code, like purity of arms. The task of the IDF curriculum is to persuade its soldiers to adopt a code of unilateral self-restraint in the face of the indiscriminate terror of its enemy. The terrorist enemy unscrupulously endangers its own civilians and abuses international protections for ambulances and mosques to transfer munitions and hide its combatants, while all the time assaulting Israeli soldiers and civilians. An ethics of moral reciprocity and a Hobbesian contractual ethics constructed on rational self-interest and mutual consent cannot justify self-restraint striking back in kind against such an opponent. Only a higher ethics of integrity can keep the Israeli soldier true to his own values in such a cruel and cynical world.

The IDF guide to the Spirit of the IDF explains to the soldier the difference between a legal code and an educational code of values. The former establishes a low bar for legal behavior and its violators are transgressors of the law. The latter sets the high bar of excellence towards which a soldier should aspire and which they should strive to emulate, to teach others and to use when judging oneself. The low bar stipulates only what is forbidden, while the high bar includes positive acts. While teaching the laws about targeting enemy civilians and making it clear that their violation is punishable in a democratic society, the educational goal of the study kit is not primarily to criminalize soldiers for their infractions or for their dark feelings of vengeance after losing a comrade in arms to the enemy. Rather the point is to develop moral sensitivity, to appeal the one's better angels and higher aspirations and to engage officers in preemptive thinking about how to prevent such violations.

The struggle against a cruel ideological enemy, whose goal is the destruction of the state of Israel and sometimes the genocide of all Jews, often leads soldiers to dehumanize the enemy and to generalize about his whole community. But the IDF's educational approach rejects the demonization of the enemy and carefully avoids generalizing from the nature of the terrorist enemy combatant to those enemy civilians (Palestinians, Arabs, or Muslims) whom the

terrorists claim to represent and who are subject to virulent anti-Israel ideological indoctrination. Instead, in some of the guide's case studies, thoughtful and nuanced analyses of the causes of the Palestinian Intifada are presented to soldiers, before they are asked to discuss violations of purity of arms by soldiers ordered to quell the Intifada. Thus Palestinians are presented in this unit as rational actors in a national political struggle, not as wicked, irrational, religiously crazed anti-Semitic enemies.

The primary ethical value of the study unit of IDF on Purity of Arms is human dignity, both as a universal philosophical concept and as a cultural value associated with the soldier's group identity (Jewish, Western, and Israeli). The IDF study guide appeals to an eclectic basket of reasons and layers of identities to achieve greater motivation and greater consensus within a pluralist, democratic army. But the study guide speaks of Israeli and Jewish national values, but never of explicitly rabbinic halakhic (legal warrants for purity of arms. Why? Increasing religious soldiers have felt conflicted between their loyalty to Israeli law and to rabbinic law as interpreted by some rightwing nationalist rabbis. Therefore the IDF study guide has circumvented the question of the relative allegiance to Israeli and rabbinic law by appealing only to Jewish national values, not to religious laws, even though they freely quote rabbinic sources as nonbinding sources of Jewish wisdom about IDF ethics.

Ethics in practice are understood not as absolute values, not even when speaking of human life and dignity. Both international laws (even with their operational guidelines) and the Spirit of IDF code (even with its protocols for opening fire) necessarily leave soldiers with difficult ethical and operational dilemmas to decide on their own in the field. Great ambiguity is an unavoidable aspect of warfare, not only because of the fog of war, but because incommensurable values are often in conflict, such as the moral duty to minimize risk to enemy civilians as much as possible, to protect one's own country's civilians and national security by neutralizing the enemy attack as quickly as possible and to maximize force protection so as to save the lives and combat capabilities of one's comrades in arms. Minimizing collateral damage and enemy civilian deaths is not the only moral responsibility of soldier or even the first priority, which is most probably defending one's own country. Balancing these competing values during battle is never easy.

The purpose of the IDF study guide is to teach soldiers "a common value language for the whole army" by which one judges oneself and educates others. "The Spirit of the IDF is supposed to help sharpen the conflict and facilitate decisions in practice." The Spirit of the IDF, while patriotic, appears to me to avoid the fanaticism of militarism and chauvinist nationalism. It seems congenial to the values and concerns of two great Israeli intellectuals who were always worried that the army and the state would corrupt the Jewish people. While strong supporters of military self-defense, both the philosopher Martin Buber and the novelist

Amos Oz help us see how to frame the ideal place of the army in Israeli and Western society .
Buber's position can be summarized as follows:

A core commitment to the preservation of humanity — our own and that of our enemies — means that we do not shy away from protecting ourselves, our civilians, and our values, but that **when we fight, we do so not with bombast and arrogance, but with fear and trembling.** We never delight in the opportunity to fight, and we work to ensure that our soldiers' conduct in war lives up to the highest possible standards of moral decency. The fact that a nation may have a legitimate need to fight does not justify recklessness.^{xxxviii}

Amos Oz reiterates that position eloquently and explains why war and even nationalism are necessary evils that should not be embraced as virtues, but merely as necessary means in an unredeemed world:

I think that the nation-state is a tool, an instrument, that is necessary for a return to Zion, but I am not enamored of this instrument. ... I would be more than happy to live in a world composed of dozens of civilizations, each developing in accordance with its own internal rhythm, all cross-pollinating one another, without any one emerging as a nation-state: no flag, no emblem, no passport, no anthem. No nothing. Only spiritual civilizations tied somehow to their lands, without the tools of statehood and without the instruments of war... [But] for me [after] the murder of Europe's Jews by Hitler ... I am forced to take it upon myself to play the "game of nations," with all the tools of statehood, even though it causes me to feel.. . **To play the game with an emblem, and a flag and a passport and an army, and even war, provided that such war is an absolute existential necessity. I accept those rules of the game because existence without the tools of statehood is a matter of moral danger, but I accept them only up to this point. To take pride in these tools of statehood? To worship these toys? To crow about them? Not I.** If we must maintain these tools, including the instruments of death, it must be not only without glee but with wisdom as well ... and with caution...."^{xxxix}

While the Israeli army does promote patriotism through giving awards to brave soldiers and through staging multiple ceremonies, relatively speaking, the IDF and Israeli society is surprisingly reserved about engaging in military fanfare. But after the Six Day War victory in 1967 glorification of the military reached its highest peak in Israeli history. In protest, a bold critique of Israeli paeans to dead heroes, "A Song for Peace," was composed and performed by the Nahal IDF Army Band in 1969. The lyrics attribute to dead soldiers a strident call to replace ritual memorials with the bringing of peace: "Lift

your eyes with hope, not through the rifle sights. Sing a song for love, And not for wars. Don't say the day will come, bring the day, because it is not a dream. Within all the city's squares, cheer only for peace.” This protest song was written within the army and it is sung in army medleys, as well as at peace rallies. On the night Prime Minister Yitzhak Rabin was assassinated in 1995 at a massive peace rally in Tel Aviv, he too sang that song at the rally. After his death his personal copy of the song was found folded in his pocket and soaked with his own blood.

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Appendices:

IDF Curriculum on Dahariya Incident (2007)

On July 26, 2007, an IDF unit on patrol south of Hebron was involved in serious breach of army ethics and discipline in relationship to civilian Palestinians. Some soldiers sought to cover up the violation, but someone reported it. The Chief of Staff Gabi Ashkenazi immediately ordered the IDF to prepare a video and study guide that was shown to every officer and then to every soldier in order to reinforce the Spirit of the IDF code and to see what can be done operationally by officers to prevent similar blemishes.

Here is the introduction to the study guide citing Ashkenazi's orders from August 14, 2007:

To the Officer:

On July 26, 2007, a unit south of Hebron in the village of Dahariya on a routine patrol stopped a Palestinian taxi, ordered its passengers to disembark, and took over the taxi. During their drive, the unit identified a Palestinian resident in a quarry who aroused their suspicion. They shot at him and noted that he was wounded. Without giving medical care to the man they shot who was apparently innocent, they drove on without reporting the incident to their command post. A civilian took the injured man for treatment.

After an initial inquiry, the military activity of the whole platoon was suspended for one week and the military police began an investigation that led to the trial of the unit commander. The army tribunal concluded:

"This is a very serious incident, extreme and exceptional, and this battalion has no similar incidents. This incident reveals serious operational and ethical lacunae such as: a flawed battle plan, taking over a Palestinian taxi for no reason, wounding an innocent civilian and abandoning him without medical treatment, lying in the report to the investigators and setting a negative example for his soldiers."

The Chief of Staff, in reviewing the incident, commented that this incident violated many of the values of the Spirit of the IDF which is "the moral identity card of the IDF." Every soldier must behave according to that code and every officer must educate his soldiers according to its values and obey it himself as part of his mission and responsibility to his soldiers and his unit.

This incident was chosen as a parade example for discussion with officers and soldiers in order to teach proper behavior and to prevent similar incidents in the future. On August 14, 2007, Chief of Staff Gabi Ashkenazi said: "This is a very serious incident that points to the existence of an abnormal culture of command and of values that must be treated with a very basic, deep treatment. It is the result of previous incidents from which one could have understood what was happening and avoided this event... Wisdom in leading soldiers and in enforcing norms is manifest in preventing such incidents and intervening before the moment of crisis... Officers must understand that the way they behave and speak radiates downward and damages their ability to command their units.... A commander who does not prepare his soldiers for their missions has no right to be their commander. That is the basic contract between us and our soldiers. It is the difference between leadership and just sending soldiers off to a mission. " This study guide is designed to help the officer to conduct discussions with his unit about the values involved in this incident and the necessary behavior needed to prevent any similar incident.

Captain Ian Fishback and the Code of Honor of the US Army (Kwame Anthony Appiah, *The Honor Code: How Moral Revolutions Happen* (2010), 124ff

In early 2004, the world learned that American soldiers at the detention facility at Abu Ghraib in Iraq had abused men and women in their custody. On May 7 of that year, Secretary of Defense Donald Rumsfeld testified before the United States Senate that the guards at Abu Ghraib, like all American servicemen in Iraq, were under "instructions...to adhere to the Geneva Conventions." This came as a surprise to Captain Ian Fishback, a twenty-six-year-old officer in the 82nd Airborne Division, who had served two tours—in Afghanistan and in Iraq—under the impression that the Geneva Conventions did *not* apply in those conflicts. In the course of a short career, in which he had already received two Bronze Stars for valor, ... in the course of his service in the two theaters of war he had come across "a wide range of abuses including death threats, beatings, broken bones, murder, exposure to elements, extreme forced physical exertion, hostage-taking, stripping, sleep deprivation and degrading treatment." He thought that these breaches of the Conventions might be the consequence of the fact that others, like him, were unaware of what the standards governing detainee treatment were.

And so he decided to find out what his formal obligations actually were, not least because he had been taught at West Point that, as an officer, **he should ensure that his men never faced the burden of committing a dishonorable act.** He wrote later that he consulted his chain of command through battalion commander, multiple JAG lawyers, multiple Democrat and Republican Congressmen and their aides, the Ft. Bragg Inspector

General's office, multiple government reports, the Secretary of the Army and multiple general officers, a professional interrogator at Guantanamo Bay, the deputy head of the department at West Point responsible for teaching Just War Theory and Law of Land Warfare, and numerous peers who I regard as honorable and intelligent men. None of these sources, he said, was able to provide him with the "clarification" he sought.

But talk of clarification was partly euphemism. What he had actually been doing much of the time was raising the issue of the abuse at Camp Mercury. At one point, one of his commanders suggested to him that, if he persisted in these inquiries, the "honor of his unit was at stake." Captain Fishback knew, however, that there is a difference between the honor of the unit and its reputation. ... On September 16, 2005, Ian Fishback chose not to hide behind the anonymity ... and he wrote to Senator John McCain, urging him to "do justice to your men and women in uniform" by giving them "clear standards of conduct that reflect the ideals they risk their lives for." Eventually, Senator McCain joined two other senators in drafting legislation that did just that.

Ian Fishback shows the power of honor in the service of human decency. He understands that honor means caring not just about being esteemed but about being *worthy* of esteem, as well; and he was willing to risk the disapproval of his peers and his superiors—which is to say, the prospect of a blighted career—to preserve that entitlement. His personal sense of honor, his sense of honor as a military officer, his sense of honor as an American: all these were at stake, and at issue.

"We are America," he wrote to Senator McCain, "and our actions should be held to a higher standard, the ideals expressed in documents such as the Declaration of Independence and the Constitution." ... His standard of individual honor ... includes loyalty to the law and to morality as well as to the men who serve under him, and he rates these above the wishes of his superiors.... Ian Fishback is, as one of the congressional staffers who spoke to him put it, "a very powerful person," not to mention "the most honor-bound individual I've ever encountered in my life." Captain Fishback reminds us that military honor properly understood is something that all of us—soldiers and civilians—have a reason to respect.

NOTES

ⁱ “The Spirit of the IDF (2001) is a source of inspiration worthy of reference for the military courts when clarifying matters of military ethics.” (Yishai Bar, Head of the IDF Military Court of Appeals, *Norms and Ethics*, Case 123/02, p. 118)

ⁱⁱ M. Buber, *A Land of Two Peoples*, 125

ⁱⁱⁱ M. Buber, “Hebrew Humanism” in M. Buber, *A Land of Two Peoples*, 247

^{iv} IDF Study Guide on Purity of Arms

^v IDF study guide on the Spirit of the IDF (2007)

^{vi} IDF study guide on the Spirit of the IDF (2007)

^{vii} D. Yahav, *Tohar HaNeshek*

^{viii} “The law of armed conflict (LOAC, 1977) does not address the righteousness of either side’s cause, because ... international law [makes] a strict separation between the *jus ad bellum*, the law addressing *when* states may resort to force, and the *jus in bello*, which comprises the rules governing *how* hostilities must be conducted.” (Israeli Targeting: A Legal Appraisal, John J. Merriam and Michael N. Schmitt, *Naval College Review*)

^{ix} Moshe Halbertal, “The Goldstone Illusion”

^x Arye Strikovsky, *Daf Tarbut Yisrael* #126, Ministry of Education, Torah Department, Heshvan, 5743

^{xi} “William Ian Miller rightly says, honour systems have ‘a built-in bias towards rashness to avoid insinuations of fearfulness or cowardice’ (2002: 163).” (Cited in Paul Robinson, “Magnanimity and Integrity as Military Virtues,” *Journal of Military Ethics*, 6:4, 265)

^{xii} “The Goldstone Report as a whole is a terrible document. It is biased and unfair. It offers no help in sorting out the real issues. What methods can Israel—and other countries in similar situations—legitimately apply in the defense of their citizens? To create standards of morality in war that leave a state without the means of legitimate self-protection is politically foolish and morally problematic; but real answers to these real problems cannot be found in the Goldstone Report.... These are not simple issues. They are the occasions of deep moral struggle, because they are matters of life and death. If you are looking for an understanding of these issues, or for guidance about them, in the Goldstone Report, you will not find it.” (Moshe Halbertal, “The Goldstone Illusion”)

^{xiii} The law of armed conflict (LOAC) includes a “targeting law” [does] not address the righteousness of either side’s cause, because ... international law [makes] a strict separation between the *jus ad bellum*, the law addressing *when* states may resort to force, and the *jus in bello*, which comprises the rules governing *how* hostilities must be conducted. LOAC is treaty law ... governing targeting from the **1977 Additional Protocol I (AP I)** to the four Geneva Conventions of 1949. Neither the United States nor Israel is party to the protocol, but both recognize that certain aspects of the instrument reflect **customary law norms**. Customary norms develop through the nearly universal practice of states engaged in out of a sense of legal obligation:

1- In the context of targeting,... there is the **principle of distinction** [which is] “intransgressible.” It requires that the parties to a conflict “at all times distinguish between the civilian population and combatants and between civilian objects and military objectives and accordingly shall direct their operations only against military objectives.” Rules derived from this principle prohibit the direct attack of civilians and civilian objects, as well as indiscriminate attacks, such as those launched without regard to whether they will strike combatants or civilians.... “In case of doubt whether a person is a civilian, that person shall be considered to be a civilian.”.... The United Kingdom applies the presumption only when “substantial doubt” exists.

2. The **rule of proportionality** flows from the same animating premise as the principle of distinction. It holds that even an attack properly aimed at military objectives is unlawful if the expected collateral damage to civilians and civilian objects is **excessive in relation to the anticipated military advantage to be gained**.

3. Finally, the LOAC achieves balance by **requiring an attacker to take certain “precautions in attack” to minimize civilian harm**, including doing everything feasible in the circumstances to verify the target is a military objective and selecting targets, weapons, and tactics that will limit civilian harm so long as they do not involve sacrificing military advantage.

4. There is also a **requirement to warn the civilian population of attacks** that may affect them when the circumstances so permit.

5. Targeting is subject to an array of further legal limitations, such as **the ban on wanton destruction and the prohibition of unnecessary suffering** (which disallows use of weapons that result in unnecessary suffering or superfluous injury to combatants).

6. “**Special protections**” bar or restrict attacks on specified persons and objects, such as medical, religious, and cultural entities. (Israeli Targeting: A Legal Appraisal, Merriam and Schmitt)

^{xiv} The guide to the Spirit of the IDF attributes these principles to the Theory of Just Wars.

^{xv} **"Civilians have to be warned ahead of time to move from the area of operation** if this is possible, and units have to be well aware that they must operate with caution, even after warning has been given, since not all civilians are quick to move. A leaflet dropped from the sky warning of an attack does not matter to the people—the sick, the old, the poor—who are not immediately mobile.

In line with such principles, the Israeli Air Force developed the following tactic. Since Hamas hides its headquarters and ammunition storage facilities inside civilian residential areas, the Israeli army calls the residents' telephones or **cell phones**, asking them to move immediately out of the house because an attack is imminent. But Hamas, in reaction to such calls, brings the innocent residents up to the roof, so as to protect the target from an attack, knowing that, as a rule, the Israeli army films the target with an unmanned drone and will avoid attacking the civilians on the roof.

In response to this tactic, Israel developed a missile that hits the roof without causing any actual harm in order to show the seriousness of its intention. The procedure, called **"roof-knocking,"** causes the civilians to move away before the deadly attack.

It is rather a strange point in the Goldstone Report that this practice, which goes a long way to protect civilians, is actually criticized. Concerning such a practice, the report states that, "if this was meant as a warning shot, it has to be deemed reckless in the extreme." The truth is that this is an admirable and costly effort to avoid civilian collateral harm. As is true with many of its criticisms, the report does not state what the **alternative** should be. What should Israel do in such a case? Attack the house without calling on its residents to move, or attack it while they are gathered on the roof? Or maybe avoid attacks altogether, allowing the enemy to take effective shelter among civilians?" (Halbertal, "The Goldstone Illusion")

^{xvi} "One who fails to live up the Spirit of the IDF is not, generally, considered a criminal and the treatment of such cases is not legal but educational. 'The characteristic result of a response to inappropriate ethical behavior should not be punishment but improvement' (Asa Kasher, Civil Disobedience, Democracy, and Military Ethics, *Bitahon Leumi* 2-3, 2003, 137, 144) (Yishai Bar, Norms and Ethics, Case 123/02, p. 119)

^{xvii} Singer, Alex, *Building A Life*, 213

^{xviii} Martin Buber, "Open Letter to Gandhi Regarding Palestine" (February 24, 1939)

^{xix} M. Buber, *A Land of Two Peoples*, 125

^{xx} Martin Buber, "The National Home and National Policy in Palestine" in M. Buber, *A Land of Two Peoples*, 86

^{xxi} M. Buber, "Hebrew Humanism" in M. Buber, *A Land of Two Peoples*, 247

^{xxii} Ehud Luz, *Wrestling With an Angel*, 170-171

^{xxiii} "Honor is a crucial topic modern moral philosophy has neglected. ... It is crucial [because] it connects our lives together. Attending to honor, too, like noticing the importance of our social identities, can help us both to treat others as we should and to make the best of our own lives. Philosophers once knew this—read Montesquieu or Adam Smith or, for that matter, Aristotle, ... but the concept of "honor" seems to have been largely forgotten. It is time to restore honor to philosophy." (Kwame Anthony Appiah, *The honor code: how moral revolutions happen*, 18)

^{xxiv} "Mark Osiel argues that 'martial honor can be more effective in motivating compliance with ethical norms than the threat of formal legal sanctions' (2002: 32). Peter Olsthoorn similarly states that 'the military still leaves room for honor. ... as both an incentive to overcome the inherent weaknesses of man and a check of the "softening" influence of a society that is sometimes seen as lacking in order, hedonistic, and materialistic' (2005: 194). James Bowman concludes that, to combat threats such as those of gang culture and terrorism, modern societies require 'a hard residuum of masculine honour of our own' (2006: 323)". (Paul Robinson, "Magnanimity and Integrity as Military Virtues," *Journal of Military Ethics*, 6:4, 260)

^{xxv} "J. G. Peristiany, that 'honour is the value of a person in his own eyes, but also in the eyes of his society. It is his estimation of his own worth, his claim to pride, but it is also the acknowledgement of that claim, his excellence recognized by society, his right to pride' (1968: 21)." (Paul Robinson, "Magnanimity and Integrity as Military Virtues," *Journal of Military Ethics*, 6:4, 259)

^{xxvi} Daniel Demetriou, *Honor for Intro*

^{xxvii} Daniel Demetriou, *Honor for Intro*

^{xxviii} Vedas instruct warriors to fight fair in the most literal sense: "Elephants should oppose only elephants; and so the chariots, cavalry, and infantry only their opposite. [...] One should strike only after due notice ... [and never one] who is confiding or unprepared or panic-stricken ... or [one who is] without armor, or whose weapons are rendered useless ... or [one who is] fatigued and frightened, weeping and unwilling to fight; [or] one who is ill and cries for quarter, or one of tender years or advanced age. [In fact] a Ksatriya [a member of the warrior caste] should defend even his enemy if entreated with joined hands." (quoted in Singh, Sarva Daman, *Ancient Indian Warfare*, 161-162)

^{xxix} Daniel Demetriou, "Honor War Theory: Romance or Reality?" 298

^{xxx} D. Demetriou, "Honor War Theory?" 303

^{xxxi} "A man must judge for himself what is right, what is wrong. ... The man of honor. ... is true to himself. ... he clings to what he knows is right with all his strength." (United States Corps of Cadets 2002: I, cited in Paul Robinson, "Magnanimity and Integrity as Military Virtues," *Journal of Military Ethics*, 6:4, 262).

^{xxxii} D. Demetriou, "Honor War Theory" 289-290

^{xxxiii} Moshe Halbertal, "The Goldstone Illusion"

^{xxxiv} Saul Singer, Dan Senor, *Start Up Nation*, 94-10

^{xxxv} D. Demetriou, "Honor War Theory: Romance or Reality?" 309

^{xxxvi} Rabbinic commentary (4th C. CE, Eretz Yisrael, Sifrei Deuteronomy #323):

"Our Rock is not like their rock (Deut. 32:31). When You give us authority to rule it is not like the authority you give them. When You give us authority, we treat them according to the measure of mercy. But when you give them authority, they treat us according to the measure of cruelty. They kill us, burn us and crucify us."

Rav Aharon Shmuel Tamaret (during WW One)

"For the gentile nations who have no Torah it is impossible to lay down their swords because the sword is an expression of their essence and their honor. But for us, [we can put down our arms] for the Jews have Torah which give us a more appropriate alternative for our feelings of honor."

(Arye Strikovsky, *Daf Tarbut* Yisrael #126, Ministry of Education, Torah Department, Heshvan, 5743)

^{xxxvii} After Palestinian commandos launched an attack on Israeli civilians using the Jordanian village of Kivia as their base, Israeli commandos staged a raid under Ariel Sharon that blew up houses and killed many civilians. Many rabbinic figures condemned the lack of discrimination in targets and Professor Yeshaya Leibowitz condemned the act by citing Jacob's condemnation of his bloodthirsty sons Levi and Shimon (gen. 49) for murdering all inhabitants of Shekhem during their rescue mission to liberate their sister Dina who was raped and held hostage by the people of Shekhem (Gen. 34).

But Rav Shaul Yisraeli made an argument almost never heard before in rabbinic literature the mitzvah of vengeance whatever the collateral damage when one is fighting a defensive war against enemies of Israel. His biblical model is the war Moshe initiated against the Midianites (Numbers 25: 16-18) who led Israel astray into promiscuity and idolatry at Baal Peor (Numbers 25: 1-15). Therefore Moshe insisted that captives, including all males and all women who have known men, be eliminated (Numbers 31:13-18), because this is war of vengeance (Numbers 31: 1-2).

"In a war against enemies who assault Israel there are special rules ... as war of vengeance.... One may wonder how Moshe killed the Midianite children who have not sinned. But the Rabbis already explained that the children died for their fathers' sins. ... So there is no obligation to take care to avoid harming only those who participated in the attack on Israel, for that is the nature of war that guilty and innocent are destroyed together. ... Therefore all military actions are to be carried out normally even when children will be injured and there is no prohibition on harming them. ...

Retribution and vengeance against the enemies of Israel are part of the war of self-defense that is a mitzvah. Any catastrophe that happens to these attackers, their allies and their children is their own responsibility and they shall bear the punishment for their crimes. There is no obligation to refrain from acts of retribution lest innocents be harmed for we are not the cause of injury but they themselves are and we are innocent." (Rav Shaul Yisraeli, *The Torah Teaches about a War of Vengeance* from his book, *The Kivia Assault in the light of the Halakha*, section #28-30)

^{xxxviii} Ehud Luz, *Wrestling With an Angel: Power, Morality, and Jewish Identity*, 170-171

^{xxxix} Amos Oz, *In the Land of Israel*, 130