(Un)just Wars

An analysis of Israeli Discourse in Gaza 2008-2009 and Lebanon 2006

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Abstract

Many attempts at explaining the difficulty of the discrepancy between the discourses of the Israeli Arab conflict have been made by many scholars throughout the years. This thesis will focus on two different cases of the greater conflict; The Gaza War in 2008-2009, and the Lebanon War in 2006. The attempt is to analyze the discourse of righteousness in both cases, based on understanding gained from earlier research. The use of theories of Jus ad Bellum and Jus in Bello, combined with a discourse analysis of who has legitimacy and who has not, which case is just, and who the real victim of the Middle Eastern conflict combine the ground on which the inquiry is conducted. The finding indicates both opportunities to update and improve international law, as well as show the difficulty of determining legal aspects of war. Both case studies show that Israel claim to have been attacked by the other party previous to the response.

Nyckelord: Hamas, Hezbollah, Terrorism, Discourse Analysis, Israel, IDF, Jus ad bellum, Jus in Bello, International Law, Righteousness, Just War Theory

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1   Introduction

Since the formation of Israel 1948, there have been recurring wars and armed conflicts in the Middle Eastern region at large and between Palestinians and Israelis in particular. As the Israeli population celebrated sixty years of independence, the ostensibly intractable nature of the Ethnonational conflict was arguably more accurate than ever, as Israel had just finished a retaliation campaign towards Lebanon (The 2006 Lebanon War), followed by the launching of Operation Cast Lead during the Gaza War in 2008-2009. Even though the conflict actually goes further back, what the Israelis call the War of Independence (Ha'atzmaut), or as it is called by the Arabs; The Catastrophe (Al-Nakba), marked a turning point where the Jewish establishment could claim its right to self-defense, defined in the UN charter from 1945. This created an asymmetry between the Israeli and the Palestinian side, whereas Israel now had the legal status of a state.

On the other hand, one can argue that the UN, blinded by guilt and compassion for the Jews, contributed to Israel's strong position, and might have favored Israel even above other nation states. Ever since the first war in 1948, Israel has repeatedly fought wars on several fronts. In 1967, Israel engaged in an anticipatory attack against Egypt, then Jordan and later Syria. Israel proved it military superiority and occupied territories three times the size of the original state of Israel and received massive critique for initiating the conflict. Also, the myth of Israel being a David fighting Goliath (the surrounding Arab states) was heavily questioned. (Aggestam, 2004b:141-142)

It has been debated whether the wars fought during the 20th century could be classified as righteous, and many agree that both the wars in 1948 and 1973 (the Yom Kippur war) were responses to Arab aggression. Some also argue that the war in 1967 could be considered a just war, even though it was initiated by Israel.

This thesis will deal with a wide range of discursive issues connected to claims of righteousness, where the history of Israel plays a key role in shaping the Israeli discourse. A number of questions and difficulties arise when addressing Israeli discourse today. Wars have always been subject to critique, but when it comes to righteousness, there is no absolute definition of what this is constituted of. Karin Aggestam argue that the theory of righteousness is less of a constituted consensus than it is a cluster of norms and practices that often reflect divergent tendencies in the international community. (2004a:10-11) The Israeli-Palestinian conflict actualizes different aspects of the international law, and this thesis will focus on the law regulating the entering into war (Jus ad bellum) and the law of legitimate warfare (Jus in Bello) and how Israel can claim righteousness based on these.

One of the most problematic prerequisite in international law is that it demands actors that can be charged of breaches. This has traditionally been interpreted as nation states, although other actors have become considered legal subjects successively. This includes organizations; such as the UN or NATO but also ethnic groups, minorities of different kinds and so on. Even though the question of international terrorism has been an issue in the Middle East for ages, the breakthrough of incorporating it into international law through resolutions and such came after the terror attacks in New York, September 11th 2001. (Aggestam, 2004a:9)

1.1   Statement of purpose

The research inquiry of this thesis may be inferred from the discrepancy between the Israeli view of the IDF and its critics' views on the army, according to theories of just war. It is important to notice the difficulty of addressing an unison Israeli view of the IDF. Of course, there are domestic critics of the own army. These are to be found both among scientists[1], journalists and even politicians at some levels. To the extent that the Israeli viewpoint is being addressed, it is the official statements from the government (The Prime Minister and the Foreign Minister in this case) that is being treated.

The research conducted in this thesis is constructed as an extension of the work of several others. As will be shown, the base on which my research are conducted lays with Karin Aggestams' chapter in her anthology of Just Wars. This chapter deal with Israel and IDF's actions after the Al-Aqsa intifada in 2000, and go as far as 2004, when the book was released. My research strives to be more specific, which is why I have chosen two different operations which will be evaluated more closely. The cases I have chosen are the military operations conducted by the IDF in Lebanon 2006, and during the Gaza War in 2008-2009.

Based on the premise that International law traditionally treats states different than non-states, it is likely to assume that these operations are justified differently by the Israeli Government and IDF. In the case of the Gaza War, it is more difficult to apply Jus ad bellum and Jus in Bello, because the conflict with the Palestinians can neither be described as a case of interstate war nor as and intrastate war. Thus end the conflict in a legal vacuum. It is partly for this reason that I chose to study both the justification of the IDF's actions in Gaza during and after the Gaza War 2008-2009 and Lebanon in 2006. Since Lebanon is a

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[1] This includes multiple historians that are usually referred to as the New Historians. Among these we find for example Benny Morris, Ilan Pappé and Avi Shlaim. Although their research mostly concerns the Israeli role in the Palestinian exodus 1948, by challenging traditional Israeli conceptions of Ha'atzmaut, they are often present in contemporary critical discussions of Israeli behavior in Gaza and the West Bank. For an introduction to this, see for example Chomsky, N. and Pappé, I (2010) *Gaza in crisis: Reflections on Israel's war against the Palestinians,* or Morris, B. (1988) *The Birth of the Palestinians Refugee Problem, 1947-1949.*

sovereign state, it seems reasonable to assume that there could be a difference in the discourse regarding efforts in 2006 compared to those in Gaza 2008-2009.

In sum, this thesis gains its relevance within the discipline of Peace and Conflict studies by consuming a theory and evaluates it based on two case studies. The comparative element of the inquiry provide a wider base for discussion than a single case study, and the inquiry is conducted based on earlier research that is included in this work, (cumulative approach) which strengthens the relevance. (Esaiasson et al., 2012:20)

1.1.1 Research question

How does Israel justify IDF's conduct during the cases of Lebanon in 2006 and Gaza in 2008-2009 based on theories of jus ad bellum and jus in Bello? Where lies the focus of the discourse/discourses and how can this be explained?

1.2 Disposition

This thesis is structured with two main theoretical inputs: for starters the necessary background of the traditions of just war will be described and evaluated, while the second part relates the legal aspects to a discussion of discourse. Since a discourse analysis is being used as a method of inquiry, it is necessary to provide the nexus of the righteous discourse (in contrast to theories of righteousness and discourse separately) in the theoretical setting. Simplified, the main questions that the theoretical section aim to respond to is the following: What is Jus in Bello and Jus ad bellum? What is a discourse? What is a righteous discourse?

When the theoretical framework is in place, the next issues concern the methods of choice and aspects of reliability and validity. Basically, the task is to find efficient tool to make sure that the research question is answered in the context of the theoretical framework given. To begin with, the method tries to outline the following: What is a discourse analysis? How are discourses identified? How are discourses explained? How do the findings reach the necessary amount of certainty and how can it be ensured that the inquiry is conducted in a scientific manner?

Further, the methodological framework together with the theoretical body provides the base of the inquiry. In the empirical section, these frameworks are put into practical use when adapted to the case studies. The empirical section is divided into the Israeli-Palestinian case study of the Gaza war (2008-2009) and the Israeli-Lebanese case study of the 2006 Lebanon war. The analysis of the material is included in these case study chapters. Following the primary analysis of the results, a comparative section between the two case studies is included, presenting the results of the inquiry. Lastly, the thesis is concluded with a final

discussion and conclusion. The aim of this chapter is primarily to discuss the operationalization of the inquiry and the certainty of the results.

2   Theory

2.1   Jus ad Bellum

The war should first of all have the right reason. It means that the war should not be a result of expansionist politics, but be a response to a threat and thus represent individual or collective self-defense. States are also permitted to intervene on the basis that other states are threatened according to the UN Charter Article 51. (Höglund, 2004:32-33; Aggestam, 2004a:20) It is heavily debated whether pre-emptive and preventive measures are legal. Most assessors seem to consent that pre-emptive strikes are based on real threats, while the second may be built on arbitrariness. (cf. Kegley & Raymond, 2003; Aggestam 2004a:16-17) Michael Walzer argue that anticipatory attacks are just if the enemy has shown intention of doing harm, actively prepared military to do so and if there is an imminent risk that the situation will worsen if an anticipatory attack is postponed or absent. (1977:81)

The allowance of preventive strikes (or the approval in retrospective as in the case with both American wars of the early 21th century) actualizes the aspect that law is in fact arbitrary in many aspects, and also driven by trends in society at large. This might seem like an undermining of the legal system, but it is not a new phenomenon, and it is not only the United States who have taken these steps into shades of gray. In Sweden, during the 1970s, terrorists occupied and bombed the West German Embassy, and the security police (Säpo) caught several people who had advanced plans of kidnapping a minister, Anna Greta Leijon, who had been responsible for the expulsion of several terrorists that were responsible for the drama at the Embassy due to the updated terrorist legislation. This legislation allowed for expulsion of immigrants who were only suspected of collaboration with any terrorist organization. The legislation was heavily debated, as it did not only conflict with one of the main principles of justice, namely; innocent until proven guilty, but also it was based upon the assumption that only foreigners were able to be terrorists. This is an example of the effect terrorism has on even the most protected societies, and it is why the notion of terror still makes one of the strongest arguments for war, as it is based on an existential fear.

The second requirement of jus ad bellum is that the war should have the right authority. Any person may not declare war; it is traditionally states that constitute the legitimate authority. Still, also the UN Security Council (SC) has the authority to declare war. These two initial requirements can be clearly linked, as only the legitimate authority may order the war on grounds of righteous causes, such as

self-defense. Thus, nothing can legitimize wars of aggression from states. This principle of anti-violence, together with the principle of sovereignty and non-intervention could be considered the three main principles of the UN charter. The last requirement that has to be met is the requirement of the right intention. (Höglund, 2004:32) Rather than long term goals, as addressed in the principle of just cause, the right intention demands that the actions that are included in the strategy of war is just. Even though a state acts out of good cause, for example by expressing the right to self-defense or right to offer resistance, the immediate goals can be unjust, if the intention is to break the law to get to the desired result.

2.2   Jus in Bello

 In the case of jus in Bello (that is right in war as opposed to the right to war) the requirements are more and more difficult to interpret. To begin with, the three basic requirements will be outlined below. First of all, there is the principle of necessity, that is, all used violence must be necessary. It can for example be unnecessary to use heavy artillery against an inferior party. This should not be confused with the requirement of Jus ad bellum, that war should be a last resort, after all other measures have proved failure. When already engaged in war, the state or whoever wages the war has to ask themselves if it is really necessary to use a certain amount of violence, against a certain target.

Second, there is the principle of military proportionality, i.e. that the violence should not be disproportionate, not quantitatively nor qualitatively. If the first criterion is hard to evaluate, this is even more confusing. Even though it is clearly stated that it is military proportionality that constitute the criteria of just and unjust war, it is easy to confuse this with proportionality demographically or other variables. And it is rightly confused, since military proportionality is no absolute measurement. If one state is much smaller than the enemy, it can be argued that it's righteous to use other quantities of military force. For example, Hamas often argue that because of its military and economic inferiority, they have to use whatever measures they can to fight the perceived occupying power that the state of Israel constitutes to them.

The last requirement is the requirement of civilian immunity. (Höglund, 2004:34-35) Violence must never be directed against civilians, although there are exceptions that apply regarding the principle of double effect. Acts of war faced towards civil targets and human beings can be legitimate if the following requirements are met: The action must be legitimate in peacetime, the direct effect must be morally acceptable, the intention of the agent has to be legitimate, and the violence against civilians should not be the primary goal or purpose of the action, and that the primary result outweighs the harm done. (Walzer, 1977:153)

It has to be considered that the definition of who is a terrorist and who is a freedom fighter is rather subjective and depends on who has prevail when it

comes to the used discourse. Amongst different agenda theories in foreign policy research, securitization theory is one of the common. With roots in the Copenhagen School it is associated with names such as Barry Buzan and Ole Wæver. Securitization is an instrumentalist phenomenon; according to Wæver means of presenting something as an urgent problem, so acute that it therefore requires extraordinary or even extralegal action. (Buzan et al., 1998:23-26) Usually, securitization occur by presenting a threat, which shows that the enemy uses such a precarious means that they also should be addressed with likewise means, despite ethically dubious consequences. (Buzan et al., 1998:25) In such cases it may involve, for example, terrorism, as in the U.S. when the agenda made room for what has been accused of being torture or other inhuman treatment during interrogation and imprisonment. But it's also about changes in a more mundane plane. Threats can appear as so serious that it requires costly measures, as increased airport security, or a larger defense budget. Such decisions have consequences for the individual citizen. Another example of securitization is the legislative reform in Sweden during the 1970s which was mentioned above. As a matter is securitized the issue is put to the forefront, as well as with instrumentalist agents provoking the mobilization of the in-group. (Joireman, 2003:49-50, 137)

However, the experiences of legislative consequences due to securitization of a terrorist threat are not limited to intrastate examples. An international adoption of the same phenomena was the extensive interpretation self-defense (UN charter, article 51) that was used by the U.S. (with Britain) in the report to the Security Council October 7, 2001 in connection with the initial attack on Afghanistan. This was prompted, however, of Security Council Resolution 1368, where the terrorist attacks of 11 September was condemned and the right to self-defense recognized under the UN Charter. This was the first time that the Security Council coupled international terrorism with the right to self-defense in a resolution. (S/RES/1368, September 21, 2001)

Michael Walzer (2004) discusses how there are actually not one, but four wars being fought between Israel and the Arab states, and Palestine in particular. The first two are based on the understanding of the enemy as terrorists or colonialist oppressors, respectively. Of these two unjust wars, the former is the war Israel fights in order to extirpate the Palestinian authority and achieving Eretz Yisrael (Great Israel) including the Gaza strip and the West Bank. Such behavior is not legal, but might be better understood and perhaps legitimized if the enemies are in fact terrorists. The partisans of this war often argue that this is the war that has to be fought, due to the latter of the unjust wars. That war, the war that some Arabs wage against Israel, is based on the premises that Palestinians cannot reach sovereignty as long as Israel exist, and that the Israeli independence is a historical error that has to be corrected. Often, the Israeli right point towards Hamas charter (or covenant), which, if read literally, expresses the ambition to erase the state of Israel, and diminish the Jewish population. (Gunning, 2010) Walzer's analysis is recognized by Ove Bring, who agrees that the situation in the Middle East could be considered a form of permanent conflict and also mark that *"some of the parties"* argue that it is a permanent state of war. (Bring, 2002:59)

If put into a legal context, a permanent state of war would affect the question of who is the aggressor. Israel has used this kind of argumentation before, for example in 1981, when the Iraqi nuclear reactor Osirak was bombed out. Israel claimed that this was an act in war, not of war, as Iraq supposedly considered them in a state of war with Israel. In international law, this argument is not pleadable, as a situation that is not characterized by acts of war do not constitute a state of war. In this specific example, Israel gained understanding for their action in retrospect, as investigations showed Saddam Hussein had nuclear and territorial ambitions at that time. Thus, even if the understanding of Israel's preventive measures has increased, this does not make the bombing lawful. (Bring, 2002:61)

Finally, it is necessary to recognize the differentiation between jus ad bellum and jus in Bello in context. Even if a war is started on illegal grounds, as an aggression, this does not prohibit the acts during war from being just, once a state has reached the decision to engage in war. (Bring, 2002:77)

2.3   Understanding discourse

It is important to state initially that it can be difficult to carry out a strict discourse analysis, as it easily touches the narrative analysis. The difference is that the discourse is "a Particular way of talking about and understanding the world (or an aspect of the world)" (Phillips & Winther Jørgensen, 2000:1) while the narrative is the proposition that the language is based on. Thus, it is difficult to separate the Israeli use of discourse from the narrative it is based on. An example of this is how you express yourself concerning proportionality, which is one of the main arguments of that IDF's actions could be considered righteous as Jus in bello. Since the prevailing discourse of the Israeli army as inferior is based on a narrative of a myth of David versus Goliath, the discourse is not understood without its narrative context. Since proportionality is a relative concept, various statements and beliefs affect our understanding of the context, and thus change the discourse.

2.4   The discourse of righteousness

Since 9/11, the eruption of the new wars has become dominant; there are almost no interstate wars in today's global society. Martin van Creveld (1991:143f.) does not disagree with Clausewitz in terms of political interests as cause and reason for war, but, he differs between colonial interests and existential resistance towards an oppressor. Gelven (1994) adds that because of this existential fear that drives

war, it is important to create an enemy, that is completely different from the own side. (1994) Rouhana and Bar-Tal (1997) have evaluated psychological dynamics of the Israeli Palestinian conflict, and state that these mechanisms are what creates and maintains intractable ethnonational conflicts today.

Further, the mechanisms do not remain only in the minds of the contingent parties. As with other shared beliefs, or "societal beliefs" as Rohana and Bar-Tal puts it (1997:765), they are created and recreated in the language people speak, act and live. When it comes to Israel, we can without doubt state that the argument that the actions of Israel and the IDF are righteous penetrates all forms of interaction between those who agrees upon this statement.

While the academic consensus about discourse analysis tend to include the wider definition of discourse (Bergström & Boréus, 2005: chapter 8), this thesis will only deal with official documents and statements. Thus, the results of the research can be said to indicate how the official discourse of Israel is constructed, I do not however claim that the discourse presented in this thesis is the only discourse, or even the prevailing discourse of the Israeli society. It is merely the in written language communicated discourse aimed at Israel's enemies, the international community and the Israeli people.

Moving on to discourse of justification in practice, Helena Lindholm Schulz has provided a brief exposé of different discourses that are common in conflicts. The first one has already been mentioned above: the discourse of violence as political strategy. It relates to violence as a last resort, as expressed in Jus ad Bellum. (Lindholm Schulz, 2004:98) But the political strategy does not explain and constitute the whole discourse; it is almost always present alongside other arguments. First of all, there is the self-defense discourse. As presented in the theory, the first and most principal rule of war is that violence is never accepted if not in self-defense. The self-defense discourse has often been used by Israel, as well as the Palestinians, but as declared in the UN Charter, the right to self-defense is reserved for states only. (Lindholm Schulz, 2004:100)

Lindholm Schulz (2004:101) argues further that the presence of an enemy and a threat can be rather subjective. It seems possible that both real and perceived threats will be present in the Israeli discourse. I do however remind that my role is not to judge whether the threats are real and the warfare is just, only to describe and explain the discourse present. There are also other discourses that Lindholm Schulz describes, as the right to offer resistance, but as this corresponds better to the Palestinian narrative for example. On the other hand, the traditional understanding of the Palestinian exodus in Israel is that Britain tried to prevent the formation of Israel, an understanding that together with the perceived disadvantages in manpower and arms might provide a base for an Israeli discourse of the right to resist. (Rapaport, 8/11 2005)

3   Method

Traditionally, research designs often were quantitative, and based on the assumption that our surroundings could be measured, registered and evaluated in an objective manner. With regard to quantitative and qualitative methods it can be said that the extensive method, such as regression analysis is more similar to the scientific approach to knowledge. In natural science one often uses inductive methods, which means setting up a conclusion based on many cases as indicators of a trend. (Teorell & Svensson, 2007:49; Bjereld et al., 2009:118) In many cases this may be seen as an advantage, and these findings can be generally regarded as valid when the relationship is proven to be very large.

An ontological assumption that the thesis choice of method is based on is that we can never know the world exactly as it is, as we are part of the world. Since reality can only be judged by our perception, it becomes highly subjective. Therefore the approach used is a hermeneutical method, which involves a series of assumptions. First of all, hermeneutics assume that we can never be without expectations when we interpret a text, that we are always subjective to what we are studying and that we can only interpret the text based on our horizon of understanding. (Bergström & Boréus, 2005:25) This result in the hermeneutic circle: The pre-understanding we possess is essential for us to begin to interpret the text, even if this interpretation will inevitably change during the time of interpretation. Thus, there is a synergistic effect between pre-understanding and interpretation. In addition to the hermeneutic spiral, there is another central concept that recurs when using the hermeneutic method, namely, horizontal fusion. (Esaiasson et al., 2012:221f) A good example of a hermeneutic approach would mean that the text parser look beyond the own horizon, and instead try to gain an understanding of the studied text. The text can be both text as in the natural sense, but also a natural person, a sequence of events or the like. The hermeneutic method was developed primarily from the need to create a complement to the hypothetical deductive dito, rather than being a substitute. The two may have many similarities, for example pre-understanding is similar to a hypothesis. The pre-understanding or hypothesis change during the course of the recognition process proceeds by testing implications falsified and revised. (Bergström & Boréus, 2005:24-25)

There are two main assets of a qualitative analysis of ideas compared to a quantitative content analysis: first, the method is freer to be designed and structured to fit the inquiry, which benefits the entirety of the research, instead of only being able to display those components that are measurable. This leads on to the second reason for which a qualitative analysis of ideas is desirable: even parts that are not directly apparent, but must be interpreted in context and read between the lines can be analyzed using this method. (Esaiasson et al., 2002:237) The

quantitative text analysis *"is an approach which means that a large number of units of analysis are treated equally and attributed with the same weight"* (my translation), while the qualitative text analysis assumes that the text's entirety does not extend beyond the sum of its parts. We therefore need to critically examine the content of the text rather than to systematize it. (Esaiasson et al., 2002:237-238)

3.1   Discourse analysis

For this thesis a discourse analysis has been chosen as a method of research. This section will highlight what a discourse analysis consist of, and what the overall goals and limitations are. Next section will deal with common problems of validity and reliability, and finally, the last part is aimed at describing the specific operationalization of this thesis. Bergström and Boréus write that discourse analysis can be summarized as *"the study of social phenomena where the language is in focus."* (Bergström & Boréus, 2005:305) It is not an analysis of relationships in the sense that there is a study of actors and the motives, but merely an illumination of the subjective reality that a particular type of language forms and support.

Discourse analysis does not explain the phenomenon in terms of causality. Another critical segment of discourse analysis is that i should not be seen as a reflection of reality, as it actually helps form it. (Bergström & Boréus, 2005:305, 357)

With a discourse analysis method there is both problems of reliability and validity. However, there are arguments both for and against the approach direction. Benefits of discourse analysis have to do with the type of analytical instrument used. For example, with syntax analysis, inter subjectivity may seem high. (Bergström & Boréus, 2005:352) To make the analysis as safe as possible, I will have two main goals. First, the material has to be so significant that it is possible to draw conclusions from it, because only one text perhaps reflects an actor's perception of reality, but it is not possible to draw the conclusion that this particular conception is systematized. Since there is an overall picture of the Israeli discourse that I want to reach, there must therefore be sufficient texts to analyze. (Bergström & Boréus, 2005:11)

The second goal can be said to contradict the previous one: namely, that the texts must be read very carefully, because it is both latent and manifest messages to be analyzed through a discourse analysis. It is reasonable to assume that the larger the amount of text, the more difficult the possibility of deep reading. Here it is up to me to analyze the text to make a ruling on the appropriate amount of material and time spent reading the material. It is here that the paper meets the critical moments. My strategy to avoid over-interpreting the materials in order to retrieve the expected results, or only to give preference to materials that strengthen my hypothesis, is to include material that speaks against this

hypothesis. After that, a critical reflection be made about whether it is these particular texts that deviate from the standard, or if it is simply so that there is no overall discourse, but several.

It is in this part of my method as the hermeneutical approach is useful in bringing into operation. Esaiasson et al. argue that hermeneutics can be a wide literature to use and prefer structuring the operationalization into a number of milestones: the character of the text, the clarity of the thought, the choice of interpretative approach and the distance between the text and the text parser. The character is a focus of interest that are either latent or manifest. Manifest messages can be read without further study, while the latent message is read between the lines. Both will be considered in this inquiry. The clarity of thought essentially means that the producer of the text may not have reflected on the messages that the researcher intends to investigate. In this case, I believe that such problems do not exist, (as it is the aim of Israel to justify their actions, the sender should be well informed of the thematic of this inquiry) however, the text may or may not be deliberately ambiguous. The choice of interpretation perspective means, as mentioned earlier, to know the difference in what the text means to the sender and the researcher. Since the thesis is using a hermeneutic method, the text will be interpreted from the sender's horizon. When it comes to the distance between the researcher and the sender must take into account the temporal, social and cultural perspective. (Esaiasson et al., 2002:249-251)

Bergström & Boréus suggests that studies can be divided into a two-step method approach, a quantitative study to measure how often the terms appear, which the common concepts that often are combined with each other are and which ideas are often expressed, giving consistency to the hypothesis, while a more qualitative study in the form of interviews and the collection of personal reflections may provide further explanation and understanding of the discourses available. (2005:11-12) This thesis will not gather information through interviews, but the initial analysis of primary material will on the other hand be put into a context of secondary material as well as tested against the theory and thus hopefully provide a valid case.

Further on, Norman Fairclough has been one of the most influential scholars to integrate the traditional text analysis with social studies. The basic assumption that will be applied to this thesis is that discourse analysis as just a study of spoken and written language should not constitute the academically benchmark, as it does not provide sufficient tools to interpret our surroundings. (Bergström & Boréus 2005:308) Thus, it is necessary to analyze the discourse provided in the official documents based on an understanding of the history of the conflict, as well as the narratives that provide the societal beliefs of the Israeli society. Once the text interpreter is acquainted with the texts the alienation process needed to reevaluate them is compromised. It is therefore necessary and useful to use the theoretical framework as a perspective in order to provide distance. (Phillips & Winther Jørgensen, 2000:44)

Only manifest messages are possible to find in a limited reading of the text. Questions that can be answered by such a reading is necessary to illustrate what the sender's intentions are, and how the text is possibly intended for the

recipient to be understood. This is the basis of discourse analysis and the picture that emerges of the manifest messages are then put against the latent messages that are shown at a depth reading. In this paper, these will not be presented under separate headings, but as a whole. Obvious conflicting images are analyzed, however, if contradictions between the different discourses emerge depending on the intensity of the reading. A second reading will endeavor to find a picture of how the threat to the safety of Israel in relation to action valid under international law is perceived and interpreted. Who is the perpetrator and who is a victim, how are these described, and what are their relationships? Are there any changes over time and between the two case studies? (Phillips & Winther Jørgensen 2000:51-57)

3.2   Material

The selection of texts used in this inquiry depended on several factors. There was one problematic aspect when it came to the texts being analyzed in the Lebanon case. The Israeli Government's website actually provided several dead links, and much of the material that I was looking for was not available. I did however gain access to enough material to complete the analysis, but it should be expressed that the material used to study the discourse of the Lebanon war in 2006 was not as extensive as the material used in the Gaza War case study. To ease the reading of the study, I have attached all material in the appendix. This also creates room for critical judgments of the reliability of the study conducted. I have also strengthened my analysis with other sources than primary ones.

4   Case studies

4.1   Gaza (2008-2009)

IDF is a special army in many ways, reflecting the Israeli culture at large. Among other things, Israel has a prolonged military service compared to many other countries, and it is obligatory for both men and women. The IDF is unique in its compulsory military service for women. It is also incorporated into the process of immigration and consists of different element, Because Israel is in a context where the threat from other states and non-government movements is ever present, even in peacetime, and it is inevitable that the army escapes from impression of this fact.

On behalf of the United Nations, Judge Richard Goldstone did in 2009 write a report that investigated the allegations that both the IDF and the Palestinian side was facing. Regarding the cases Goldstone chose to examine, a common theme appeared during the press conference when the report was released:

> "Justice Goldstone said the mission had investigated 36 incidents that took place
> during the Israeli operation in Gaza, which he said did not relate to decisions taken
> in the heat of battle, but to deliberate policies that were adopted and decisions that
> were taken." (Press Briefing, 15 September 2009)

In international law, the difference between systematic defaults and incidents are of great importance. If there is a systematic abuse and atrocities are being conducted as part of a structure, this means that the government actually carried out the atrocity in question. The report was received with great reluctance; that the IDF supposedly would have committed war crimes or even crimes against humanity, was in controversy with the prevailing view of the IDF as an ethical and very humane army. (Pfeiffer, 24/3 2009)

Among the central themes found in the discourse analysis, one of the most prevailing is that Hamas stops at nothing, and therefore there is no room for other measures than those of violence, e.g. the principle of violence as a last resort should be considered fulfilled. This can for example be illustrated in the quote from President Shimon Peres to foreign press on January 4th, 2009:

> "They do not reject any means of launching terror attacks against Israel, including the use of the local population as human shields. (...) Israel has restrained itself as much as was possible, and today the time has come to give Hamas the warranted response."

Also, Shimon Peres bring up the essential argument that it is Hamas, not Israel, who is to blame for loss of civilian lives on the Palestinian side#. They place their own population as a shield in order to cause extensive losses. (by manufacturing missiles in residential buildings and by placing civilians visible in the path of targeted objectives) The latent message here can be said to include that the international society should not be fooled by the attempt by Hamas to gain sympathy. If added with for example the argument that Israeli and Palestinian civilians should not be mentioned in the same meaning (FM Livni in briefing to the diplomatic corps, 8 Jan 2009) and that the Security Council must act towards Hamas (FM Livni in interview to Al-Jazeera, 29 Dec 2008) and especially, that the SC and the international community should shift focus from scrutinizing and imposing requirements on the Israeli side, to doing so on Hamas instead, this adds up the picture. This kind of argumentation is necessary to create the picture of an in and a out group that is the base for the societal belief that Israel is under constant threat, that Israel has been exposed to injustices and prejudices throughout the history (Rouhana & Bar-Tal, 1998) and that the situation constitutes a state of abnormity. Thus, the attacks from the hostile Arab states are nothing but a continuation of the horror many Jews experienced during the Holocaust (Ha-shoah).

Another theme that penetrates the entirety of the material is that even though Hamas deliberately put civilians at risk, Israel try to avoid harming civilians. (See for example the quotation below) Several references to the principles that Walzer bring up can be displayed, for example that the harm done must be outweighed by the positive outcomes. (1977:81)

Further Israel maintains that the difference between the casualties on the Israeli and the Palestinian side are that Hamas deliberately targeted attacks against Israeli civilians. An interesting aspect of this is that "civilians" on the Israeli side often are represented by children:

> "When Israel strikes at Hamas, it makes every attempt to avoid civilian casualties. Hamas actively targets children; it targets kindergartens and schools. (...) We strike at Hamas, who use civilians as human shields; Hamas deliberately targets civilians. Hamas does not care what happens to the residents of Gaza."
> (FM Livni in response to questions by the foreign press (29 Dec 2008)

One thing that is important to discuss is the possibility that Israel deliberately let children represent civilians because a common claim from Hamas is that in one perspective, there are almost no civilians amongst the Israeli population, where military service is compulsory for men and women. The latent message would then be that even if Israeli men and women would not be considered as civilians, Hamas target and attack children as well, and they have to be civilians. Besides

from this somewhat hidden message, targeting children is almost everywhere considered a crime, and an act of cowardness. Added to the fact that Israel claim that Hamas put their own children at risk, this form the picture that Hamas do not respect any human lives, not even children's. (FM Livni in response to questions by the foreign press, 29 Dec 2008)

Yet another theme that we have mentioned briefly above is that Israel considers the SC as doing a bad job being the guarantor of peace and security. (FM Livni in interview to Al-Jazeera, 29 Dec 2008) A comparison Michael Reisman perform might bring clarity to the subject: If we were to look at the international community as the wild west, then the UN would be the new sheriff in town to put an end to the anarchic situation. As people in a society give up some rights for the collective security, states gave away the right to start war any given day for the benefit of international law. But if this new sheriff in town does not live up to his promises, it is natural that people (read Israel) once again take matter into their own hands. (Bring, 2002:95-96) This, on the other hand, requires the much controversial assumption that there was no customary ban of violence before 1945 to be true. (Bring, 2002:95; Reisman, 1984:642)

Apart from this, Israel also claim that terrorism is a shared problem, and that everyone should be taking actions (states and the Security Council) when civilians are being targeted. (FM Livni in interview to Al-Jazeera, 29 Dec 2008) This discourse is built upon the argument that Hamas is part of a larger movement, including Iran and Syria (which makes it easier to spread the fear of nuclear weapons) and the larger movement is a threat to all. (The free world, the region, the international community and so on) In international law, threats that compromise the security of the region could be considered a threat to international peace and security, which calls for intervention under chapter VII of the charter.[2] An example of such an argumentation is the statement by President Peres, at a meeting with French President Sarkozy in Jerusalem (5 Jan 2009):

> "President Peres noted that tons of explosives and long-range rockets have been smuggled from Iran through tunnels in the last half-year, and that Iran was using Hizbullah in Lebanon and Hamas in Gaza as malicious proxies and represents a tangible threat to the State of Israel and all of the Middle East."[3]

As predicted the discourse analysis also revealed that Israel often argue that:

> "Hamas cannot be legitimized unless it accepts the international requirements, including accepting Israel's right to exist, full renunciation of violence and

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[2] A precedent example was in 1990 when Saddam Hussein invaded Kuwait. The Security Council gave a statement in the form of a resolution which declared that Iraq's actions against Kuwait was a threat to the world peace. (Chollet, 2008:5, 7) For the first time it was said that state sovereignty and the principle of non-intervention principle was forced to stand back, because security in the region and the world was threatened. This was supported by the mandate under the UN Charter, Chapter VII, which allowed violence.
[3] cf. also with the statement by FM Livni at a press conference for foreign journalists in Sderot (31 Dec 2008) (see appendix)

> terrorism (...) Hamas is not a member of the United Nations; Hamas is not thinking about accepting the international community's rules. Hamas does not share the same values that we all share, as members of the free world and the international community." (FM Livni at press conference with UN Secretary General Ban Ki-Moon (15 Jan 2009)

This argument is as mentioned earlier based upon the charter of Hamas, where Israel's right to exist is denied. Thus, it is an discourse of a war that is zero-sum, with this logic Israel cannot give in to Hamas and expect concessions in return, which is also an argument for all peaceful means being inadequate and insufficient.

Also, Israel claim that "Hamas can stop this if they so wish" and therefore it is Hamas who is the one responsible for the situation. (FM Livni briefing to foreign press, 27 Dec 2008; FM Livni's address to the Knesset, 29 Dec 2008) With this the hidden message is that Israel has no intentions of expansion or aggression, only to protect the own citizens. The claim is also that the situation began in 2000 (supposedly the reference calls for the Al-Aqsa Intifada) and this would equal that the situation in 2008-2009 and Operation Cast Lead is in fact not something to be seen as an act of aggression by Israel, but as part of a chain of events, that started with an act of aggression from Hamas. Thus, the assumption that the Middle Eastern conflict is a permanent one tallies with the discourse being used. (Bring, 2002:59) Israel would in that case be ascribed from the need to fulfill the requirements of jus ad bellum, which is instead placed on Hamas. In the same context as the aforementioned, Israel often claims three attributes that they ascribe Hamas: The first is that Hamas has no legitimacy as a representative of the Palestinian people. Secondly that Hamas has no legitimacy as a state. The third is that Hamas does not take the responsibility that a state should do and do not respect other states' (Israel's) rights. (FM Livni 27 Dec 2008; FM Livni, 29 Dec 2008) They do not follow the rules of international law. The allegation that Hamas does not respect anything ultimately leads up to the understanding of the situation as being unique and means that Israel end up in a vacuum. This is comparable to what happened in Sweden during the 1970s or the securitization of the terrorist threat in the U.S. after 9/11.

Finally, there is also a change over time, one can see that towards the end of 2008 and the beginning of 2009, it is no longer the main focus to justify the reasons to go to war, but to show that it is not the Palestinian people they are fighting, only the terrorists. A promise is starting to appear: The Palestinian people will stop suffering as soon as missiles are stopped being fired. (PM Olmert briefing (27 Dec 2008)

4.2 Lebanon (2006)

The Israeli operation in 2006 came as a result of the missiles fired from Lebanon that killed several IDF soldiers. Israel responded by commencing air strikes and firing with heavy artillery on goals in Lebanon that damaged Lebanese civil infrastructures, including Beirut International Airport, a blockade of the air and naval space, and finally a land invasion of southern Lebanon. Hezbollah then launched more rockets into northern Israel and engaged Israel Defense Forces (IDF) in guerrilla warfare. In Israel, this is often called the Second Lebanon War. Amongst the critique from NGOs there was for example statements by Amnesty International, who argued the necessity of both Hezbollah and Israel to cease targeting civilians during the conflict and also criticized attacks on civilian villages and infrastructure committed by Israel. They also emphasized the IDF use of white phosphorus mortars in Lebanon to be illegal.

Furthermore, Human Rights Watch accused both parties of violating the principle of separation and committing war crimes. (Amnesty International, 13 July 2006; Amnesty International, 23 August 2006). The UN humanitarian chief Jan Egeland stated that the Israeli response was a breach of international humanitarian law, and he also criticized the Hezbollah party of "cowardly blending (...) among women and children."(UN Chief Accuses Hezbollah of 'Cowardly Blending' Among Refugees. 24 July 2006) He also called Israel's use of over 100,000 cluster bombs "immoral".

In retrospect, the Second Lebanon War left the Lebanese society divided. On the one hand, Hezbollah proclaimed a relative victory, as they fought the IDF with great success. On the other hand, domestic critique has been directed towards Hezbollah for creating the incitements for an Israeli attack. (Ghaddar, 17/3 2010; Norton, 2007:140, 154)

The central theme of the Israeli discourse on the Second Lebanon War is much built on the last argument: as the attacks were initiated by Hezbollah, Israel fulfills the most central part of Jus ad Bellum, namely that the attacks were in self-defense. On top of this, the Israeli discourse also reveals the picture of the enemy as a coward, with cruel intentions and no legitimacy. This would indicate that the launching of missiles from Lebanon were illegal. On the other hand, that one party uses illegal methods does not justify illegal actions in response. But put into context, this contributes to the complexity of the situation and enhances the dispensation Israel tries to gain. (Ehud Olmert, August 14, 2006) Also, Olmert makes a reference to one of the exceptions for preventive action mentioned initially in this thesis:

> "We spoke out of a sense of profound responsibility towards every citizen on the front line and on the home front, and we knew – we all knew – that there was no choice but to embark on this campaign. Otherwise, we would have found ourselves facing even greater dangers in the future." (Ehud Olmert, August 14, 2006)

The conclusion is that Israel is not the aggressor, but even if it was, the situation was so threatening, and further continence could worsen the situation.

The second theme of the Israeli discourse is that Israel does not wage war against the people of Lebanon, but Hezbollah. And Hezbollah, being a international terror organization, does not only threaten the lives of the Israelis, but the whole "free world". An interesting reference that has to be put into context is the axis of evil that Olmert mentions:

> "[A] terror organization allowed to operate within Lebanon, as the long arm of the axis of evil which reaches out from Teheran to Damascus, uses Lebanon's weakness and transforms it, its citizens and its infrastructure into a tool for its war." (Ehud Olmert, August 14, 2006)

This is the exact same phrasing that George W. Bush used to describe the connection between Iraq and terror organizations:

> "States like these and their terrorist allies constitute an axis of evil, arming to threaten the peace of the world. [...] They could attack our allies or attempt to blackmail the United States. In any of these cases, the price of indifference would be catastrophic." (George W. Bush, 2002)

Except from being an energetic expression, the use of the phrase "axis of evil" could indicate that this is a latent message towards the United States and the rest of the International community. It should possibly be understood as a urge to gather against the enemy, who is a shared enemy, and not only a threat to Israel. It could also be understood as a reminder of the Lebanon war being no different from the wars that the United States amongst other wage in Afghanistan and Iraq at this time, wars that gained support worldwide. Understood as a "long arm of the axis of evil" it can be argued that Hezbollah's attack did not start with the launching of missiles in 2006, but with the aggressive acts of terrorism on 9/11. This is further shown in the following quotation:

> "Hizbullah is a terrorist organization, which is part of the Lebanese government. The international community, including the Security Council, has demanded, repeatedly, time and again, that the government of Lebanon dismantle Hizbullah. Lebanon has failed to act and today's aggression is the result. Israel views the government of Lebanon as responsible for today's unprovoked aggression. (...) In these circumstances, Israel has no alternative but to defend itself and its citizens. We also expect the international community to act." (Foreign Minister Livni on Hizbullah attack from Lebanon, July 12, 2006)

Here, Foreign minister Livni also blames the state of Lebanon for not stopping the acts of Hezbollah. This should probably be understood as the responsibility for the war in the first hand lying with Hezbollah, and secondly with the State of Lebanon. Israel is only the third in line to be blamed for the war. Also, Livni

make a direct statement to the International community, stating that Israel only act in a case where the international community also should act. This is also supported by the statements during the Gaza War that came later on, and Olmert's referring to the SC resolution 1701:

> "This resolution is a political accomplishment for Israel, however its significance is crucial to all nations of the free world, who struggle against global terror. The entire international community is partner to the perception that the terror state which established itself in Lebanon must be destroyed. The UN Security Council unanimously, and with the support of the 15 member states, accepted this historic resolution, which clarifies that there is only Israel and Lebanon. (Ehud Olmert, August 14, 2006)

Olmert also makes another reference to earlier American rhetoric when he states that the leaders of Hezbollah has gone underground, but that this will not stop Israel from hunting them down. It is also interesting that he adds that Israel will not be asking for permission to do so. (Ehud Olmert, August 14, 2006) This could be interpreted in two ways, as I see it. Either he believes that it is so obvious that it is permissible for Israel to find those responsible, that it would not waste time asking for permission. This also depends of course on what you actually mean by "hunting them down". Is it in order to bring them to justice, or is it a pure desire for revenge? This can probably be seen as a deliberate ambivalence, because Olmert speaks to multiple audiences simultaneously. In the nation of Israel, one can assume that a certain desire for revenge exists because 158 soldiers lost their lives during the war. Internationally, there is a concern for judicial accountability, which many believe is a prerequisite for peace.

The second alternative is that Olmert wishes to imply that international law is behind, and that Israel, in a sense, is above the law. This would refer back to the extreme vulnerability and the chosenness that is part of the Israeli narrative (Rouhana & Bar-Tal, 1998) and the state of emergency on several occasions suggested because of the threat posed by terrorism.

Finally, Israel also argues that they are a state, act as states should, and examine where examinations are necessary. But no one should forget that the reality of war is demanding action, especially when waging war against terror:

> "We will not hesitate to examine everything which requires examination. We will hide nothing, nor will we cover up. This is the lifeblood of a democratic society. However, we will not do this because of screaming and the hurling of accusations. We cannot afford the luxury of wallowing in wild arguments and mutual recriminations. We cannot afford this luxury because we must ensure that the next time – and there may well be a next time – things will be done better. Even if we think we learned all the lessons, even next time there will be things which must be fixed. Because, ladies and gentlemen, this is war." (Ehud Olmert, August 14, 2006)

I find it interesting that the term luxury is used several times. It indicates that since Israel lacks the luxury, someone else must be acquiring more of this item. As such, it might be interpreted as a reminder to critics that it is easy to talk about diplomacy when not faced with the threat of terror. It is also a reference to the principle of violence being a last resort. (Lindholm Schulz, 2004:98)

4.3   Comparative analysis of the case studies

As a whole, the discourses used in both case studies are very similar. Starting with the principle of separation, Israel in both cases argue that civilians should not be targeted, but that both terror organizations uses civilians as a human shield, although in some cases Israel seem to take more responsibility for the humanitarian situation in Gaza, which is explainable by the difficulties the blockade offers. Israel makes many comments about how they try to ease the situation in Gaza. This might, besides the obvious explanation that Gaza is blocked by Israel also be explained by the fact that the war in Lebanon was much shorter than Operation Cast Lead.

In both cases there are also exhortations directed towards the civilian population to stop supporting the terror organizations. Some of the responsibility for the ongoing situation is placed on civilians, as they enable the launching of missiles. This should not be confused; on the other hand with an excuse to target civilians, and Israel does not make any references that would indicate that such an excuse exists.

Another similarity between the case studies is the responsibility for the aggression. In both cases, Israel claim to have been attacked by the other party previous to the response. Also, in both cases there are arguments of the situation being connected to a chain of events. The difference lies with that Gaza should be understood in a temporal context (as they argue that the war started in 2000, with the al-Aqsa intifada), while Lebanon should be understood in the context of the international threat. There are arguments that also Hamas should be seen as part of the global terrorist movement, but not as many expletives as in the discourse of Hezbollah.

In the beginning of this thesis I stated that it was credible to expect a difference in discourse based on Lebanon being a state, and Gaza not having the same legal status. But in the analysis this is not something especially prominent, hence the shift of focus in the analysis. Nevertheless, there are several statements that discuss the legal status of Hezbollah, and some of them talk about a state within a state, but that this status was dissolved with the SC resolution 1701, which ended the war in Lebanon.

Thus, the end of the war can be considered a victory for Israel, as there was no longer any discussion of the legal status of Hezbollah, which left Israel as the sole sovereign party of the conflict. In both the case of Hamas and Hezbollah, Israel also argue that neither of them qualifies for the jus ad bellum demand of the

right authority. (Höglund, 2004:32) Both because neither qualifies as a state, and that they supposedly do not have the right to represent their population. Although this can be questioned, it is how it is perceived by Israel. The main difference is that in the case of Hezbollah, there is a state to blame. Lebanon has not taken responsibility, and thus Israel acts in its place. (Foreign Minister Livni on Hezbollah attack from Lebanon, July 12, 2006)

In both cases Israel claim that the cause is just, and that the actions are morally acceptable. It is interesting that it is not only the legal aspects that are being considered, Israel also want to be understood and make sense of its actions. As Joireman highlights, the own actions are always judged against the enemy's, and there is great importance of portraying the enemy as someone who is opposite to oneself. By painting the "other", that is the out-group, in a negative sense, one simultaneously by definition paint the own group as opposed to the out-group. This in order to establish an effective enemy image that can be quickly absorbed by the society and its individuals. (Joireman, 2003:137-137)

This is prominent in both the discourse of Hamas and Hezbollah. Unlike the picture of the enemy, Israel portray themselves as having a strong sense of right and wrong, and emphasizes the moral code that the terrorist lacks. Part of the creation of in out-groups and is the single narrative which among other things, Rouhana and Bar-Tal emphasizes. Here the focus is on societal beliefs, which holds the group together and defines the basis of shared values, of common history. This becomes very important when the memory of past conflicts can be used to create a sense of unity towards an imminent threat. (Rouhana & Bar-Tal, 1998:763) It is also a reminder that the war is ongoing, even when the intensity of the conflict decreases. In this way, neither the present conflicts is seen as illegitimate, as one is dealing with the same enemies as in previous wars. (Joireman, 2003:45-46) Together with the phrasing used to remind of the American war on terror, the notion of a shared and ongoing threat is emphasized. To create a sense of an in-group, perceptions that the group is unique and selected must exist, which is based on a common narrative. It therefore becomes important to keep this narrative alive even during peacetime, and then make use of these notions of uniqueness as new conflicts arise. This is closely related to the own group's inability to make errors, while the out-group's goal is not righteous. (Rouhana and Bar-Tal, 1998:763) Wood argues that narrative can be seen as a preserver and protector of the time and that they can maintain a dynamic between the in-group belonging to a bygone age. (1991:91)

It can be concluded that the enemy image that is projected in both 2006 and 2008-2009 to a large extent tally with the theories that were presented initially in this paper. This applies particularly to the production of the enemy in accordance with the theories of in and out of groups, but also that it is largely so that the threat of terrorism has been securitized to excuse both questionable practices and the pressures on the economy that the war against terrorism requires. It should not be forgotten that Israel is receiving large grants from the U.S. to pay for its defense, and thus it is not just a matter of right and wrong in a purely legal sense, but also that the war must be so necessary that these contributions will continue to flow. The threat of terrorism should be taken as seriously as the threat

from Afghanistan and Iraq, Syria and Iran. Also, in the case of Lebanon, there is the discourse of other states having the luxury to diplomacy, and that Israel could probably be more reserved against use of force, if they had the luxury of not being surrounded by hostile Arab state.

I would like to conclude with a last reflection: In both conflicts, discourse of self-defense is prevailing. As stated initially, discourse can be a rather inclusive term. I find it necessary to show how the vulnerability of the Israeli people are portrayed by showing pictures of the victims of terror on the government's website. By doing so, Israel make sure that their losses are paid attention to, both by the own citizens, and by the outside world. This matter however, could be a ground for a whole new thesis.

5 Conclusion and discussion

I believe that it is essential to see how Israel portrays both Hamas and Hezbollah as the enemy. It is mostly about producing the total illegitimate goals and intentions of the enemy, while also stating the own case is just. The central part of conclusion is that actions always are judged based on the actions of the enemy, even if international law is constituted so that each breach should be examined separately. As law is under constant change, the hope is probably that actions will be justified in retrospect if put into context and based on the extremeness of the situation. The creation of the unfair and cruel enemy is hence strengthening for the national identity, as well as a central part of the common narrative that is creating and preserving national identity and the dynamics of the in- and out-group. (Rouhana & Bar-Tal, 1998; Joireman, 2003)

One of the strongest arguments that Israel make is that the international community should act, based on precedents of earlier multilateral interventions and resolutions that state that threats to a region is also threats to the world peace. Also, this argument, that is used several times in both case studies are closely connected to the shortcomings of the UN. It might be assumed that Israel draws the conclusion that it is in the position to take matter into its own hands, much like the United States has done at several occasions. Hence, there is a loophole in international law, as some states are apparently not bound by it. Some go as far as saying that international law is depending on the actions of the U.S. On the other hand, when Russia followed the American example and argued that intervening in the South Ossetia conflict was legal based on NATO's precedent in Kosovo, this was not appreciated.

The quantitative content analysis literature emphasizes that there may be good reasons to depart from standardization to instead work with coding devices such as "the text give expression for x" or "text does not give expressions for x". This of course could have been achieved in this study, however, even such coding devices lacks preciseness, as the text might partly give expression for something, or give expression for something if considered combined together with secondary material, and together with other primary texts. In sum, these kind of coding devices might end up being just as standardized as the aim was to eliminate in the first place. Also, they assume that we know what we are looking for in the first place, and statements that are of interest but do not fit the coding devices are in danger of being lost in the course of the inquiry. This is why I choose to use an approach that was open, and with few deductive hypotheses.

Finally, I would add that the hermeneutic approach I have used to interpret the discourses has provided the distance and exclusion of the normative approach that has been desirable. With this method as a background, it has been possible to write about the necessity of a certain depiction of the enemy and the in-group

from the perspective of the actor who served as the text. This without, for that matter, evaluate whether others think that this would have been desirable. When statement about necessity is made, they have been given what I interpreted as the operator's sense of necessity. I would argue that this means I have met the requirements of alienation in the interpreting perspective Esaiasson et al. (2012) describe.

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7   Appendix

PM Ehud Olmert (3 Sept 2007): "Rocket barrages have once again been launched on Sderot. They threatened the wellbeing of kindergarten children in this rocket-battered town, which has been exposed to the terror groups' brutality for over five years. We will not put up with this attack. The IDF has been instructed to destroy all launchers and target anyone involved in the attacks. We will hit all those in the chain of command who harbor terrorists and act against the State of Israel."

Israeli representative at the UN Security Council (22 Jan 2008): "Why is the Council not concerned with the safety and security of Israel's children, women, and elderly who live in the southern city of Sderot? Why is the Council silent as they live in fear and panic each and every day? (...) Israel must and will protect its civilian population from these rocket attacks. It is the duty of all States to ensure the right to life and safety of its people, especially from vicious acts of violence and terrorism that are carried out with the sole purpose of maiming, terrorizing, and murdering the innocent."

FM Livni at UN Model (10 Feb 2008): "An Israeli child who suffers terror-inflicted injuries is not similar to a civilian who is injured unintentionally by defensive measures anchored in international law."

FM Livni to the press (10 Feb 2008): "Israeli families, are being targeted, deliberately, on a daily basis from the Gaza Strip by Hamas and other terrorist organizations that control the Gaza Strip...This is not a vicious cycle; this can be stopped by Hamas today. Israel is acting according to its duty and responsibility to defend its citizens. The deliberate attacks on Israeli civilians must be stopped."

Statement by PM Ehud Olmert (17 Jan 2009): "Hamas's methods are incomprehensible. It placed its military system in crowded residential neighborhoods, operated among a civilian population which served as a human shield and operated under the aegis of mosques, schools and hospitals, while making the Palestinian population a hostage to its terrorist activities, with the understanding that Israel - as a country with supreme values - would not act. (...) Hamas is not part of the arrangements we came to. These are agreements involving many countries, and a terrorist organization like Hamas is not and need not be a part of them."

FM Livni at press conference with UN Sec-Gen Ban Ki-Moon (15 Jan 2009): Hamas cannot be legitimized unless it accepts the international requirements, including accepting Israel's right to exist, full renunciation of violence and terrorism, and of course, the acceptance of former agreements between Israel and the Palestinians. Hamas is not a member of the United Nations; Hamas is not thinking about accepting the international community's rules. Hamas does not share the same values that we all share, as members of the free world and the international community. (...) [Hamas] are also responsible for the situation in the Gaza Strip, for the loss of Palestinian lives, and for the humanitarian situation in Gaza."

FM Livni in briefing to the diplomatic corps (8 Jan 2009): "We are acting against Hamas. We are acting against a terrorist organization. We are acting against a terrorist organization that is not willing to accept the international requirements: to accept the right of Israel to exist, to renounce violence and terrorism, and to accept former agreements between Israel and the Palestinians. (...) Hamas does not represent any legitimate interest of the Palestinians. In a way, it took the Palestinians in the Gaza Strip hostage. (...) The Hamas are hiding among civilians. They target Israel from schools, and other locations, and while fighting back these casualties can happen, even though we try to avoid it... (...)The international community must work together against terror, to have agreements among us in order to defeat terrorism and not to expect Israel to find a way to reach a treaty with the Hamas. This is not going to happen. (...) Hamas is a terrorist organization which is looking for civilians to kill, and Israel is a state which has to act in order to defend itself. They should not appear in the same wording."

FM Livni at a press conference with delegates of the EU (5 Jan 2009):"Hamas, which hasn't met the requirements of the international community to accept Israel's right to exist and to renounce violence and terrorism, is the same Hamas that has been targeting Israel for eight years now. This is the same Hamas which controls the Gaza Strip, a place that Israel left in order to give hope for peace. (...) Now, as long as Hamas controls the Gaza Strip, (...) it is an obstacle not only to Israel but to the entire international community and to the Palestinians as well. (...) Everybody in this region needed to choose a camp, to choose where he belongs. Hamas has made its choice, by definition."

President Shimon Peres to foreign press (4 Jan 2009): "They do not reject any means of launching terror attacks against Israel, including the use of the local population as human shields. (...) Israel has restrained itself as much as was possible, and today the time has come to give Hamas the warranted response."

FM Livni to Russian Deputy Minister of Foreign Affairs Alexander Saltanov (4 Jan 2009): "Hamas is a threat not only to Israel, it is a threat to the region. The action that Israel is today taking against Hamas represents the struggle of the international community against the extremist forces. This is how it should be perceived."

FM Livni to President Sarkozy in Paris (1 Jan 2009): "The war that Israel is waging against Hamas is one of the fronts of the war against extremist forces operating in the region. (...) Hamas is responsible for what is happening in Gaza, and Hamas is to blame for the situation of its residents."

FM Livni at a press conference for foreign journalists in Sderot (31 Dec 2008): "For eight years now, Israel has been under attack from the Gaza Strip and it has become worse. (...) Hamas does not represent any kind of legitimate right or aspiration of the Palestinian people - it expresses its extremist ideology in the Gaza Strip vis-a-vis Israel and others in the region. Its ties are with Iran, Syria, and other radical elements in the region. (...) One of the elements of the truce declared six months ago was full cessation of the smuggling of weapons through the tunnels. Unfortunately, Hamas did not do that, and violated this agreement."

FM Livni in interview to Al-Jazeera (29 Dec 2008): "Whoever wants peace in the region, with a two-state solution, must understand that we must fight terror and extremism. Confronting Hamas is the only way for the Palestinians to enjoy a good life in a country of their own. Israel wants peace, and must operate against the Hamas in order to achieve this... Hamas does not want peace; Hamas uses the residents of Gaza as hostages. Israel proposes a vision of peace, while Hamas proposes a vision of war. Peace with Israel and calm in the region can only be achieved by dialogue. This situation cannot continue. Hamas, Iran and Hizbullah are enemies of the free world."

FM Livni in response to questions by the foreign press (29 Dec 2008):"When Israel strikes at Hamas, it makes every attempt to avoid civilian casualties. Hamas actively targets children; it targets kindergartens and schools, as well as civilians - because this conforms with its extremist values. (...) We strike at Hamas, who use civilians as human shields; Hamas deliberately targets civilians. Hamas does not care what happens to the residents of Gaza."

FM Livni's address to the Knesset (29 Dec 2008): "Hamas is an extremist Islamic organization that does not represent any of the Palestinian people's aspirations, but rather is ruling them for its own ends and purposes. Hamas does not recognize

the existence of Israel or Israel's right to exist here. It lives off fear and hate. Hamas receives support from Iran and Syria, in the form of money, weapons, and training. Hamas is a terrorist organization. (...) Hamas, which is ruling Gaza, refuses to accept the three conditions of recognizing Israel, renouncing terror, and accepting previous agreements. (...) Israel has been under attack from Gaza for the past eight years. We did everything we could to prevent a deterioration of the situation. (...) The calm was violated by Hamas. Hamas is the party responsible for violating the calm. (...) The road to peace passes through the war on terror, extremism, hate and incitement, which means a war against Hamas and those like Hamas.

FM briefing to the diplomatic corps (28 Dec 2008): Hamas is a terrorist organization with a radical ideology and it's not willing to accept the demands of the international community. It is the enemy. Hamas is illegitimate and its control of the Gaza Strip is illegitimate."

FM Livni briefing to foreign press (27 Dec 2008):" Israel left Gaza in order to create an opportunity for peace. In return, the Hamas terror organization took control of Gaza and is using its citizens as cover while it deliberately targets Israeli communities and denies any chance for peace. (...) We have tried everything to reach calm without using force. We agreed to a truce through Egypt that was violated by Hamas, which continued to target Israel, hold Gilad Shalit and build up its arms. (...) Hamas is a terrorist organization, supported by Iran, that does not represent the legitimate national interests of the Palestinian people but a radical Islamist agenda that seeks to deny peace for the peoples of this region."

PM Olmert briefing (27 Dec 2008): On Thursday, 25 December 2008, I made it clear to the residents of Gaza that we are not acting against them and that we have no intention of punishing them for the actions of Hamas. We will see to the needs of the population in Gaza and will do our utmost to prevent a humanitarian crisis that will impinge upon residents' lives. (...) Residents of Gaza, we are not your enemies and we are not fighting against you. This terrorist organization has brought disaster to two peoples. Israel is not fighting the Palestinian people but the Hamas terrorist organization that has taken it upon itself to act against the residents of Israel. Therefore, the targets that were attacked today were selected accordingly, with stress being placed on avoiding harm to innocents.

FM Livni (22 Dec 2008): "We cannot accept a situation in which Hamas continues to attack Israeli civilians in cities and communities within Israeli sovereign territory."

PM Olmert to Cabinet (21 Dec 2008): "Last June, we decided on the calm agreement... The calm could exist only as long as it was administered by both sides and not with one side relentlessly launching Kassams and mortars... The State of Israel will know when to respond correctly and with the necessary responsibility."

PM Olmert address to AIPAC Conference (3 June 2009): "A clear distinction must be made between the Palestinian Authority, headed by President Abbas, and the Hamas terrorist organization, operating in and controlling Gaza. Israel has never, nor will it ever, negotiate with Hamas, as long as it refuses to accept the three principles set forth by the international community. The reality on Israel's southern border is intolerable. Tens of thousands of innocent Israeli citizens live daily in constant fear and anxiety, under a barrage of missiles, serving as pawns in a cruel, malicious game of roulette played by the Hamas and its cronies in the Gaza Strip. While we have no desire to see the uninvolved Palestinian population in Gaza suffer, we cannot be expected to accept a situation that no other nation in the world would tolerate. Sderot and the other communities in the south of Israel have, over the past seven years, suffered the largest number of missiles launched from the Gaza Strip."

PM Olmert (14 May 2009): "A couple of days ago, I had a visit from General Omar Suleiman, the head of the Egyptian military intelligence. We discussed the possible terms for what may emerge as a cease-fire in the Gaza district. The fact is that while Gen. Suleiman was visiting here, Qassam rockets were still fired at innocent people in the South of Israel and two people were killed. And this is a very threatening signal. An organization which pretends to want to stop terror can't continue to shoot at innocent people. We will make exceptional efforts that it will not expend, but Israel naturally will not be able to tolerate continuous attacks on innocent civilians. We hope that we will not have to act against Hamas in other ways with the military power that Israel has not yet started to use in a serious manner in order to stop it. But it entirely depends on responding positively to the principles set forth by me and by the Israeli Cabinet in order to stop these operations."

FM Tzipi Livni addresses AHLC Donors' Conference in London (2 May 2009): "Gaza is controlled by Hamas - an organization that continues to reject the Quartet principles and has turned Gaza into a launching pad for daily terror attacks that traumatize Israeli civilian communities. Our shared strategy requires that we continue the policy of de-legitimizing those who reject the core principles of peace based on the vision of two nation States. The situation in Gaza is an intolerable one for Israel's citizens, but it is not just Israel's problem. As long as it is controlled by a terror organization, Gaza will be a major obstacle on the path to

the creation of a Palestinian State. (...) Our strategy is based on the basic principle that Palestinian aspirations can be realized only in the negotiation room and never through terror. It is for this reason that we are committed to the negotiations, and it is for this very same reason that we - Israel, the legitimate Palestinian government, the Arab world, and the entire international community - cannot afford to appease or reward Hamas. (...) At the same time, I want to make clear that our policy in the Gaza Strip continues to distinguish between the terrorist organizations and the civilian population. Israel remains committed to facilitating humanitarian assistance and will continue our cooperation with international organizations engaged in this effort. (...) The reality is that Israel has shown more concern for the welfare of civilians in the Gaza Strip than Hamas ever has."

FM Livni in response to terror attack at Nahal Oz (Apr 9 2009): "Hamas, which rules in Gaza, can prevent any terror activity emanating from Gaza. The question of which terror organization carried out the attack or was sent by Hamas is irrelevant. Responsibility for every terror attack lies with Hamas - and Hamas must bear the consequences."

PM Olmert to Czech PM Topolánek (Mar 10 2009): "I said that we do not wake up in the morning and look for a reason to fire at terrorists in Gaza. We fire because they fire at us; we fight because they fight us. If terror stops, if the Kassams stop landing on the residents of Sderot, and the Grad missiles stop landing on the residents of Ashkelon and the Gaza envelope communities and they return to a life of quiet and tranquility; if there is no more terrorist activity; if there will be no more weapons smuggling; if there are no violent actions directed at Israel - Israel will have no reason to fight the terrorists there. (...) The Minister of Defense repeated this statement today, and my statements from several days ago - as well as those today - accurately reflect Israel's policy. There is no agreement; there is no negotiation, neither directly or indirectly. There is an unequivocal Israeli demand which will not change, and if this demand is met, in any case negotiations will not be necessary."

FM Livni to the Diplomatic Corps (Mar 3 2009): "If we let Hamas know that by using terror they win the cessation of negotiations, this will only give them a good reason to continue terrorism. We decided to enter the negotiating room because in so doing, we can create a genuine alternative to Hamas and undermine Hamas at the same time...

Hamas are not going to be the ones who decide when to start targeting Israel and when to stop. We are going to change the rules of this game. We will continue in different operations until they understand that cessation of violence is something which relates also to Israel's need to ensure the security of its citizens and to prevent any kind of a buildup of forces through the Philadelphi Corridor."

PM Olmert at Knesset session in honor of the President of Hungary (Mar 3 2009): "[This is] a difficult time of severe escalation in the Hamas and Islamic Jihad terror attacks, supported by Iran, against cities and communities in the south of Israel. Rampant rocket firing from the Gaza Strip against our citizens has been going on for seven years and Israel will be forced to step up its operations until we achieve cessation of terror from Gaza against our citizens. I hope and believe that the members of the European Union will understand and support those necessary steps that we will take in order to put an end to this intolerable situation. Israel seeks peace and aspires to achieving it. In these very days, negotiations launched at Annapolis between the President of the Palestinian Authority Abu-Mazen, Prime Minister Salem Fayyad and me, continue. However, Israel will not acquiesce to the continued rocket firing and the attempts to establish a Hizbullah-like armed, terrorist and fundamentalist military base on its border."

PM Ehud Olmert to Cabinet (Mar 2 2009): "Nobody has the right to preach morality to the State of Israel for taking basic action to defend itself and prevent hundreds of thousands of residents of the south from continuing to be exposed to incessant firing that disrupts their lives."

Israeli statement to UN Security Council emergency meeting (Mar 1 2009): "Israel has exercised restraint for many months now. This has been in spite of the constant firing of rockets and mortar shells on our towns and villages in southern Israel, every single hour, every single day. And this is in spite of Hamas' attempt to carry out terrorist attacks wherever they can target and kill an Israeli. While Israel has been showing restraint, Hamas has showed no intention of ceasing its vicious attacks. Since Wednesday (27 Feb), more than 150 rockets were fired at Israel, dozens in the past 24 hours alone. More than a quarter of a million Israeli citizens are in the range of the deadly and murderous weapons of Hamas, care of Hamas, of its backers in the region and their malicious vision."

DM Ehud Barak (Mar 1 2009): "The operation in Gaza is ongoing. Hamas will be held responsible... We are not happy Gaza residents are hurt, but the responsibility lies with Hamas and those firing rockets. Our responsibility is to keep the residents of Sderot, Ashkelon and the Gaza vicinity communities safe, and that we will do."

PM Olmert's Speech at the Knesset Regarding the War in the North August 14, 2006: "Madam Speaker, I also take this opportunity to express gratitude and appreciation, on behalf of the people of Israel, to the Chief of General Staff, IDF commanders, the soldiers in the regular army and in the reserves; to those tens of

thousands, who even now are endangering themselves, displaying supreme courage, in the struggle against a cruel enemy, in a struggle which is the most just and moral.(...) The decision by the Government of Israel not to ignore the situation, echoed, and will continue to echo in world capitals both near and far. It clarified to all peoples and nations that the State of Israel would not absorb any more attacks on its sovereignty and would not restrain itself anymore when its citizens were harmed. Furthermore, it would respond with force to any act of terror, from the north or the south, from the east or from the sea. Anywhere. (...) The leaders of this terrorist organization went underground, and from there they are busy spreading lies and hiding the truth of the cost to them and their people. In this regard, I wish to clarify: these people will not be exonerated. They will not be exonerated. We will continue to chase them wherever they are and for however long it takes. It is our moral duty to ourselves, and we have no intention of apologizing or asking permission from anyone to do so. (...) We spoke out of a sense of profound responsibility towards every citizen on the front line and on the home front, and we knew – we all knew – that there was no choice but to embark on this campaign. Otherwise, we would have found ourselves facing even greater dangers in the future. (...) We will not hesitate to examine everything which requires examination. We will hide nothing, nor will we cover up. This is the lifeblood of a democratic society. However, we will not do this because of screaming and the hurling of accusations. We cannot afford the luxury of wallowing in wild arguments and mutual recriminations. We cannot afford this luxury because we must ensure that the next time – and there may well be a next time – things will be done better. Even if we think we learned all the lessons, even next time there will be things which must be fixed. Because, ladies and gentlemen, this is war."

Statement by FM Livni on Hizbullah attack from Lebanon, July 12, 2006: "Israel was attacked today from Lebanon. Hizbullah is a terrorist organization, which is part of the Lebanese government. The international community, including the Security Council, has demanded, repeatedly, time and again, that the government of Lebanon dismantle Hizbullah. Lebanon has failed to act and today's aggression is the result. Israel views the government of Lebanon as responsible for today's unprovoked aggression. There is an axis of terror and hate, created by Iran, Syria, Hizbullah and Hamas that wants to end any hope for peace. The world cannot let them succeed. In these circumstances, Israel has no alternative but to defend itself and its citizens. We also expect the international community to act. We will fight back, in order to fight for peace."

Israels response to statement of international conference for Lebanon 26 July 2006

(Communicated by the Foreign Ministry Spokesman)

Israel joins the international community in its demand, as expressed in Rome today (Wednesday, 26 July 2006), to bring about the full and immediate implementation of United Nations Security Council Resolution 1559 and the G-8 statement of 16 July 2006, which include the demand for the disarming of Hizbullah and the exercise of the Lebanese government's sovereignty, through its army, over the entire country. Israel also stresses the demand of the G-8 for the unconditional release of its abducted soldiers and the cessation of all rocket attacks on Israel. Israel shares the international community's position that full implementation of these resolutions is needed in order to bring security and stability to the region. Israel is forced to continue to defend its citizens, because of the failure to implement these resolutions so far. Israel expects that, pursuant to the Rome statement and the responsibility placed on the Government of Lebanon, the international community will act immediately to strengthen the Lebanese Army and turn it into a force capable of implementing these obligations.

The UN General Assembly ignores terrorism, November 19 2006

The Ministry of Foreign Affairs issued the following statement in response to the resolution adopted by the General Assembly on Friday, 17 November 2006: We regret the resolution passed by the UN General Assembly on Friday, which once again expressed the automatic majority held by the Arab countries in this forum. What is particularly outrageous is the ignoring of the ongoing terrorism against Israeli civilians by the Palestinian terrorist organizations, including the suffering this causes the population and the damage to its property. Resolutions of this nature subvert the position of the United Nations and undermine Israel's trust in this body. Israel has already expressed regret regarding the incident in Beit Hanoun; it has been investigated and the lessons drawn. We expect the United Nations to show a more balanced and fairer approach toward Israel and not to automatically adopt any notion from those whose only desire is to discredit Israel.

Policy Monographs on International Relations, Security Affairs and International Law

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Any analysis of the recent conflict in Lebanon must take into consideration broader events in that country over the preceding years. During the past 24 years, the Hizbullah terrorist organization has created a veritable "state within a state" in Lebanon, amassing an enormous modern arsenal, tons of ammunition and thousands of highly trained fighters. In 2000, Israel withdrew all its forces from southern Lebanon in full compliance with UN Security Council Resolution 425.

However, this full withdrawal, confirmed by the United Nations, was not accompanied by the deployment of Lebanese armed forces throughout the country as required by the Resolution. Indeed, the entrenchment of Hizbullah continued apace. Subsequent to Israel's withdrawal, Hizbullah took over all of southern Lebanon, using it as a base to perpetrate terrorist attacks against Israel. Hizbullah claimed responsibility for numerous raids targeting Israeli civilians, including children. Hizbullah also initiated cross-border shelling aimed at the Har Dov area. For example, during October 2000, just months after Israel's withdrawal to the UN sanctioned "Blue Line" border, Hizbullah terrorists crossed into Israel and kidnapped three IDF soldiers. They were taken to Lebanon and held captive without being allowed ICRC visits. They were subsequently killed and their bodies held as bargaining chips. Hizbullah continued to carry out attacks on Israel. On March 12, 2002, a Hizbullah shooting on the road from Shlomi to Metzoba claimed five Israeli civilian lives. From March 30 to April 13, 2002, mortar and Katyusha missile fire, unleashed by Hizbullah, wounded Israeli children and other civilians. On January 9, 2005 a Hizbullah roadside bomb attack killed one IDF soldier. On January 14 and 17, 2005 Hizbullah detonated explosives along the border. On June 29, 2005 a heavy exchange of fire between Hizbullah and Israeli forces resulted in the death of one IDF soldier and the wounding of four others. Two Hizbullah gunmen were also killed. These and other violations of the border, including by Palestinian forces, prompted the UN to call on Lebanon to "double its efforts in order to ensure an immediate halt to serious violations of the Blue Line." (...) Hizbullah's belligerent preparations were accompanied by equally belligerent rhetoric and threats on the part of its leaders. Sheikh Hassan Nasrallah proudly declared his intentions towards Israel in the New York Times, stating, "If Jews all gather in Israel, it will save us the trouble of going after them worldwide."

II. The outbreak of the recent conflict and hostilities initiated by Hizbullah

On July 12, 2006, Hizbullah fighters infiltrated Israel's internationally recognized northern border in an ambush which resulted in the deaths of eight IDF soldiers and the kidnapping of two. To provide cover for their fighters in this carefully orchestrated attack, a barrage of Hizbullah missiles was fired simultaneously at a number of civilian targets across northern Israel. In the course of the conflict that it had initiated, Hizbullah's operations entailed fundamental violations of international humanitarian law. Most specifically, it willfully violated the principle of distinction, which obliges parties to a conflict to direct their attacks only against military objectives and prohibits the use of civilians as "human shields" in the arena of combat. Throughout the conflict, Hizbullah demonstrated cynical disregard for the lives of civilians, both on the Israeli side, where it targeted them, and on the Lebanese side, where it used them as "cover".

Deliberate attacks on civilian targets

Hizbullah, as a deliberate strategy, carried out missile attacks against Israeli population centers.

In the course of 34 days of fighting (July 12 - August 14, 2006) approximately one third of the population of the State of Israel - about two million people - were placed within striking range of the thousands of missiles launched indiscriminately by Hizbullah. Missile attacks were launched against large cities such as Haifa, historic towns containing religious sites and archeological sites, such as Safed, Nazareth and Tiberias, farming communities such as Meron and villages such as Majdal Krum. (...) In the course of the conflict, 43 Israeli civilians - Arabs and Jews alike - were killed, including seven children. Thousands of civilians required medical attention: 604 civilians were wounded (with various degrees of severity) and an additional 1,210 were treated for shock. The number of displaced people was estimated at between 350,000 to 500,000 while about 1,000,000 people were confined to bomb shelters. (...) In addition, 23 schools, four kindergartens and two community centers were damaged. During the conflict, hospitals were damaged in Nahariya, Haifa, Safed and Mizra. One of them - a psychiatric hospital - had to be evacuated. (...) Hizbullah not only violated humanitarian principles by deliberately targeting civilian areas, but also by using Katyusha missiles loaded with lethal anti-personnel ball bearings, intended to maximize civilian casualties. It should be stressed that Hizbullah made no attempt to hide its intention to target civilians as a matter of policy. Indeed, the only concern expressed in the course of the conflict was that Arab Israelis should leave targeted areas so that only Jewish civilians would be killed and wounded. (...)

Failure to distinguish combatants from civilians

Hizbullah fighters made no attempt to comply with the legal and moral humanitarian obligation to distinguish themselves from civilians. To the contrary, Hizbullah fighters wore civilian clothes to render themselves indistinguishable from Lebanese civilians and deliberately hid weapons and ammunition in the heart of populated civilian areas in a cynical attempt to exploit the protections associated with civilian status under international law and in reckless disregard for the safety of those civilians and civilian objects. During his visit to Beirut, UN Under-Secretary General for Humanitarian Affairs Jan Egeland, publicly condemned Hizbullah for causing the deaths of hundreds of Lebanese civilians: "Hizbullah must stop this cowardly blending among women and children." When Hizbullah boasted to the international press that they had lost very few fighters and that it was the civilians bearing the brunt of the hostilities, Egeland stated: "I don't think anyone should be proud of having many more children and women dead than armed men."

Likewise the Special Rapporteurs sent by the UN Human Rights Council to examine the conflict in Lebanon, although understating the phenomenon, stated in their report, "It is clear that Hizbullah made at least some use of houses and other civilian sites to hide or conceal military activities" and confirmed that they had seen "video material unmistakably showing rockets being launched from civilian residential buildings in South Lebanon. This conduct was a clear violation of international humanitarian law obligations." (...)

III. The Israeli Response

A) The Israeli Government's decision to respond incrementally

(...) Even following the Hizbullah attack of July 12, 2006, Israel sought to avoid an escalation of the conflict. The Israeli government gave Syria and Hizbullah a 72 hour ultimatum to stop Hizbullah's activity along the Lebanon-Israel border and to release the two kidnapped IDF soldiers, and so avert the conflict. The ultimatum went unanswered and the missile attacks on Israel intensified.

B) Guiding principles underlying IDF conduct

In responding to the threat posed by Hizbullah's terrorist attacks, and notwithstanding the fact that Hizbullah made no effort to comply with the principles of humanitarian law, the IDF regarded itself as bound to comply with the established principles of the law of armed conflict.

Indeed, IDF orders, doctrine and education make clear that soldiers are obligated to act in accordance with international law and custom, including the Geneva Conventions. For example, the Chief of Staff's Order No. 33.0133 obligates every IDF soldier to conduct him/herself in accordance with the Geneva Conventions. See also a recent IDF educational publication on the Law of Armed Conflict entitled, "The Law of War on the Battlefield" which also makes clear the obligation of IDF forces to abide by the laws and rules of international law. In seeking to implement these principles of international humanitarian law, a number of key questions arise in relation to any operation under consideration, including: 1) Is the target itself a legitimate military objective? and 2) Even if the target is, in itself, legitimate, is there likely to be disproportionate injury and damage to the civilian population and civilian property?

- Legitimate military objectives

The generally accepted definition of "military objective" is that set out in Article 52(2) Additional Protocol I of the Geneva Conventions, which provides:

Insofar as objects are concerned, military objectives are limited to those objects which, by their nature, location, purpose or use make an effective contribution to

military action and whose total or partial destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage. Regarding military targets, the IDF's "Law of War on the Battlefield" provides, "A military target subject to attack is a target that by its nature, location, purpose or use effectively contributes to the military campaign of the other side, and its neutralization will offer a clear military advantage to the attacking side." It goes on to explain that there are certain objects that are normally immune from attack such as medical facilities and staff, religious sites and cultural assets, the basic needs of the civilian population (such as food products, agricultural areas and sanitation facilities, etc.), locations that would pose an environmental risk if they were attacked, and civil defense personnel. It should be stressed that if a location is a legitimate military objective, it does not cease to be so because civilians are in the vicinity. (...)

Clearly, the deliberate placing of military targets in the heart of civilian areas is a serious violation of humanitarian law, and those who choose to locate such targets in these areas must bear responsibility for the injury to civilians which this decision engenders. (...)

- Proportionality

A further legal requirement is that the potential harm to civilians and civilian objects expected in any attack must be proportionate to the military advantage anticipated. (...) While the principle is clear, in practice weighing the expected military advantage against possible collateral damage can be an extremely complex, especially in the heat of an armed conflict. (...) The answers to these questions are not simple. It may be necessary to resolve them on a case by case basis, and the answers may differ depending on the background and values of the decision maker. It is unlikely that a human rights lawyer and an experienced combat commander would assign the same relative values to military advantage and to injury to noncombatants.… It is suggested that the determination of relative values must be that of the "reasonable military commander." The test of proportionality to be applied in a case of armed conflict (jus in bello) is broader that that applied under the principles of self-defense outside the context of actual warfare (jus ad bellum). But it should be noted that the policies applied in practice by the IDF conformed even with this stricter test of proportionality. In relation to the self-defense standard, it should be recalled that international law provides that the proportionality of a response to an attack is to be measured, not in regard to the specific attack suffered by a state, but in regard to what is necessary to remove the overall threat. (...) Accordingly, the right of self-defense includes not only acts implemented to prevent the immediate threat, but also to prevent subsequent attacks". In Israel's case this means that its response had to be measured not only in respect to the initial Hizbullah cross-border attack, or even the 4,000 missiles fired at Israel's northern towns and villages, but also against the threat of the tens of thousands of missiles which Hizbullah had amassed and continued to receive from Iran and Syria. (...)

The presence of civilians in the area, however, does not stop a military objective from being a legitimate target. This is the law, as noted above, and reflected in state practice. Notwithstanding the above, it should be noted that even when civilians were in the vicinity of military objectives, Israel made significant efforts to avoid, and in any event to minimize, civilian casualties. Every operation was considered on an individual basis to ensure that it met the requirements of international law, including the test of proportionality. Frequently, this meant the rejection of proposed military operations when the likelihood of collateral damage to civilians and their property was considered too high. On other occasions, it meant that operations were conducted in such a way as to reduce the likelihood of incidental damage, in terms of the timing or operational aspects of the attack. Finally, whenever possible without jeopardizing the operation,(22) Israel issued advance notice to the local residents through various media, including dropping leaflets, radio broadcasts and contacts with local leaders, to distance themselves from areas in which Hizbullah was operating and from places in which its weaponry was being stored.

D) Operations against infrastructure used to support terrorist activity

The guiding principle adopted by the IDF was to target only infrastructure that was making a significant contribution to the operational capabilities of the Hizbullah terrorists. This meant that, for the most part, Israeli attacks were limited to the transportation infrastructure. Most of the other infrastructure (medical, cultural, railroad, tunnels, ports, banking, manufacturing, farming, tourism, sewage, financial, electricity, drainage, water and the like) was left almost completely untouched. All IDF operations in Lebanon were directed against legitimate military objectives, and specifically in relation to infrastructure (...)

Despite the urgent need to prevent the continuous firing of missiles into Israel by Hizbullah, Israel recognized the need to take measures to avoid, and in any event to minimize, civilian casualties. Among the measures taken by Israel was the printing of millions of fliers, written in Arabic, which were dispersed over populated areas, explaining that due to Hizbullah activity, residents should evacuate these areas in order to avoid being hurt. These messages were also broadcast through PA systems and through radio broadcasts on the Al-Mashrek station, broadcasting out of Israel in Arabic. Additionally, Israeli officials contacted the mayors and local leaders of a number of villages in order to ensure the evacuation of residents. (...)

Humanitarian issues

In the course of the conflict, numerous acute humanitarian issues arose. Despite the ongoing conflict, Israel sought to find practical and effective ways to address these issues and to alleviate suffering. These efforts included steps taken to facilitate access of humanitarian assistance to civilians within Lebanon. An operations room was set up in northern Tel Aviv to coordinate international efforts to provide aid to Lebanon. This facility was headed by senior IDF staff and manned by representatives of the Israeli Foreign Ministry, the United Nations and the International Committee of the Red Cross. At the same time Israel established a "humanitarian corridor" to enable shipments of aid to reach Lebanon despite the ongoing hostilities. A sea-route to Lebanon was established through the port in Beirut, and a land route was designated from Beirut northward along the coast to the Syrian-Lebanese border. Throughout the hostilities, Israel coordinated humanitarian issues with the international community, even expanding the corridor to include other points of entry, and establishing a special 'humanitarian headquarters' to direct the coordination efforts. (...)

In the words of Professor Zev Rothstein, Director-General of the Sheba Medical Center at Tel Hashomer: We are not to blame for this war. We don't ask who is to blame. We have an open Jewish heart. Our aim is to save lives and reduce misery. We don't hate like the terrorists….We have housing for Lebanese families and food at no cost….We will take all who need us, including adults….all the costs are paid by donors…if a child were brought here, we would not ask whether his father is a terrorist.

IV. Conclusion

Israel's military operations in Lebanon took place in the context of a clear asymmetry with regard to the implementation of principles of international humanitarian law: Hizbullah, in clear violation of these principles, deliberately targeted Israeli civilians, while attempting to use the cover of civilians and civilian structures in order to stockpile its weapons, hide its fighters and fire missiles into Israel. Israel, on the other hand, held itself bound to apply the principles of humanitarian law, even while facing an opponent who deliberately flouted them.

In doing so, Israel took pains to ensure that its operations were directed against legitimate military targets and that in conducting its operations incidental damage to civilians was kept to a minimum, both by ruling out attacks which would cause disproportionate damage and by giving advance notice wherever possible. A survey of international practice suggests that the steps taken by Israel to address humanitarian considerations corresponded to, and often were more stringent than, those taken by many western democracies confronting similar or lesser threats.

The suffering of civilians was a tragic reality on both sides of the conflict. Israel made strenuous efforts to reduce this toll, both by protecting Israeli civilians and by seeking to minimize civilian suffering on the Lebanese side. Following the conflict, Israel has also undertaken numerous investigations and analyses with a view to learning lessons from the conflict and to enabling improvements to be made in the future. Israel's efforts in this regard should not, however, diminish the ultimate responsibility of those who callously and deliberately used the Lebanese civilian population as a shield, for the suffering that inevitably resulted from their actions. (...)