

## Morality, Ethics and the challenging problems of the Iron Swords War

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### Introduction

In any responsible, well-ordered organization, a complex activity will be followed by an in-depth investigation so that lessons can be learned from experience and conclusions can be drawn for professional, organizational conduct should the need for further activity arise in the future.

The investigation should focus on the activity's most important aspects, which in a military organization are combat and command. However, to improve the organization and the outcome of its future activities, other aspects will have to come into play. The objective of this article is to define which aspects of the Iron Swords War should be investigated.



(Source: [istockphoto.com](https://www.istockphoto.com) website)

Three issues concern us here: first, morality manifested by the obligation to preserve individual dignity in all circumstances, regardless of who the individual is; second, the principles of waging a just war as developed in philosophical thought over many centuries; and third, the standards and principles of the IDF as presented in the document entitled “Spirit of the IDF”, which is the IDF code of ethics. We will not deal with the ethical codes of the Israeli

General Security Service (Shabak) or the Israel Police, which need to be dealt with separately, nor will we deal with the legal aspects of the war, because legal investigation is the province of jurists. However, we will not stray from the principles of just war theory when they are tangential to the legal field, because the theory is at the foundation of international law of war and its recognized conventions.

It is important to investigate ethics and morality for several reasons, first of all because they form the foundation of both the State of Israel and the IDF. Not only was Israel founded on the democratic principles of human dignity, freedom, fairness, justice and equality, as expressed in laws and court rulings, but in the spirit of the Zionist aspirations which led to its establishment, Israel regards itself as a member of the family of nations, the community of enlightened countries whose actions, judgment and conduct are supposed to reflect moral principles. When the State of Israel goes to war or conducts combat operations, it is supposed to act according to those values and principles.

The IDF has a distinct ethical identity which should guide the conduct of every commander and every soldier in every military situation. The IDF has the same principles as does every military organization: adherence to the mission, professionalism, discipline and comradeship, but the IDF also has unique ethical principles which guide its actions and defend human dignity, namely, preserving life and maintaining “purity of arms”. The IDF's principles should be expressed both by the organization which is the state's military arm, and by each individual soldier and commander when undertaking military actions and acting as the IDF's representatives.

Loyalty to the principles of the State of Israel and of the IDF are of extreme importance in all combat situation, especially because the enemies the IDF and their combatants do not share its values, neither in general nor individually. The differences between the enemy's values and principles of conduct and those followed by the state and the IDF have to be strictly observed so that enemy norms influence neither the identity of the State of Israel nor of the IDF. Israel is currently fighting an enemy who disregards all moral principles, whether of democracy, restraint, the just war theory or accepted practices of compassion and human dignity. The circumstances of the confrontation create a danger that we might exempt ourselves from following our own principles, and our desire for revenge might be suggested by the enemy's behavior. Only a clear construct of the values and principles which guide the actions of those who wear the IDF uniform and the successful implementation of its values can protect our identity from the enemy's influence.

### Justifying Israel's actions

War is complex, with various elements which demand moral scrutiny and evaluation, each of them individually. The first is war's very existence, the decision to wage it in a complex system of military operations. The decision to go to war means sending soldiers to carry out dangerous operations, and it has to be morally justified.

The Iron Swords War began as a war of self-defense. Israeli civilians, soldiers and guest workers were attacked and massacred by the forces of terrorist organizations whose objectives were murder, rape, abduction to Gaza and physical damage and material destruction on an unprecedented scale. It was an attack on the State of Israel itself and its goal was to take control of areas and attack deep within its territory.



The surprise attack on Israel, October 7th, 2023 (Source – Wikipedia)

A state has the innate right and obligation to defend itself and its inhabitants with military action against enemy forces and the enemy's aggressive capabilities, and therefore initiating the Iron Swords War was clearly justified.

The moral concept of self-defense is not limited to stopping an individual attack. When the enemy has shown its capabilities and preparedness to attack, it is reasonable to assume it will repeat the attack on a future occasion. The concept of self-defense means military measures can be employed to destroy the enemy's ability to attack again, not only immediately but in the foreseeable future.



'Sunday Express' front page describing Hamas horror attack along the border with the Gaza Strip.

The terrorist organizations not only attacked and massacred men, women and children, but also abducted civilians, soldiers and guest workers to the Gaza Strip. A democratic state clearly has the obligation to all the hostages to affect their release, through both practical action and negotiation. The imminent danger to their lives and safety is extreme and not directly addressed by the state forces. No danger is more serious to the lives and safety of citizens, and therefore their rescue is of the highest importance to the self-defense of the state. The IDF's military activities at the beginning of the war destroyed a significant part the terrorist organizations' capabilities and force and the danger they now pose to the country and its inhabitants is far smaller than the danger threatening the hostages, thus rescuing them is more important than eradicating the terrorist organizations.

Israel's actions had to be justified not only at the beginning of the war, but at every stage where a decision has been made to continue fighting for new objectives according to new policy decision, and to continue endangering the soldiers' lives. From the perspective of the state's obligations to its soldiers, justification for the war will continue as long as its objectives are necessary, despite the danger to the lives of the combatants. If there is no moral justification to tell the soldiers that there is no choice other than combat, there is a danger that soldiers who die will have fallen in vain. A democratic country cannot be in a situation where fighting continues for political or personal considerations without the justification of absolute necessity.



'Daily Mail' front page brings the story of Noa Argamani, being kidnaped by Hamas 'Nuhba' terrorists, taken on motorcycle to Gaza.

Here is the place to add that among the considerations that the state cannot use to justify the war, either when it begins or as it continues, is the concept of revenge. The principles of preserving human dignity, the doctrine of just war and the values of the IDF, including the purity of arms, of themselves obviate all vindictive, deadly, cruel and shameful behavior towards non-combatants in Gaza, among them countless children.

### The value of human life

One of the most important principles of the IDF code of ethics is the value of human life, which expresses part of a person's dignity as a human being, which is at the foundation of Israel's democratic regime. There are many aspects to the principle of preserving human life, including safeguarding the lives of citizens, residents and soldiers, and taking care not to harm Gazans who are not involved in terrorist activity against the state and its inhabitants.

The dedication of the IDF soldiers to safeguarding the lives of all the inhabitants of the country has characterized their military activity throughout the war and deserves to be highly praised.



(Source: ChatGPT)

There is one reservation: at one time there was a dangerous misunderstanding of the Hannibal Directive, which deals with preventing the abduction of a soldier despite some risk to his life. The order forbade actions which would result in the soldier's certain or highly probable death. The concept that soldiers may kill the soldier to keep him from falling into enemy hands is immoral and contrary to the values of the IDF. Although the Directive was canceled by Chief of Staff Eisenkot, the concept remained. Articles were published claiming that the order had been misinterpreted and shots had been fired resulting in the deaths of soldiers and civilians. I don't know if there were indeed cases where commanders or soldiers actually did implement the order, mistaken as

it was, but the possibility it happened means one of the most important moral assessments of warfare has to be better taught and implemented.

The principles of morality and of the theory of just war require avoiding, insofar as is possible, harming people living in the enemy country if they do not participate in the hostilities. Every aspect of intentionally harming non-combatants is wrong: it violates the duty to preserve human dignity, it violates the principle of distinguishing between hostile forces and non-combatants according to the just war theory, and it violates the IDF value of the purity of arms. I am unaware such violations have been committed during the Iron Swords War.

Western media and international institutions have spread the claim that tens of thousands Gazans have been killed in the war. Even if one takes into account the enemy's familiar practice of falsifying data, there is still no doubt that many thousands of non-involved Gazans have

died, a fact which has to be considered by anyone whose principles include the sanctity of human life.

The principles of morality and of the just war theory allow, under certain circumstances, for non-combatants to be harmed during military activity. The situations allowing such damage without condemnation are those in which combatants and non-combatants are found together in such a way that the enemy cannot be attacked without causing danger to non-combatants. The theory of just war introduced the idea of proportionality, which allows harm to non-combatants if it is not excessive in relation to the military benefit expected from the action it entails.

The Israeli Air Force and other IDF branches operate according to the principle of proportionality. We cannot know which equations allow non-combatants to be harmed in situations where significant military benefit can be expected. In a targeted killing, familiar outside the context of war, considerations of proportionality seem reasonable. It is possible that considerations of proportionality during air and ground activity in the Iron Swords War, restraint may have been insufficient to pass the proportionality test of morality.

Beginning in August 2023, the United States Secretary of Defense led an impressive, organized effort to reduce harm to those not involved in the military activities of American forces, and a great deal can be learned from his demands and organizational steps. I saw no influence of his steps on conduct in Israel. I made one attempt to bring the spirit of his effort to the attention of the public and to provoke a responsible discussion; it was unsuccessful.

### Professionalism

Military activity involves giving orders to commanders and soldiers in a wide variety of professional, specialized areas. A comprehensive, responsible, expert investigation of the war will have to delve deeper into each of those areas. Professionalism is an IDF principle and a central pillar of the State of Israel's ability to meet its obligations.

At first glance, the range of possible assessments is obvious, from the stunning professional failure of certain intelligence units to warn of the expected attack, its timing and methods, to the unprecedented professional success of the medical corps in saving the lives of an enormous number of wounded soldiers. The overall investigation will have to deal with all the aspects, but it is already worth noting two of them:

First, in early July 2024, data on IDF losses during the war were published: 320 soldiers had been killed since the beginning of the ground maneuver, of whom 51 were killed in operational accidents, including 28 who were killed by friendly fire as well as five in shooting errors. Apparently, a significant number were victims of military conduct which did not meet the demanded, expected professional level. A responsible investigation should lead to full professional improvement.

Second, the success of the medical corps in rescuing wounded soldiers can be explained on the one hand by loyalty to the IDF creed of the sanctity of life, but no less by the loyalty of the

army medical staff to medical ethics. The combination of military ethics and medical ethics is a force multiplier that deserves to serve as an example and be emulated. It can be justifiably assumed that if the officers in the intelligence divisions had a code of ethics corresponding to that of the medical corps, at least some of the intelligence failures would have been avoided in the recent war. The attempts made in recent years to establish a code of ethics for military intelligence progressed to an advanced stage but not to a successful conclusion, not for practical reasons but because of a problematic organizational culture.

### Statehood and discipline

During Aviv Kochavi's tenure as IDF Chief of Staff, the value of statehood was added to the "Spirit of the IDF", the IDF code of ethics.

Statehood requires military activity for the benefit of all and has been fundamental to the IDF's identity from the day it was founded. Statehood has diverse practical implications. One is that every military action a soldier takes must follow orders and procedures, including orders for opening fire, and IDF values. Any action based on other considerations is invalid because according to the operational regulations it has not been carried out in the name of the IDF. It is also dangerous, because if a soldier recently heard his commander make a statement based on external considerations, he may question the validity of his commander's orders. Thus, such conduct is liable to be contrary to the values of statehood and discipline.



LG Aviv Kochavi, IDF's Chief of Staff  
(Source: IDF spokesperson)

During the war foreign correspondents showed me hundreds of videos uploaded to social networks by soldiers in the combat zones who had photographed themselves and asked me what I thought about them. The distribution of such videos is contrary to the principles of statehood and discipline and is also against the orders.

After watching hundreds of videos, I allow myself a cautious generalization: they were all taken by reservists, in only one video did I see officers (a captain and a major) and in no video did I see female soldiers. Beyond the mere fact of uploading the videos to the social networks, the acts depicted a wide range of improper conduct. While there was not one single act which could even broadly be described as depicting "genocide," I did see photographs of acts that clearly violated IDF values, especially human dignity, statehood and the purity of arms.

The videos draw attention to a fundamental problem regarding the assimilation of IDF values by those who wear the military uniform. During their years of conscription service soldiers live in a framework bound by IDF values, their meaning and importance. When they report for reserve service, years may have passed since they last heard a reliable explanation of what those values are. I allow myself to assume that few of them have heard an explanation of statehood. Comprehensive, responsible, innovative concepts and methods are necessary to reinstall the IDF's values in the hundreds of thousands of reserve soldiers participating in the war.

## Corporate culture

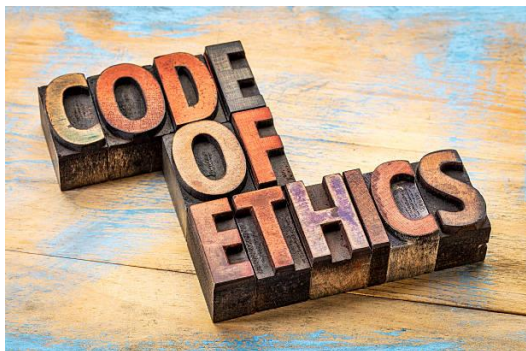
A responsible investigation of war will of necessity shed light on many aspects of the overall picture. Some of them reflect the IDF's organizational culture and the investigation will provide a rare opportunity to consider them as part of a process to improve the IDF. Unfortunately, they may be seen as less important and less urgent to investigating the war and drawing conclusions, and therefore liable to be neglected. Here are a few aspects that should not be ignored.



Corporate culture (Source: [hrus.co.il](http://hrus.co.il) website)

First, the matter of a commander's resignation: those calling for the resignation of commanders of units which failed in war did not understand the situation and had no responsibility for it. Immediate resignation has only symbolic value and not even that when the commander admits his failure and overall responsibility for a failure he did not prevent. His resignation has value only if it comes after an investigation and a process leading to an improvement in the unit's activities. Merely replacing one commander with another does not guarantee improvement. There has to be a solid foundation for every step in the process which also includes resignation and replacement.

Second, the rules of operation: to the extent the IDF's values and norms guide the fighter's conduct, they were supposed to be part of the IDF's code of ethics, "The spirit of the IDF:



(Source: [istockphoto.com](http://istockphoto.com) website)

principles and basic principles." The 1994 code had 34 practical principles which were disgracefully deleted in 2001, ordered by Chief of Staff Mofaz to be restored, but to this day the order has not been carried out. If the IDF had principles properly explained, understood and assimilated, many historical IDF mishaps could have been avoided. Unfortunately, an attempt made several years ago to adopt a system of principles (rules of conduct) based on the activity of 25 commanders' teams, was not confirmed by the General Staff.

Third, organizational memory: anyone who follows complex, vital military activities, not with a passing glance but over a long period of time, sees the weakness of the IDF's organizational memory. More than once I found myself invited to help an activity that had already been completed long ago, but whose successful results had faded with the frequent changes of commanders. It is possible to reinvent the military wheel countless times, but it should have to happen.

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\*The article was written in July 2024. Asa Kasher is professor emeritus of professional ethics and philosophy and a senior researcher at the Institute for National Security Studies, Tel Aviv University. He won the Israel Prize in General Philosophy and the Yitzhak Sadeh Prize for Military Literature for the book Military Ethics. He has been a member or chairman of dozens of committees for constructing state and public ethical codes.