

## ***America's Distorted Moral Narrative***

**By Dexter Van Zile, Sr. Ruth Lutt, O.P., Esq. and Rev. James Loughran, S.A.**

### **Executive Summary**

In their assessment of the recent round of violence between Israel and its adversaries, the writers and editors of *America*, a weekly Catholic magazine, have exhibited a marked tendency to invoke the language of the just war doctrine to condemn Israel's behavior without fairly applying the principles this language is meant to portray. A fair and comprehensive application of the just war doctrine would draw attention to the patently unjust goals pursued by Hamas and Hezbollah, and the manner in which these groups have pursued these goals – issues that have been for the most part ignored in the pages of *America*. The magazine has also given short shrift to the threat a nuclear-armed Iran would present to the State of Israel. This is surprising in light of Iranian President Mahmoud Ahmadinejad's refusal to stop a uranium enrichment program in defiance of UN Resolution 1696 and his simultaneous call for Israel to be "eliminated from the pages of history." Downplaying this issue contradicts the church's prohibition against the use of nuclear weapons toward population centers.

### **Introduction – The Summer War of 2006**

On June 25, 2006, members of Hamas, a group openly dedicated to the destruction of Israel, launched an attack inside Israel's borders, killed two soldiers and kidnaped Corporal Gilad Shalit. This act of war, coupled with Hamas's failure to stop daily rocket attacks from the Gaza Strip into Israel prompted the Israeli government to send forces into the area. Hamas officials were captured and detained. Additionally, Israel initiated a campaign of air-strikes against targets in the Gaza Strip including a power station, bridges and roads in an effort to stop the movement of missiles and hinder efforts to transport Shalit to a more secure location.

As the fighting continued in the Gaza Strip, Hezbollah, another group openly dedicated to Israel's destruction, launched, without justification or provocation, a barrage of rockets at both civilian and military targets in northern Israel on the morning of July 12. Soon thereafter Hezbollah crossed into Israel, killed eight soldiers and kidnaped two others – Ehud Goldwasser and Eldad Regev.

Despite the fact that Israel was a victim of two unprovoked attacks from territory from which it had previously withdrawn, certain commentators persist in condemning Israel for responding in an allegedly disproportionate manner. This reveals a disturbing double standard. Fifty-eight years of non-stop aggression against the Jewish state has

resulted in a selective habituation. Violence against Israel has become an unremarkable part of life in the Middle East – background noise not worth mentioning. Israeli response to this violence however, continues to provoke severe criticism.

This seems particularly true in the pages of *America*, a Catholic weekly founded by the Society of Jesus in 1909 and currently edited by Fr. Drew Christiansen, S.J. In the moral narrative offered

by the editors and writers of this magazine, Israel is routinely portrayed as an aggressor nation that has overreacted to a couple of minor border incursions by Arab resistance groups. By using words such as “indiscriminate” and “disproportionate,” the authors of this narrative couch their criticism of Israel’s behavior in the language of the just war doctrine.

However, instead of applying this doctrine to the combatants in a comprehensive manner, the writers and editors of *America*, have used the language associated with the just war doctrine – but detached from its underlying principles – to portray Israel’s actions in a negative light. In short, the magazine uses just war language to condemn Israel while both failing to assess the behavior of Hamas and Hezbollah (and their supporters, Iran and Syria) in light of just war doctrine, and failing to apply the doctrine with any real integrity to Israel.

Moreover, *America* has downplayed the threat a nuclear armed-Iran would present to Israel, even as its leaders have called for Israel’s destruction. Iran’s pursuit of nuclear weapons, coupled with the stated desire of its leaders that Israel “must be eliminated from the pages of history,” raises the prospects that Iran will engage in “counter population warfare” which is explicitly and unequivocally condemned by Catholic teaching on war and peace.<sup>1</sup>

### **Catholic Social Teaching on War and Peace – A Summary**

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<sup>1</sup> Under no circumstances may nuclear weapons or other instruments of mass slaughter be used for the purpose of destroying population centers or other predominantly civilian targets. Popes have repeatedly condemned “total war” which implies such use. For example, as early as 1954 Pope Pius XII condemned nuclear warfare “when it entirely escapes the control of man,” and results in “the pure and simple annihilation of all human life within the radius of action.” (Pius XII, “Address to the VIII Congress of the World Medical Association,” in Documents of the World Council of Churches and the Roman Catholic Church (Geneva and Rome: 1982), p. 131. The condemnation was repeated by the Second Vatican Council. (See *Gaudium et spes* 80:3) (“Any act of war aimed indiscriminately at the destruction of entire cities of extensive areas along with their population is a crime against God and man himself. It merits unequivocal and unhesitating condemnation”).

There are two strains of thought regarding war and peace in Catholic social teaching. One is pacifism. The other is just war doctrine. Unlike pacifism, the just war doctrine does not portray war as something that can necessarily be abolished through a combination of good intentions and political activism.

Instead, it recognizes that while the Christian ideal is the total elimination of war, this is not always possible in the world in which we live. Consequently, there is a presumption against war, but it is coupled with an acknowledgment that war may sometimes be a consequence *of* and a necessary response *to* sin.

Because of the fallen nature of the world, government officials – imperfect as they are – may sometimes be forced to wage war to protect the nations they govern, to restrain evil and defend the weak. Because these leaders are themselves subject to sin, the thinking underlying the decision to resort to war and the manner in which war is waged are judged against strict standards of justice and conduct.

### **Evolution of Just War Doctrine**

Early Christian writers often, though not universally, condemned involvement in war. But from the time of Constantine on, Christian thought was more willing to acknowledge the necessity of war. St. Augustine helped develop what became the just war doctrine by defending war undertaken for the good of society and when its end was peace. The almost constant warfare of the Middle Ages led Catholic thinkers like Thomas Aquinas to develop a specific set of conditions under which just war may be waged. Peace remains the ideal to which the Church always strives, for as the Catechism of the Catholic Church notes:

**2307** The fifth commandment forbids the intentional destruction of human life. Because of the evils and injustices that accompany all war, the Church insistently urges everyone to prayer and to action so that the divine Goodness may free us from the ancient bondage of war. (see *Gaudium et spes* 81).

Thus there is a presumption against war. But the Catechism also states that:

**2308** [A]s long as the danger of war persists and there is no international authority with the necessary competence and power, governments cannot be denied the right of lawful

self-defense, once all peace efforts have failed.(see *Gaudium et spes* 79)

A concise discussion of the Roman Catholic Church's just war doctrine is included in a pastoral letter authored by the National Conference of Catholic Bishops in 1983 – *The Challenge of Peace: God's Promise and Our Response*.<sup>2</sup> A subsequent reflection -- "The Harvest of Justice is Sown in Peace"<sup>3</sup> -- was issued by the National Council of Catholic Bishops in 1993 to commemorate the 10<sup>th</sup> anniversary of the Bishops' Pastoral Letter and the 30<sup>th</sup> Anniversary of *Pacem in Terris* (*Peace on Earth*), an encyclical issued by Pope John XXIII in 1963.<sup>4</sup> Both the 1983 pastoral letter and the 1993 reflection encapsulate the church's teachings on war and peace. According to the pastoral letter, the church's teachings on war and peace establish "a strong presumption against war which is binding on all; it then examines when this presumption may be overridden, precisely in the name of preserving peace which protects human dignity and human rights." (PP. 30-31) Once war proves to be unavoidable, however, government officials cannot evade their obligation to defend their people. "This includes defense by armed force, if necessary as a last resort." (P. 33.)

Ultimately, the goal of the just war doctrine is to delineate and restrict when and how war may be legitimately prosecuted, so as to reduce the horrors of war.<sup>5</sup>

Consequently, the just war doctrine includes two categories of principles. The first category of these principles, described as *jus ad bellum*, is used to assess why and when a state may go to war. The second category, described as *jus in bello*, includes principles which place limits on how a war may be fought. Of the two documents, the 1993 reflection offers a more comprehensive and clearer summary of the just war doctrine, so this section will be quoted in its entirety.

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<sup>2</sup> Office of Publishing and Promotion Services, United States Catholic Conference, Washington, D.C., 1983 – Publication No. 863-0

<sup>3</sup> This document can be seen online at: <http://www.usccb.org/sdwp/harvest.htm>

<sup>4</sup> The Papal Encyclical can be seen at:  
[http://www.vatican.va/holy\\_father/john\\_xxiii/encyclicals/documents/hf\\_j-xxiii\\_enc\\_11041963\\_pacem\\_en.html](http://www.vatican.va/holy_father/john_xxiii/encyclicals/documents/hf_j-xxiii_enc_11041963_pacem_en.html)

<sup>5</sup> In the 1993 reflection, the National Council of Catholic Bishops acknowledged that non-violence is also a valued tradition with the Roman Catholic Church, which like the just war doctrine "offer[s] significant moral insight."

## Just War Doctrine – The Principles

First, whether lethal force may be used is governed by the following criteria:

- *Just Cause*: force may be used only to correct a grave, public evil, i.e., aggression or massive violation of the basic rights of whole populations;
- *Comparative Justice*: while there may be rights and wrongs on all sides of a conflict, to override the presumption against the use of force the injustice suffered by one party must significantly outweigh that suffered by the other;
- *Legitimate Authority*: only duly constituted public authorities may use deadly force or wage war;
- *Right Intention*: force may be used only in a truly just cause and solely for that purpose;
- *Probability of Success*: arms may not be used in a futile cause or in a case where disproportionate measures are required to achieve success;
- *Proportionality*: the overall destruction expected from the use of force must be outweighed by the good to be achieved;
- *Last Resort*: force may be used only after all peaceful alternatives have been seriously tried and exhausted.

These criteria (*jus ad bellum*), taken as a whole, must be satisfied in order to override the strong presumption against the use of force. Second, the just-war tradition seeks also to curb the violence of war through restraint on armed combat between the contending parties by imposing the following moral standards (*jus in bello*) for the conduct of armed conflict:

- *Noncombatant Immunity*: civilians may not be the object of direct attack, and military personnel must take due care to avoid and minimize indirect harm to civilians;
- *Proportionality*: in the conduct of hostilities, efforts must be made to attain military objectives with no more force than is militarily necessary and to avoid disproportionate collateral damage to civilian life and property;
- *Right Intention*: even in the midst of conflict, the aim of political and military leaders must be peace with justice, so that acts of vengeance and indiscriminate violence, whether by individuals, military units or governments, are forbidden.

### **Just War as Moral Reasoning**

The 1993 reflection offers an admonition about the application of the just war doctrine to conflict:

We also recognize that the application of these principles requires the exercise of the virtue of prudence; people of good will may differ on specific conclusions. The just-war tradition is not a weapon to be used to justify a political conclusion or a set of mechanical criteria that automatically yields a simple answer, but a way of moral reasoning to discern the ethical limits of action. Policy-makers, advocates and opponents of the use of force need to be careful not to apply the tradition selectively, simply to justify their own positions. Likewise, any application of just-war principles depends on the availability of accurate information not easily obtained in the pressured political context in which such choices must be made.

### ***America's Distortions***

*America* has not abided by the Bishops' admonition to avoid applying the just war doctrine to justify a political conclusion. Instead, the magazine has applied the principles of just war in a selective manner that vilifies Israeli actions and leave the actions of Hamas and Hezbollah largely unchallenged. In particular, *America's* treatment of the *jus in bello* issues focuses almost entirely on how they relate to Israel's behavior, ignoring the questions these principles would raise in reference to Hamas and Hezbollah. Moreover, *America* gives very little, if any, treatment to the *jus ad bellum* issues raised by the conflict, which would by necessity have to focus on the latter two.

A tendency to avoid discussion of all the *jus ad bellum* issues was evident in the pages of *America* even before the June 25<sup>th</sup> kidnaping of Gilad Shalit by Hamas. In an essay included in the magazine's "Of Many Things" section published on June 5, Fr. Christiansen, asserts that in the case of the Arab-Israeli conflict:

[t]he conduct of the occupation is at the very least enormously problematic. The moral complexities of the wider conflict are not sufficient to offset the immorality (and illegality) of the tools of occupation, like demolishing homes, building settlements, confiscating land and targeted killings.

Fr. Christiansen obliquely refers to, and then immediately dismisses the question of *jus ad bellum* with regard to Arab behavior by mere reference to "the moral complexities of the wider conflict." These (undisclosed by Fr. Christiansen) "complexities" include the fact that Israel came into possession of the West Bank and Gaza in 1967 only as a result of the combined Egyptian, Jordanian, Syrian, Iraqi, Saudi, Algerian and Kuwaiti armies attacking Israel in an expressly stated attempt to destroy the Jewish state. By omitting any *jus ad bellum* analysis of the Arab attack, Fr. Christiansen's phrase - "the moral complexities of the wider conflict" - serves as nothing more than a handle for Fr. Christiansen to grasp the questions any responsible commentator about the conflict would address before placing them outside the realm of legitimate discussion.

Below is a discussion of how *America's* editors and writers fail to address the principles described above in an even-handed manner.

## **Jus ad Bellum**

### **Just Cause**

The editors and writers fail to acknowledge that Israel's efforts to defend itself from attack by Hamas and Hezbollah gain support from just war teachings when Israel

deems that all possible means of peaceful resolution have been exhausted. Moreover, *America* utterly and routinely fails to ask whether Hamas and Hezbollah, the aggressors in each case, can claim just cause in attacking Israel.

One obvious example of *America's* failure to address the issue of just cause in a balanced manner is provided by a piece titled "Gaza's Summer Rains," dated Aug. 14, 2006. In this piece Fr. Donald J. Moore, S.J., begins with a statement of the goals Israel is trying to achieve with Operation Summer Rains:

The stated goals of the invasion are the release of the kidnaped Israeli soldier Cpl. Gilad Shalit and an end to the senseless firing of Qassam rockets from northern Gaza, many of which have struck cities in southern Israel. If Hamas cannot or will not stop these attacks, then Israel understands that it has every right to send in its military to halt them.

With the phrase "Israel understands" Fr. Moore exhibits a coy reluctance to address the question of just cause. Does Fr. Moore agree that Israel does in fact have just cause to send its military into the Gaza Strip? Or is he merely proposing that Israel only *believes* it has just cause? Fr. Moore's coyness and failure to address this issue in a clear and straightforward manner stands in marked contrast with his willingness to address, albeit in a distorted manner, the *jus in bello* issues as they relate to Israel's conduct elsewhere in his article. (This will be addressed below.) Thus he avoids having to acknowledge that Israel did in fact have the right to self-defense in this case.

*America* obscures the defensive nature of the war Israel fought against Hamas and Hezbollah. An unsigned editorial dated July 31 and titled "Disproportionate and Counterproductive" suggests that Israel was the aggressor because it failed to acknowledge a "16-month cease fire" on the part of Hamas. Then the editorial states:

In the last year, Palestinian guerrillas fired more than 700 rockets from Gaza into neighboring Israeli towns, most recently into the coastal city of Ashod.

This assertion that Hamas adhered to a 16-month cease fire coupled with an acknowledgment that Palestinian guerrillas fired more than 700 rockets is logically



inconsistent.<sup>6</sup> In short, the suggestion that Israel was the aggressor is demonstrated to be false by facts included within the editorial itself. These facts demonstrate that the Palestinians and the ruling party they have chosen – Hamas – are in fact the aggressors in this round of fighting.

America never addresses the issue of Hamas' and Hezbollah's claims to just cause. Did Hamas and Hezbollah have legitimate claims to just cause when they attacked Israel in 2006? No. And what *America* also fails to acknowledge is that without Arab violence against Israeli civilians, there would have been no reason for Israel to use force in either Gaza or Lebanon.

Attacks on Israel in 2006 by Palestinian terrorists from Gaza, and Hezbollah from Lebanon, occurred after the Israeli withdrawals from both lands (in the case of Lebanon as far back as 2000). To be sure, both Hamas and Hezbollah have billed themselves as resistance organizations intent on ending Israeli occupation of Arab territory and freeing prisoners in Israeli jails, but these claims are, at the outset, suspect. Both groups have stated explicitly they seek Israel's destruction – a patently unjust cause.

In regards to territorial claims, Hezbollah asserts it is trying to end Israeli occupation of the Shebaa Farms area, which it claims is Lebanese territory.<sup>7</sup> However, after the Israeli withdrawal from southern Lebanon in 2000, U.N. Secretary General Kofi Annan concluded that "Israel had withdrawn its forces from Lebanon" and that the Israeli-Lebanese border must be respected by "all parties" -- including Hezbollah. This conclusion was affirmed by the UN Security Council in 2004 when it adopted Resolution 1583. Hezbollah has no legitimate territorial claim against Israel.

Hamas's claims that it is ending an Israeli occupation are undercut by the fact that it perpetrates its attacks from the very territory from which Israel withdrew in September 2005. This raises other concerns about last resort, which will be addressed below.

In regards to the prisoners, Israel took these prisoners during the course of its efforts to prevent terror attacks against its own civilians. As a rule, Israel arrests Hamas and Hezbollah members who pose real threats to the safety of its citizenry and only under

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<sup>6</sup>It should also be noted that the actual number of rockets fired at Israel between July 2005 and September 2006 exceeded 800.

<sup>7</sup>In fact, Israel took possession from the Shebaa Farms area from Syria – not Lebanon – during the 1967 War.

real criminal charges which constitute violations of Israel's Ordinance for the Prevention of Terrorism.<sup>8</sup> Moreover, these prisoners are no different from any other prisoners in Israel. If in fact there are times when Israel arrests Palestinians without meeting a proper standard of suspicion, Israel has, and affords access to, a justice system that provides appropriate remedies. All prisoners, Palestinian and Israeli alike, are entitled to and receive due process – they have trials, defense counsel and their cases are presided over by judges.<sup>9</sup>

Given that neither Hamas nor Hezbollah has a legitimate claim to a just cause in their recent attacks on Israel and are, by definition, the unjust aggressors in the conflict, they logically violate all other principles of just war, because all subsequent assessments are contingent on the pursuit of a just cause. For example, when assessing proportionality, it must be acknowledged that no amount of suffering is legitimate in the pursuit of an unjust cause. In short, an unjust war cannot be fought in a just manner no matter how closely the perpetrator adheres to the *jus in bello* principles of discrimination, right intention and proportionality of means – principles that Hamas and Hezbollah in any event violate on a regular basis, which will be demonstrated below.

### **Legitimate Authority**

In his article, "Gaza Summer Rains," Fr. Moore distorts another just war principle – legitimate authority – when describing Israeli efforts to prevent terror attacks emanating from areas under the control of the Palestinian Authority:

On the other hand, there is very little that Hamas can do to stop the arrests (which they might call "kidnapings") of Palestinians by the Israel Defense Forces, which occur almost daily. On July 11, the day before Gilad Shalit was kidnaped, elite I.D.F. forces went into southern Gaza and seized two

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<sup>8</sup>On the other hand, the most prominent prisoners Hezbollah is trying to free include two well known terrorists and an Israeli citizen who admitted to spying for Hezbollah.

<sup>9</sup>This is in marked contrast to the captured Israeli soldiers Hamas and Hezbollah would exchange them for. The Israeli soldiers were kidnaped while on Israeli soil. They are being held prisoner without cause and without charge and they have not been seen or heard from since their abduction.

men they declared to be militants.<sup>10</sup>

First, the report of the *Los Angeles Times* on the IDF's capture of two Palestinians in fact belies Fr. Moore's accusations of "almost daily" arrests of Palestinians:

Israeli commandos seized two Palestinians suspected of being Hamas militants during a predawn operation Saturday that was the army's first arrest raid in the Gaza Strip since Israel's withdrawal nearly a year ago. [...]

An Israeli spokeswoman said the two Palestinian men, arrested at a house near Rafah in the southern Gaza Strip, were in the "final stages of planning a large-scale terror attack" in the coming days.

Further, by implying the IDF's arrest of the two Palestinians in question is a "kidnaping," Moore is clearly suggesting that the IDF, the institution charged with protecting Israeli civilians, is somehow acting in an irresponsible, illegitimate manner, on behalf of private interests. This is an oblique, but unmistakable attempt to undermine the legitimate authority under which the IDF operates. The IDF has a right and an obligation to work to protect Israeli civilians from terror attacks.

It neither has the right to, nor does it, behave in a cavalier or haphazard manner, which Fr. Moore unfairly and without evidence suggests it did. On this score, Fr. Moore omits key evidence that suggests the IDF behaved in a prudent manner. Moore does not report that IDF officials expressed a belief that the captured individuals were on the verge of perpetrating a terror attack. By leaving this information out, Fr. Moore seems to deliberately downplay a legitimate Israeli motive for the arrests, without offering any evidence to the contrary. The long and ongoing history of Palestinian terror attacks against Israeli targets suggests that the IDF had good and ample reason to make the arrests it did.

*America* fails to provide any real assessment of whether or not Hamas and Hezbollah have the legitimate authority to wage war. In regards to Hamas, its recent electoral victory in the elections for the Palestinian Authority's legislative council might accord

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<sup>10</sup>Fr. Moore's chronology is in error here. Gilad Shalit was kidnaped by Hamas on June 25, not July 12.

the organization the right to use force against Israel – that is, if it met all the other criteria for its use, which it does not.

Nevertheless, in the previously mentioned editorial, “Disproportionate and Counterproductive,” *America* suggests that Hamas is not responsible for rocket attacks launched from territory it governs. If indeed Hamas does possess legitimate authority, it is by definition responsible for these attacks. Hamas has come to power in the Palestinian territories through an electoral process. The Palestinian Authority cannot have it both ways. If it wants to be accorded the regard due a sovereign entity and perceived as a possible negotiating partner, it must start acting like a state. This would include exerting control over the territory it purports to govern and taking responsibility for all things -- including violence -- that occurs within its jurisdiction. Hezbollah, on the other hand, is a Shiite militia in the service of Iran. It is not the Lebanese army and thus has no claim whatsoever to legitimate authority, despite its presence in the Lebanese parliament and cabinet. It has been designated a terrorist organization by the United States, the United Kingdom, Australia and the European Parliament and has repeatedly taken credit for attacks against Israeli civilian and military targets.

Its stockpiling of weapons, its rocket attacks and its kidnappings are all part of an ongoing campaign to usurp Lebanese sovereignty and promote disorder in the region. Only the duly elected government of Lebanon, of which Hezbollah is but a part, has the authority to wage war from Lebanese territory.

America obliquely acknowledges this in the July 31 editorial “Disproportionate and Counterproductive” which reads, in part:

[T]he Lebanese government should have made moves to control Hezbollah’s guerrilla activity, despite the movement’s political strength and backing from Syria. Israel’s widespread destruction of infrastructure, however, is not calculated to give responsible Lebanese politicians the leverage to demobilize or at least restrict Hezbollah in the way Israel would wish. Bombardment of air, sea and land routes out of the country has in effect placed the whole population under siege.

All sides are at fault, but the disproportion of the Israeli responses has reduced the opportunities both for damping down the conflict and for exploring new paths to peace. Like the U.S. war in Iraq, Israel’s violence has increased support for militant Islamists across the region and greatly reduced the power of political moderates in the Arab world. Of course, that is just what the Hamas and Hezbollah militants as well as their backers in Iran and Syria were hoping for in the first place.

This oblique acknowledgment that Hezbollah did not have legitimate authority to attack Israel is then merely used as a rhetorical segue into an accusation that Israel used disproportionate and indiscriminate force in self-defense.

### **Right Intention**

*America* acknowledges that Israel entered Gaza and Lebanon in an effort to stop ongoing rocket attacks and other violations of its sovereignty. This is a legitimate intention. Further, Israel had previously withdrawn from both Lebanon and Gaza in an effort to achieve peace with its neighbors, effectively undermining assertions of ulterior motives or a desire for more territory.

Nevertheless, Fr. Christiansen tries to cast doubts on whether or not Israel was motivated solely by a desire to defend itself from Hezbollah's attacks in "Alarm Bells in the East, How to Save Christianity in the Middle East," published on Sept. 11, 2006. In this piece Fr. Christian repeats charges from Rev. Jean-Arnold de Clermont that the destruction against Lebanon was planned. "Israel would not want the existence of a democratic Lebanon where Jews, Christians and Muslims were peacefully living side by side, because it does not want to see its neighbor state succeeding."<sup>11</sup>

In the subsequent paragraph, Fr. Christiansen states he does not agree with Clermont's reading of Israeli motives, raising the question as to why he repeated the charges in the first place.

The suggestion that Lebanon was a model of peace and religious tolerance belies historical fact by ignoring the sectarian violence that gripped Lebanon for decades in the last century and Hezbollah's desire to turn Lebanon into a Shiite Islamic State. One has to wonder if Fr. Christiansen repeated Clermont's accusations to leave the reader with the impression that Israel is somehow at fault for the failings of Lebanon's democracy, which allowed a private militia to attack a neighboring state without authorization. Rev. Clermont's suggestion that Israel does not want Lebanon to succeed flies in the face of Israel's strong support for Resolution 1559 which mandated the withdrawal of all foreign troops (including Syria) and called on Hezbollah to disarm. Out of any nation in the world, Israel is particularly aware of the consequences of living next to failed societies that cannot govern themselves effectively or justly.

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<sup>11</sup>In fact, there is virtually no Jewish population in Lebanon.

And while the pages of *America* have been used to suggest bad intent on Israel's part, the magazine fails to offer any acknowledgment that Hamas and Hezbollah are dedicated to Israel's destruction – a goal that is emblematic of bad intent.

Hamas has explicitly stated that it is dedicated to Israel's destruction which is clearly a violation of right intention.<sup>12</sup>

There can be no doubt either about Hezbollah's genocidal intentions toward Israel, which are not acknowledged anywhere in *America's* coverage of this summer's fighting. As one example, on February 2005, Al-Manar, Hezbollah's official television station broadcast the following statement by Sheik Hassan Nasrallah:

Israel is our enemy. This is an aggressive, illegal and illegitimate entity, which has no future in our land. Its destiny is manifested in our motto: "Death to Israel."  
(MEMRI TV)

And yet, inexplicably, Israel is portrayed as the aggressor in *America's* coverage of the recent fighting.

### **Probability of Success**

Discussion of this issue as it relates to Hamas and Hezbollah does not appear in the pages of *America*, but this does not demonstrate malfeasance on the part of the magazine's editors. Assessing Hezbollah and Hamas's chance of success in their goal of achieving Israel's destruction would attribute to these groups an aura of rationality and cloak their goals in an unwarranted aura of legitimacy.

### **Proportionality**

Because Hamas and Hezbollah fail the test of just cause, they automatically violate the principle of proportionality when going to war. It is illogical to attempt to measure the benefit of an unjust cause against the suffering caused by the violence initiated by Hamas and Hezbollah. The suffering is compounded, not countered by the unjust goals of these groups.

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<sup>12</sup>Evidence of Hamas's desire to destroy Israel can be seen here:  
[http://www.camera.org/index.asp?x\\_context=7&x\\_issue=20&x\\_article=1075](http://www.camera.org/index.asp?x_context=7&x_issue=20&x_article=1075)

Most commentators who have portrayed Israel's response to the rocket attacks and kidnappings as "disproportionate" have failed to assess the context in which these attacks have taken place. These kidnappings and rocket attacks are part of an ongoing, long-term strategy to destroy the state of Israel, not inconsequential border skirmishes.

Hamas and Hezbollah are dedicated to the destruction of Israel; both have ties to Iran – a state that is not only committed to Israel's annihilation but by America's own admission is working to obtain nuclear weapons.<sup>13</sup>

*America's* coverage does not do justice to the threats faced by Israel. For example, in the July 31 editorial "Disproportionate and Counterproductive" the editors assert that "Hamas's capture of one soldier in a daring move did not justify a wholesale assault on Gaza." It is important to note that while Hamas's 700 rocket attacks (again the actual number is more than 800) are acknowledged in a previous paragraph of this editorial, when it comes time to judge whether or not Israel's decision to use force is proportionate, they are relegated to background noise.

The editors of *America* acknowledge that the recent conflict has a long history, but then still characterize the violence as an Israeli overreaction to a border skirmish. For example, in the Aug. 14 editorial "Sowing the Wind" the editors state: "The kidnapping of two soldiers along the border [note Hezbollah's kidnapping was inside Israel] was not so much a provocation as a pretext for a combat both sides desired."

## **Last Resort**

America's writers and editors do not explicitly assess whether or not the participants involved in the most recent fighting used force as a last resort. If it did, it would have acknowledged that Israel had no reasonable alternative to the use of force because it was responding to an attack that is part of an ongoing, state of war thrust on it since 1948 by surrounding hostile nations and militias.

As far back as 1947, the Council of the Arab League rejected the notion of a two-state solution and announced it would prevent the creation of a Jewish state on any amount

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<sup>13</sup>In its June 5, 2006 editorial titled "Truth from Surprising Places" the magazine reports the following: "Since becoming president in June 2005, Ahmadinejad has made threatening overtures toward Israel, saying that it must be 'wiped off the map.' Iran also clearly appears to be pursuing enrichment of uranium not simply for power, as allowed by international law, but for weapons, and is restricting the International Atomic Agency's ability to investigate."

of land. Indeed, Israel was attacked by the surrounding Arab armies one day after it declared independence in 1948. It was attacked or provoked into four more wars by various of its surrounding Arab neighbors in 1956, 1967, 1973 and most recently in the summer of 2006.

Moreover, history has shown that Israeli efforts to achieve peace with its neighbors have never brought about an end to the violence. Israel repeatedly tried to negotiate land for peace. In 1967 almost immediately after the Six Day War it tried to exchange land it had acquired in self-defense in return for peace treaties with its Arab neighbors – land upon which a Palestinian state could have been created. The League of Arab Nations however, was fast to turn the offer down, saying there would be no peace, no negotiations, and no recognition of Israel.

In the summer of 2000 at Camp David when Prime Minister Barak offered the Palestinians governance of most of the territories and East Jerusalem as a Palestinian capital, Yasir Arafat simply marched out of the negotiations without so much as a counter-offer and the Palestinians began the barbaric suicide bombings of the Second Intifada.

The Israeli withdrawal from Lebanon in 2000 did not lead to peace, it merely allowed Hezbollah to amass a stockpile of weapons which it used to attack Israel six years later. And the withdrawal from Gaza by Israel in 2005 – without a peace treaty and with no reciprocal concessions from the Palestinians – was not met with peace either, but rather with a volley of non-stop rocket attacks on Israel's civilian population.

In short, Israel's efforts to negotiate, concede and withdraw have never stopped the attacks against it. Under these conditions, negotiating with Hamas and Hezbollah while rockets are falling is not a reasonable expectation of a sovereign state.

Fr. Christiansen miscasts events in Lebanon in his Sept. 11, 2006 editorial, "Alarm Bells in the East." In this editorial, the author deceptively twists the issue of *jus ad bellum* by accusing Israel of "bombing its neighbor [Lebanon] at will .... for decades" prior to the Hezbollah assault on Israel in 2006. But this of course, utterly ignores the defensive stance that Israel was in from the early 1970s when Israel was the target of ongoing over-the-border terror attacks first by the PLO and later Hezbollah.

America's failure to acknowledge Israel's long-standing willingness to negotiate an end to the conflict with its neighbors obscures an important point: Hamas and Hezbollah claim to be trying to achieve through violence what the Palestinians have already been offered at the negotiating table. This is more than a violation of the principle of last



resort, but a demonstration that these “resistance groups” are not interested in creating a Palestinian State, but rather in destroying the Jewish State.

## **Comparative Justice**

Given that Israel is fighting a defensive war against those intent on destroying it, it seems difficult to envision a scenario in which observers can judge Israel as failing to meet the test of comparative justice, but that is exactly what *America* has done in its coverage of the recent fighting. This suggestion is made through a failure to address the *jus ad bellum* issues delineated above and a one-sided application of the *jus in bello* issues described below.

## **Jus in Bello**

### **Proportionality**

While *America* does not assess the *jus in bello* principle of proportionality as it relates to the use of force by Hamas and Hezbollah, this is not necessarily a substantive error on the part of the magazine; as stated earlier, an unjust war cannot be fought in a just manner. Nevertheless, it is troubling to see very little comment in the pages of *America* magazine about Israeli suffering caused by the rocket attacks perpetrated by the two organizations, which are merely described as “provocations” or a pretext for subsequent fighting.

Residents of Sderot have been living under the scourge of rockets launched from the Gaza strip for over a year, and the strongest expression of outrage about these attacks appearing in *America* is an acknowledgment that they are “pointless.”<sup>14</sup> The legendary inaccuracy of the attacks does not mitigate their terroristic impact on the Israelis who hear and must take cover from each and every rocket.

The fact that during the Summer War of 2006, Hezbollah’s rocket attacks had rendered northern Israel essentially uninhabitable is given little, if any treatment in *America*’s coverage of that conflict.

On the other hand, Israel is predictably accused of violating the *jus in bello* principle of proportionality. In “Gaza’s Summer Rains” Fr. Moore cynically exploits the voice of

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<sup>14</sup>See Aug. 14 editorial titled “Gaza’s Summer Rains” written by Fr. Moore.

Noam Shalit, the grieving father of kidnaped Corporal Gilad Shalit to assist in his condemnation of Israel:

One of his major requests is that no lives be lost in obtaining his son's freedom. The Israeli government chose to ignore the father's plea. A price has been paid in the deaths of more than 100 Palestinian fighters and civilians and of one Israeli officer as of this writing. Whether brute force alone, without any negotiations, can win Gilad Shalit's freedom remains to be seen. Whatever the outcome, such force must be condemned.

In this passage, Fr. Moore is suggesting that Israel's only goal was to obtain the freedom of one soldier, when previously he had acknowledged that the Israelis state they are fighting to end Palestinian aggression and what the author refers to as the "senseless firing of Qassam rockets from northern Gaza, many of which have struck cities in southern Israel." Moreover, Fr. Moore does not acknowledge Israel's significant interest in preventing future kidnappings and the fact that exhibiting an eagerness to negotiate for Gilad Shalit's release would no doubt encourage similar abductions. By failing to acknowledge all the issues at stake, Fr. Moore deceptively encourages readers to believe that Israel is in fact using excessive force to achieve what are in essence minor goals.

### **Noncombatant Immunity**

*America* fails to address Hamas and Hezbollah's consistent violation of noncombatant immunity in any real manner. Nowhere is there any mention that Hamas and Hezbollah launched the vast majority of their rockets at civilian targets with the apparent intention of causing civilian casualties. Hezbollah has put ball bearings into the payloads of its rockets. These bearings, which are useless against hardened military targets, are clearly intended to cause maximum civilian damage and terror and yet nowhere is this mentioned in *America's* coverage. Instead of behaving in a manner that acknowledges civilian immunity from attack, Hamas and Hezbollah have exhibited a predilection for civilian targets.

On the other hand, despite well-documented and extensive Israeli efforts to warn civilians away from military targets with leafleting and cell phone text messages, *America* repeatedly charges Israel with failing to behave in a manner that respects the immunity of civilians from attack. Most of these allegations appeared in Fr. Moore's editorial "Gaza's Summer Rains." Invoking fringe Jewish peace activists, Fr. Moore

portrays Israel as targeting the Palestinian population, using the inflammatory and inapt language of “collective torture.”

To be sure, infrastructure such as roads, bridges, tunnels and canals, which can be used to transport rockets into northern Gaza have been destroyed, as have communication systems, electrical generators and various other dual-use facilities. While the suffering caused by this damage is undeniable, it must be acknowledged that the potential for civilian suffering does not by itself render a military action illegitimate. It is axiomatic in moral theology and international law that the presence of civilians does not render legitimate military targets immune to attack. The military use of civilian sites removes their immunity, but brings into play the proportionality test.

Both Hamas and Hezbollah in particular operate out of uniform and deliberately launch attacks while embedded in civilian landscapes. This necessitates Israeli bombing of what can be described as civilian (or dual-use) targets. The immoral conduct however, is not attributable to Israel -- which is rendered effectively powerless to completely avoid the resulting collateral damage. The immoral conduct is attributable to Hamas and Hezbollah. These groups deliberately and without any regard for the loss of Arab life they know full well will result, embed a militia in a civilian population for cover. They then no doubt revel in the PR damage this causes Israel when otherwise credible publications like *America* distort Hamas’ and Hezbollah’s callous, immoral and illegal conduct and morph it into alleged Israeli crimes.

In “Sowing the Wind” the editorial published on Aug. 14, the editors do acknowledge that indeed Israel “distributed messages urging people to flee [southern Lebanon], but at no time did the shelling let up to permit free passage to the north. Even a two-day halt in bombing announced on July 30 failed to materialize as Israel responded to Hezbollah attacks on its troops.”

In a reasonable world, the failure of a two-day cease fire would be blamed on the side that fired first – Hezbollah – not on the side that responded to the cease-fire violation. In *America* however, the moral narrative is reversed to condemn Israel as an aggressor nation, even as the chronological narrative demonstrates otherwise.

### **Right Intention**

In an October 2 editorial entitled “Unending War,” the staff at *America* once again places the state of Israel under its highly selective “ethical” microscope as they comment on Israel’s use of cluster bombs in the last days of the war with Hezbollah. But rather than articulating a reasoned denunciation of such weapons, following their brief description, *America*

segues right into the inflammatory and wholly unsubstantiated accusation that Israel's use of these weapons can "only be regarded as an attempt to effect ethnic cleansing."

To attribute a motivation of "ethnic cleansing" to Israel, while ignoring other more obvious motives such as destroying the launchers used by Hezbollah for Katyusha rockets which were being fired into Northern Israel constantly, is outrageous. These launchers are small and the manpower required to operate them was minimal (two people). This allowed Hezbollah crews to be widely dispersed. Therefore, it might well have been the case that unfortunately cluster bombs were the most effective weapon Israel had to counter these rocket launchers. Moreover, the fact that Israel used these bombs only in the last days of the war (as America itself acknowledges) after weeks of trying to root out Hezbollah terrorists and rocket launchers by less destructive means and during the time that Hezbollah had greatly escalated its daily barrage of rocket fire, would indicate that this was a weapon of last resort only.

Cluster bombs are very destructive weapons which the international community may wish to consider banning. It has, however, not yet done so and so the use of these weapons is legal. Moreover, however destructive these weapons are, America's allegation of "ethnic cleansing" is a canard that has no logical place in analyzing Israel's tactics. In fact, if there is any attempt to "ethnically cleanse" this region of any group it is Hezbollah's, Hamas' and Iran's openly stated policy to destroy the Jewish state.

Equally or perhaps more disturbing was America's conspicuous failure to report, in this editorial, the fact that Hezbollah had fired cluster munitions into northern Israel during this summer's 34-day war with the Jewish state. Yet, according to a recent Human Rights Watch report, Hezbollah used Chinese-made Type-81 122 millimeter rockets. The report stated that "[e]ach of the Type-81 cluster munition 122mm rockets used by Hezbollah carries 39 Type-90 or MZD submunitions. Each submunition in turn shoots out hundreds of steel spheres, about 3.5mm in diameter, with deadly force."<sup>15</sup>

Using the emotionally charged rhetoric of "ethnic cleansing," to attack Israel for its use of cluster bombs, while simultaneously ignoring Hezbollah's use of these same weapons on a civilian population, seems to reveal America's true motive here -- the stirring up of anti-Israel animus.

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<sup>15</sup><http://hrw.org/english/docs/2006/10/18/lebanol4412.htm>

# Nuclear Weapons

*America* also downplays the threat Israel faces from Iran, a country whose leader – President Mahmoud Ahmadinejad – seems intent on violating the Church’s teachings condemning the counter-population use of nuclear weapons. On this score, the Catholic Bishops, echoing the Second Vatican Council, were quite explicit: “Under no circumstances may nuclear weapons or other instruments of mass slaughter be used for the purpose of destroying population centers or other predominantly civilian targets.”<sup>16</sup> Sadly where the Bishops are so explicit, *America* remains silent.

In three recent articles dedicated to Iran’s attempts to obtain nuclear weapons there is but one direct reference to the threat a nuclear-armed Iran poses to Israel. This in a July 3, 2006 editorial titled “Truth from Surprising Places” which argues that a letter from Iranian President Mahmoud Admadinejad to President George Bush raises legitimate questions about American foreign policy in the Middle East. Two other editorials, “Nuclear Impasse with Iran” also published on July 3 and “The Worst of All Options” published on May 8, 2006 make no reference to the Iranian president’s openly stated desire to destroy Israel.

It should be noted that the one reference to the threat Israel faces from a nuclear-armed Iran does not come in a discussion about Israel’s efforts to defend itself but in a critique of American foreign policy. Clearly, the fact that Israel’s current adversaries – Hamas and Hezbollah – are supported by a state whose leader has expressed a desire to destroy the Jewish state and is pursuing the means to achieve this goal with atomic power casts a long shadow over the recent round of violence. For some reason, *America*’s editors appear unwilling to acknowledge this threat when it might undercut the magazine’s ongoing efforts to portray Israel’s defensive behavior as “disproportionate.”

## Conclusion

Interestingly enough, The Most Rev. Gregory John Mansour, Bishop of the Eparchy of St. Maron of Brooklyn, N.Y., raises many of the issues that have otherwise been ignored in the pages of *America* Magazine. In a short essay entitled "Moral Implications" that

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<sup>16</sup>National Council of Catholic Bishops, 1983, page 63.

appeared in the Aug. 14-21, 2006 issue of the magazine, Bishop Mansour writes the following:

Should all of Lebanon and its citizens have to sustain being pounded each day for the behavior of some of its citizens? Likewise, should the Lebanese government absolve itself from harboring a militia within its territory and believe it is innocent of responsibility? Last, should a Lebanese militia endanger its fellow countrymen in order to engage another sovereign country in war? These and more questions should be raised as we come to understand moral terms like proportionality, moral equivalence and blame.

Bishop Mansour's intellectual honesty and discipline are a marked improvement over the distorted and incomplete moral narrative offered elsewhere in the pages of America magazine. But even the Bishop's questions -- which revolve around the manner in which war is waged -- do not go far enough, because they do not address the reasons for which Hezbollah and Hamas are waging war. Hamas and Hezbollah are not resistance movements intent on ending an occupation, but virulently anti-Semitic organizations dedicated to Israel's destruction. Israel is working to defend itself from these organizations which violate virtually every principle of the just war doctrine in pursuit of their genocidal goals.

Sadly, the pages of America magazine do not acknowledge this reality.